

Policy Title:	CPS Assessment – OAR		
Policy Number:	I-AB.4 413-015-0400 thru 0485		Effective Date: 5/27/14

Approved By: *Lois Day*

Date Approved:

Policy

Forms, etc.

References

Contact

History

Reference(s):

- APSAC: American Professional Society on the Abuse of Children
- Annie E. Casey Foundation
- Child Welfare Practices for Cases with Child Sexual Abuse
- CW Practices for Cases with Domestic Violence
- Interview Guidelines: Excerpt from CW Practices for Cases with Domestic Violence
- 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
- ORS 418.747, ORS 418.748, ORS 418.751, ORS 418.782, ORS 419B.005 through 419.050
- Staff Guidelines – Addressing Pregnancies and New Babies

Form(s) that apply:

- CF313, Notice of CPS Founded Disposition (replaces CF 313C)

Rules:

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 *face-to-face* contact with the alleged victim, his or her siblings, his or her parent or *caregiver*, including the non-custodial legal parent, other children and adults living in the home, and the alleged perpetrator;
- (b) Accessing the home environment;
- (c) Gathering safety-related information through interviews and observation;
- (d) Determining if there is a *present danger safety threat*;
- (e) Determining if there is an *impending danger safety threat* by applying the *safety threshold* criteria:
 - (A) Imminent;
 - (B) *Observable*;
 - (C) *Vulnerable child*;
 - (D) *Out of control*; and
 - (E) Severity
- (f) Developing a *protective action plan* when a *child* is determined to be *unsafe* due to a *present danger safety threat*;
- (g) Developing an *initial safety plan* when a *child* is determined to be *unsafe* due to an *impending danger safety threat*;
- (h) 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;
- (i) 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;
- (j) Developing *conditions for return* when an out-of-home *initial safety plan* or out-of-home *ongoing safety plan* is established;
- (k) Determining whether a family has *moderate to high needs* when a *child* is determined to be *safe*;
- (l) Offering and, if appropriate, referring a family with *moderate to high needs* to available non-contracted community services; and
- (m) Determining if there is reasonable cause to believe that *child abuse or neglect* has occurred.

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

- (1) A CPS assessment may only be assigned to a Department employee whose current position is a CPS worker, a CPS supervisor, or an employee who meets the definition of CPS worker.
- (2) 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

413-015-0404

Receipt of New Information on an Open CPS Assessment

When a CPS worker receives notification from a *screener* that a closed at *screening* or new *referral* was created on an open CPS assessment the CPS worker must:

- (1) Review the new information, in consultation with the CPS supervisor, on the same day the CPS worker received notification of the new information.
- (2) Link a new *referral* to an open assessment only when the date the new *referral* was assigned is within 60 days of the date the open assessment was assigned.
- (3) Create a new assessment when a new *referral* was assigned more than 60 days from the date the open assessment was assigned.

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 by a *screener* pursuant to OAR 413-015-0210 and the CPS worker must make an *initial contact* within the assigned response time line:
 - (a) Within 24 hours.
 - (b) Within five calendar days.

- (3) A CPS supervisor may change the *initial contact* time lines established in section (2) of this rule as follows:
- (a) The CPS supervisor may change the response time line from within five calendar days to within 24 hours.
 - (b) The CPS supervisor may change the response time line from within 24 hours to within five calendar days, but the supervisor must explain in writing why the time line was changed and how child safety was 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* and that information 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:
 - (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 electronic 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 the Department 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:
 - (A) Present danger safety threats or impending danger 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 when determining child safety; 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 functioning; and
 - (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 the Department.

(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 of Human Services 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 *private child-caring agency*;
 - (D) When a CPS worker receives notification from a *screener* that a closed at *screening* or new *referral* was created on an open CPS assessment;
 - (E) Prior to a decision to place a *child* in *protective custody*, or after placement if consultation before placement will delay the safety intervention;
 - (F) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;
 - (G) Prior to developing an *initial safety plan* with a Department certified foster parent or relative caregiver;
 - (H) When the *referral* involves a child fatality;
 - (I) When making a disposition in a complicated or sensitive situation or case; or
 - (J) When closing an assessment with the disposition of "unable to locate".
- (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 gather and analyze safety-related information, develop a sufficient *protective action plan*, *initial safety plan*, or *ongoing safety plan*, and to complete the CPS assessment.

- (a) The CPS worker may, as appropriate, notify or consult with other Department of Human Services programs or other agencies, including but not limited to the Office of Vocational Rehabilitation Services and Animal Control.
- (b) The CPS worker must report to or contact and work with other entities as follows:
 - (A) Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a *report* involves a registered day-care home or a licensed day-care center, as required by ORS 419B.020(1).
 - (B) Oregon Youth Authority (OYA). The CPS worker must notify OYA when the allegation involves an OYA certified foster home.

- (C) Office of Adult Abuse Prevention and Investigation (OAAPI). The CPS worker must notify the OAAPI when an allegation involves a *child* with intellectual or developmental disabilities in a residential group home licensed by the Office of Developmental Disabilities Services.
- (D) Office of Licensing and Regulatory Oversight. The CPS worker must notify the Office of Licensing and Regulatory Oversight Children's Care Licensing Unit when the allegation involves a licensed private child-caring agency which is not a *Children's Care Provider (CCP)*.
- (E) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The CPS worker must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the CPS worker has reasonable cause to believe:
 - (i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or 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 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.
- (F) 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*.
- (G) 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.
- (H) Law Enforcement. If the *screener* did not cross report, the CPS worker must contact one or more law enforcement agencies (LEA) 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. The CPS worker must, in consultation with a CPS supervisor, determine whether to 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.

- (iii) Protective custody. When the CPS worker has information that a *child* may need to be placed in *protective custody* for the child's safety.
 - (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 behaviors, conditions, or circumstances 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.
- (l) 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 may 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.
 - (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.

(J) 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 Indian Child Welfare Act (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) Assure completion of 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 the Department.
- (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;
 - (C) Search for available Indian homes; and
 - (D) Contact other Indian tribes and other Indian organizations with available placement resources.
- (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, 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, reasons why the *child* or parents came to the United States, and ethnic and cultural information relevant to the child's status as a refugee. 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 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) Unless it is a voluntary placement, 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 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 a threat to the child's safety;
 - (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) When a juvenile court petition is filed and a refugee child is placed in care, the CPS worker must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The CPS worker must contact the International Case Consultant for the Department 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 or neglect and the *observable* nature of any *present danger safety threat* or *impending danger safety threat*.

- (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 is certain or has a *reasonable suspicion* that the injury is or may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the 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 is certain or 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 Department record labeled with the case name, case number, 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 the *observable* nature of any *present danger safety threat* or *impending danger safety threat* 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-related information.

- (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* as defined in ORS 419B.023 and the person is certain or has a *reasonable suspicion* that the injury is or 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 the Department's electronic information system 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".
 - (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*; or
 - (iii) Delaying medical examination or treatment could result in *severe harm* to the *child*.
 - (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.
- (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-

related information 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, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050

413-015-0420 **Make Initial Contact**

- (1) The CPS worker must make an *initial contact* within the assigned response time line.
- (2) The following outlines contacts the CPS worker is required to attempt and, when possible, compete at *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, gather information about the children's functioning and vulnerability, and assess the children's immediate safety.
 - (A) Interview and observe children as follows:
 - (i) The CPS worker must notify parents of the intent to interview a *child*, unless notification could compromise the child's safety.
 - (ii) 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 Department's electronic information system all attempts made to contact the *child* and the dates of those attempted contacts.

- (iii) 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 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 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.
- (iv) When the CPS worker is denied access to the *child* or to the child's residence, the CPS worker must, 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. If the *referral* indicates that the *child* is presently *safe*, the CPS worker must consider the following:
 - (I) Attempting to contact other persons who may have relevant information regarding the *referral*;
 - (II) Persisting in attempts to gain cooperation from the family or caregivers, depending on the known child safety information;
 - (III) Seeking LEA assistance;
 - (IV) Consulting with the CPS supervisor, the district attorney, assistant attorney general, or the county juvenile department to discuss possible juvenile court action; or
 - (V) Seeking a *protective custody* order from the juvenile court.
- (v) The CPS worker must conduct interviews in a manner that assures privacy for the *child*.
- (vi) 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.
- (vii) 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.

- (viii) 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*.
 - (ix) 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.
- (B) 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 in the Department's electronic information system the supervisory approval and an explanation describing the basis for the approval.
- (b) 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*, including parent and *caregiver* functioning, and gather information to determine if the parent or *caregiver* can or cannot and will or will not protect the *child*.
- (A) Whenever practicable, the CPS worker must interview both parents and caregivers in person, as follows:
- (i) Interview each person in a manner that considers each person's privacy and safety and assures effective communication. This may require interviewing parents or caregivers individually and also together depending on the information being gathered;
 - (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 each 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.
- (c) 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 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 and delaying contact will not compromise child safety. 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 to delay interview of 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 in the Department's electronic information system 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 of Human Services (DHS) 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 DHS or OYA, the CPS supervisor must notify the DHS 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 the Department's electronic information system.
- (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*.
- (3) Gather safety-related information through interviews and observation. The CPS worker must begin to gather safety-related information through interviews and observation as outlined in OAR 413-015-0422, "Gather Safety Related Information through Interview and Observation".
- (4) Determine if there is a present danger safety threat or impending danger safety threat. During the *initial contact*, the CPS worker must determine, based on the information obtained at that time, if there is a *present danger safety threat* or *impending danger safety threat* to the *child* as outlined in OAR 413-015-0425, "Determine if there is a Present Danger Safety Threat or Impending Danger Safety Threat".
- (5) Documentation of the Initial Contact. The CPS worker must document the dates of attempted and successful contacts in the Department's electronic information system. If it was not possible during the *initial contact* for the CPS worker to successfully complete a required contact, the CPS worker must document why contact was not made and must complete the *face-to-face* contact and interview as soon as possible.

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

413-015-0422

Gather Safety Related Information through Interview and Observation

- (1) 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:
 - (a) The extent of the *child abuse or neglect*;
 - (b) The circumstances surrounding the *child abuse or neglect*;
 - (c) Child functioning;
 - (d) Adult functioning;
 - (e) Parenting practices and skills; and
 - (f) Disciplinary practices.
- (2) Interview.
 - (a) Except as outlined in subsection (b) of this section, interview each person in a manner that considers each person's privacy and safety and assures effective communication. This may require interviewing family members individually or also together depending on the information being gathered. Use information gathered from one interview to assist in the next interview.
 - (b) When *domestic violence* is alleged:
 - (A) And the adult victim is not alleged to be a perpetrator of abuse or neglect, consider interviewing the alleged adult victim first; and
 - (B) Ask questions about *domestic violence* in separate interviews only.
 - (c) The CPS worker must, to the extent possible, do the following during interviews with family members:
 - (A) 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;
 - (B) 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*;
 - (C) Allow the parent or *caregiver* to respond to each allegation;

- (D) Assure the privacy of the persons being interviewed;
 - (E) Focus the interview on the safety of the children;
 - (F) Assess whether the parents or caregivers are involved in *domestic violence*;
 - (G) Summarize and discuss the initial impressions and intentions resulting from the interview with appropriate family members or caregivers;
 - (H) Obtain from the parents or caregivers the names of persons who can provide additional information in determining child safety and completing the CPS assessment;
 - (I) Ask the parents and caregivers to sign an authorization to release information to enable the Department to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers, if applicable; and
 - (J) Inform the parents and caregivers about the Department grievance procedure.
- (3) Observation. The CPS worker must observe the identified *child*, parent or *caregiver*, and the home environment. When the *child* resides in more than one home environment the CPS worker must observe both home environments. Specific areas for observation are:
- (a) Physical condition of the *child*, including any *observable* effects of *child abuse or neglect*;
 - (b) Emotional state of the *child*, including mannerisms, signs of fear, and developmental status;
 - (c) Reactions of the parents or caregivers to the Department concerns;
 - (d) Emotional and behavioral status of the parents or caregivers during the interviewing process;
 - (e) Interactions between family members, including verbal and body language;
 - (f) Condition of the child's living space, including where the *child* sleeps; and
 - (g) Physical condition of the home.

Stat. Auth.: ORS 418.005

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

413-015-0425

Determine if there is a Present Danger Safety Threat or Impending Danger Safety Threat

- (1) Present Danger Safety Threat. At *initial contact* and at any time during the CPS assessment the CPS worker must determine if a *present danger safety threat* is occurring. To determine there is a *present danger safety threat*, the CPS worker must conclude the danger is immediate, significant, and clearly *observable*.
- (2) Impending Danger Safety Threat. Throughout the CPS assessment as new information is gathered and also at the conclusion of the CPS assessment when all information is gathered, the CPS worker must apply the following *safety threshold* criteria to determine if an *impending danger safety threat* is present. When the CPS worker concludes all the criteria apply to the family behaviors, conditions, or circumstances, an *impending danger safety threat* is present.
 - (a) Imminent. The family behavior, condition, or circumstance is likely to occur in the immediate to near future.
 - (b) Observable. The family behavior, condition, or circumstance is *observable* and can be clearly described and articulated.
 - (c) Vulnerable Child. The child's vulnerability is determined by considering the child's physical and emotional development, ability to communicate needs, mobility, size and dependence, and the child's personal characteristics in relation to the family behaviors, conditions, and circumstances.
 - (d) Out of Control. A family behavior, condition, or circumstance that can affect a child's safety is unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment. The CPS worker must determine whether a parent or *caregiver* can or cannot and will or will not protect the *child* from the family behavior, condition, or circumstance.
 - (e) Severity. A family behavior, condition, or circumstance is likely to result in *severe harm to a child*.
- (3) When the CPS worker determines there is a *present danger safety threat* or *impending danger safety threat* the CPS worker must:
 - (a) If the CPS worker determines a *child* is *unsafe* due to a *present danger safety threat*, establish a *protective action plan* as outlined in OAR 413-015-0435, "Develop a Protective Action Plan", and continue the activities required to sufficiently complete the CPS assessment.
 - (b) If the CPS worker determines a *child* is *unsafe* due to an *impending danger safety threat*, establish:
 - (A) An *initial safety plan* as outlined in OAR 413-015-0437, "Develop an Initial Safety Plan", and continue the activities required to sufficiently complete the CPS assessment when the determination is made prior to the conclusion of the CPS assessment.

- (B) When the CPS worker determines a *child* is *unsafe* due to an *impending danger safety threat* at the conclusion of the CPS assessment, the CPS worker must establish an *ongoing safety plan* as outlined in OAR 413-015-0450, "Develop an Ongoing Safety Plan".
- (4) Documentation of Present Danger Safety Threats and Impending Danger Safety Threats. The CPS worker must document in the Department's electronic information system the determination that a *present danger safety threat* or *impending danger safety threat* is present or not, and explain the information that supports the determination.

Stat. Auth.: ORS 418.005

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

413-015-0428

Identify How the Impending Danger Safety Threat is Occurring

- (1) When the CPS worker determines an *impending danger safety threat* is present, the CPS worker must identify how the *impending danger safety threat* is occurring in the family to determine the necessary level of safety intervention required to assure child safety. The CPS worker must use the information gathered to determine:
- (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;
 - (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.
- (2) Documentation of how the *impending danger safety threat* is occurring. The CPS worker must document how each *impending danger safety threat* is occurring in the Department's electronic information system.

Stat. Auth.: ORS 418.005

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

413-015-0432

Develop Safety Plans

- (1) When a *present danger safety threat* or *impending danger safety threat* is identified, a CPS worker must put a safety plan in place to manage the threat. There are three types of safety plans: the *protective action plan* which manages present danger safety threats, and the *initial safety plan* and the *ongoing safety plan*, which manage impending danger safety threats.
- (2) Shared requirements for a *protective action plan*, *initial safety plan*, or *ongoing safety plan*:
 - (a) When developing a *protective action plan*, *initial safety plan*, or *ongoing safety plan*, the CPS worker must:
 - (A) Assure the plan focuses on and controls the identified *present danger safety threat* or *impending danger safety threat*;
 - (B) Not use a parent or *caregiver* who is the alleged perpetrator of physical abuse, sexual abuse, or *domestic violence* to provide protection or any other adult who was aware of the threats to child safety and did not protect;
 - (C) Include safety service providers that have been confirmed to be suitable to provide safety for the *child* (refer to OAR 413-015-1200 through 413-015-1230, "Assessment of an Individual as a Safety Service Provider");
 - (D) Involve the child's parent or *caregiver*;
 - (E) 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; and
 - (F) Assure it has been approved by a Department supervisor.
 - (b) The *protective action plan*, *initial safety plan*, or *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) Provide a detailed description of the *present danger safety threat* or *impending danger safety threat*;
 - (C) Describe how identified present danger safety threats or impending danger safety threats will be managed, including:
 - (i) If impending danger safety threats will be managed in-home, an explanation of how the in-home criteria outlined in (2)(c)(B) of this rule were met;

- (ii) If impending danger safety threats will be managed out-of-home, an explanation of how the in-home criteria outlined in (2)(c)(B) of this rule were not met; and
 - (iii) How the plan will be monitored.
 - (D) Explain how the plan is the least intrusive means that can effectively manage the identified threat occurring within the particular family;
 - (E) Identify the safety service providers and the *safety services* necessary to implement the plan;
 - (F) Establish the time commitments and availability of those involved in the plan; and
 - (G) Include *conditions for return* when an out-of-home *initial safety plan* or out-of-home *ongoing safety plan* is developed.
- (c) The CPS worker must determine whether the *impending danger safety threat* will be managed with an in-home or out-of-home *initial safety plan* or *ongoing safety plan* by determining how the *impending danger safety threat* is occurring and applying the in-home safety plan criteria.
- (A) The CPS worker must understand how the *impending danger safety threat* is occurring as required in OAR 413-015-0428, "Identify How the Impending Danger Safety Threat is Occurring", and use the information about how the *impending danger safety threat* is occurring to develop the least intrusive plan that can manage the identified *impending danger safety threat* occurring within the particular family;
 - (B) An in-home *initial safety plan* or in-home *ongoing safety plan* is required when all of the following in-home safety plan criteria are met:
 - (i) There is a home-like setting where the parent and *child* live.
 - (ii) The home is calm enough to allow safety service providers access and activities to occur.
 - (iii) At least one parent is willing to cooperate with the plan.
 - (iv) The necessary safety activities and resources are available to implement the plan.
 - (C) An out-of-home *initial safety plan* or out-of-home *ongoing safety plan* is required when any of the in-home safety plan criteria outlined in (B)(i) through (iv) above are not met.
- (d) A *protective action plan*, *initial safety plan*, or *ongoing safety plan* may be a combination of in-home and out-of-home in order to assure the least intrusive intervention.

- (e) The CPS worker must make modifications to the *protective action plan*, *initial safety plan*, or *ongoing safety plan*, as necessary, to continue to control the identified present danger safety threats or impending danger safety threats.
 - (f) When assessing an allegation of sexual abuse, if a plan 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 plan of this type has been developed, pursuant to ORS 418.800. The notice must:
 - (A) Be in writing; and
 - (B) Be provided within three business days of the date the parent or *caregiver* leaves the family home.
 - (g) When a plan includes a parent or *caregiver*, who is the alleged perpetrator, consenting to leave the family home without their children or have their children leave the family home without them, the CPS worker must, in consultation with a supervisor, file a petition alleging the *child* is within the jurisdiction of the juvenile court pursuant to ORS 419B.100 within 10 calendar days of the date the parent or *caregiver* or their children leave the home if the plan is still necessary to assure child safety and will continue to be necessary for the immediate future.
- (3) Additional Requirements for a Protective Action Plan. Refer to OAR 413-015-0435, "Develop a Protective Action Plan", for additional requirements when developing a *protective action plan*.
- (4) Additional Requirements for an Initial Safety Plan. Refer to OAR 413-015-0437, "Develop an Initial Safety Plan", for additional requirements when developing an *initial safety plan*.
- (5) Additional Requirements for an Ongoing Safety Plan. Refer to OAR 413-015-0450, "Develop an Ongoing Safety Plan", for additional requirements when developing an *ongoing safety plan*.
- (6) Documentation. The CPS worker must provide a detailed description of the *protective action plan*, *initial safety plan*, or *ongoing safety plan* developed to manage the *present danger safety threat* or *impending danger safety threat*. Documentation must be completed in the Department's electronic information system within five business days following the identification of the threat and must include:
- (a) All requirements outlined in paragraphs (2)(b)(A) through (G) of this rule;
 - (b) A summary of the parents' and caregivers' agreement to and acceptance of the plan;
 - (c) The date the plan was reviewed by a supervisor and the name of the supervisor who reviewed it; and
 - (d) If the exception in subsection (2)(g) applies, the date the exception not to file a petition within 10 calendar days was granted, the basis for the exception, and the name of the program manager that granted the exception.

Stat. Auth.: ORS 418.005

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

413-015-0435

Develop a Protective Action Plan

- (1) If the CPS worker determines the *child is unsafe* due to a *present danger safety threat*, the CPS worker must immediately initiate a *protective action plan*. 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* due to present danger. The purpose of the *protective action plan* is to assure that children are *safe* while CPS intervention continues and a fuller understanding of the family behaviors, conditions, and circumstances is obtained. A *protective action plan* occurs the same day that it is determined the *child is unsafe* and provides a *child* with responsible adult supervision and care.
- (2) Requirements for a Protective Action Plan. When developing a *protective action plan* the CPS worker must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and that the *protective action plan*:
 - (a) Manages present danger safety threats;
 - (b) Is in place before the CPS worker leaves the home;
 - (c) Does not remain in place longer than 10 calendar days; and
 - (d) Does not remain in place after the CPS assessment is complete.

Stat. Auth.: ORS 418.005

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

413-015-0437

Develop an Initial Safety Plan

- (1) If the CPS worker determines the *child is unsafe* due to an *impending danger safety threat*, the CPS worker must develop and document an *initial safety plan*. The purpose of the *initial safety plan* is to assure that children are *safe* while CPS intervention continues and a fuller understanding of the family behaviors, conditions, or circumstances is obtained.
- (2) Requirements for an *initial safety plan*. When developing an *initial safety plan* the CPS worker must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and that the *initial safety plan*:
 - (a) Manages impending danger safety threats; and
 - (b) Does not continue or remain in place after the CPS assessment is complete.

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

- (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 Department's electronic information system 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

Make Child Safety Decision and Determine Whether to Open a Case

- (1) 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 Impending Danger Safety Threat".
- (2) 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 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 Safety Plans";
 - (c) Complete the CPS assessment; and

- (d) Open a case.
- (3) When at the conclusion of the CPS assessment the CPS worker determines no impending danger safety threats are present and any threat identified previously has 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 comply with all of the following subsections:
- (a) Dismiss the *protective action plan* or *initial safety plan* if one is in place.
 - (b) Determine if the family has *moderate to high needs* unless completing a CPS assessment involving the home of a Department certified foster parent or relative caregiver.
 - (A) If the family does not have *moderate to high needs* the CPS worker must complete and close the CPS assessment.
 - (B) If the family does have *moderate to high needs* the CPS worker must:
 - (i) Offer the family referrals to relevant non-contracted community services as available; and
 - (ii) If the family accepts the offer for referrals to non-contracted community services, the CPS worker must refer the family to relevant non-contracted community services as available.
 - (c) Complete the CPS assessment.
 - (d) Close the CPS assessment without opening a case.
- (4) Documentation of the Child Safety Decision. The CPS worker must document in the Department's electronic information system the child safety decision including all of the following subsections as applicable:
- (a) If the *child is safe* and the assessment will be closed or the *child is unsafe* and the case will be opened.
 - (b) If the *child is safe*:
 - (A) Whether the family was identified as having *moderate to high needs*; and
 - (B) If applicable, whether the family accepted the offer for non-contracted community service referrals.
 - (c) The basis for the determination in subsection (a) of this section.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005

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* unless completing a CPS assessment involving the home of a Department certified foster parent or relative caregiver. The purpose of the *ongoing safety plan* is to control the impending danger safety threats as they are uniquely occurring within a particular family.
- (2) Requirements for an Ongoing Safety Plan. When developing an *ongoing safety plan* the CPS worker must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and:
 - (a) Use a *Child Safety Meeting* unless a supervisor approved an exception; and
 - (b) Re-evaluate the *protective action plan* or *initial safety plan*, if one is in place, to determine if it is appropriate and sufficient as an *ongoing safety plan* and re-confirm all commitments with all safety service providers identified in the *protective action plan* or *initial safety plan* if either is to become an *ongoing safety plan*.

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

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.
 - (b) Provide the child's parents, including a non-custodial legal parent, and caregivers verbal 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. 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.
 - (d) Provide the Teacher Standards and Practices Commission (TSPC) notification of a completed assessment by providing TSPC with a copy of the completed CPS assessment when a *teacher* or *school administrator*, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a *report*. Regardless of a disposition, a copy of the report must be sent to TSPC after information related to the reporter's identity and other confidential information is removed.
- (2) Documentation of Notifications. The CPS worker must document the notifications as described in this rule in the Department's electronic information system and the documentation must include:
 - (a) Who made the notification.
 - (b) To whom the notification was made.
 - (c) The date the notification was made.
 - (d) That the notifications 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) through (1)(d) 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 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 the Department's electronic information system.
- (4) Each local Department office may designate an individual to electronically enter into the Department's electronic information system 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

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

Contact(s):

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

Policy History

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