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REFERENCES:

ORS 419B.005
ORS 418.747
ORS 419B.005 through .020
APSAC: American Professional Society on the Abuse of Children
Annie E. Casey Foundation
I-AB.1 Introduction to Child Protective Services Rules
I-AB.2 Screening, 413-015-0200 through 0225
I-AB.3 Cross Reporting, 413-015-0300 through 0310
I-AB.4 CPS Assessment, 413-015-0400 through 0410
I-AB.5 Child Safety Assessment and Child Safety Planning
I-AB.6 Working with Other Entities, 413-015-0600 through 0635
I-AB.7 Interviewing, 413-015-0700 through 0740
I-AB.8 Photographing and Documenting, 413-015-0800
I-AB.9 Medical Examination and Medical History, 413-015-0900 through 0905
I-AB.10 CPS Assessment Dispositions, 413-015-1000
I-AB.11 Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices, 413-015-1100 through 1125

413-015-0400
Purpose of CPS Assessment and Time Lines

(1) OAR 413-015-0400 to 413-015-0410 describe and establish time lines for completing a CPS assessment.

(2) The time line for the Child Protective Services response begins when the call is received at screening.

(3) A CPS worker in consultation with a CPS supervisor or designee may determine within the response time that an assigned referral does not require a CPS assessment if:

(a) The referral was opened in error; or

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(b) The CPS worker has, through collateral contacts, determined that there is no safety threat.

(4) To complete the CPS assessment, the CPS worker assesses the referral of child abuse to determine whether child abuse has occurred; evaluates potential safety threats, the severity of risk of harm, and parental or caregiver capacity to protect; develops services to assure the child's safety; and provides support to the family.

(5) The CPS worker must complete the CPS assessment, including FACIS input and electronic transmission for review, within 30 days of the day that the information alleging child abuse is received by the screener. The CPS supervisor may approve a one-time extension of an additional 30 days for completion of the CPS assessment if critical information 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 418.005

413-015-0405
CPS Assessment

The following actions are usually taken to assess a child's safety, to establish a child safety plan, and to complete the CPS assessment. The steps do not occur in a prescribed order but are controlled by the specific circumstances in a given case. The steps are described in a logical order in these rules, but they are not necessarily in the order they must be completed.

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

(a) Before making initial contact with the family;

(b) Prior to a decision to place a child in protective custody;

(c) When a referral indicates potential danger to the worker;

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

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(e) When a referral involves a foster care home certified by the Department;

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

(g) When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of the Department of Human Services (DHS) or Oregon Youth Authority (OYA).

(h) Prior to initiating court action; and

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

(2) Review relevant records. The CPS worker must review relevant paper and electronic records maintained by the Department for historical information on the family and the child that may be useful in completing the assessment. The CPS worker must review the documents to identify information related to:

(a) Safety threats and risk influences;

(b) Worker safety;

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

(d) History of or a pattern of abuse.

(3) Contact the reporter. The CPS worker must contact the reporter or other collateral sources for additional information if the referral does not contain adequate information to proceed with the assessment.

(4) Contact and work with other entities. The CPS worker must contact other entities including LEAs, public and private schools, tribes, and multi-disciplinary teams (MDTs) as necessary to complete the CPS assessment. The requirements for making these contacts are further described in "Working with Other Entities," OAR 413-015-0600 though 0615.

(5) Determine ICWA Status. The CPS worker must initiate the process to determine the child's ICWA status and notify the tribe if applicable:

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(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. Oregon Tribes must be notified within 24 hours after information alleging abuse is received by the Department. Consult with the ICWA manager to determine whether there is reasonable cause to believe that the child is ICWA eligible.

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

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

(6) Identify legal parents and putative fathers. The CPS worker or designee must make a reasonable effort to identify legal parents and putative fathers within 30 days 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.

(7) Notify Parent or Caregiver of CPS Process. The CPS worker must provide the parent or caregiver with the "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.

(8) Notify Parent or Caregiver of intent to interview. 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.

(9) Conduct Interview. The CPS worker must interview people, as necessary, to complete the CPS assessment. The requirements for interviewing parents and children are described in OAR 413-015-0700 to 0740.

(10) Inquire about and determine employment. The CPS worker must 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 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

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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 section (18) of this rule. The CPS supervisor must document the notifications in FACIS.

(11) Conduct safety assessment. The CPS worker must conduct the safety assessment using the GAP within the times lines set out in OAR 413-015-0500 through 0514. The safety assessment time lines are based on the department response determined by the screener during the screening process, described in OAR 413-015-0210(1)(a) through (c).

(12) Develop safety plan. When a safety threat has been identified as a result of the safety assessment, the CPS worker must immediately develop a safety plan with the involvement of the family and tribe, if applicable and practicable. OAR 413-015-0500 through 0514 provide specific time lines and requirements for a safety plan.

(13) Photograph and document. The CPS worker must take photographs, as necessary, to complete the CPS assessment. The requirements for taking photographs are described in OAR 413-015-0800, "Photographs and Documents of Abuse."

(14) Obtain medical examinations. The CPS worker must obtain medical examinations, as necessary, to complete the CPS assessment. The requirements for obtaining medical examinations are described in "Medical Examination and Medical History," OAR 413-015-0900 though 0905.

(15) Provide notice to the District Attorney responsible for the county MDT. When assessing an allegation of sexual abuse, if a CPS worker develops a safety plan that includes a parent or caregiver, who is the alleged perpetrator, consenting to leave the family home, the CPS worker must notify the district attorney responsible for the MDT in the county where the child resides by:

(a) Providing this notice in writing; and

(b) Providing this notice within three business days of the date the parent or caregiver leaves the family home.

(16) Provide notice of child placed in protective custody. If a child is placed in protective custody (*see* OAR 413-015-0410), the CPS worker must notify parents,

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including a non-custodial parent; caregivers; and the child's tribe, if applicable, in writing.

(17) Record assessment activities. The CPS worker must record assessment activities and information gathered during the assessment process. OAR 413-015-0500 through 0514 provide specific requirements and procedures for making findings and documenting information such as safety threats that have been identified, the capacity of parents or caregivers to protect the child, the safety plan components, identity of relatives who are willing to contribute to the safety plan, and cultural considerations.

(18) Notify reporting party. The CPS worker must make a concerted effort to contact the person who made the report of suspected child abuse when the Department has made contact with the family and has concluded the CPS assessment.

(19) Determine disposition of CPS assessment. The CPS worker must determine a disposition to complete the CPS assessment. The requirements for determining dispositions are described in OAR 413-015-1000, "The CPS Assessment Dispositions."

(20) Obtain supervisory review. 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 DHS or OYA, the CPS Supervisor must inform the DHS, Office of Human Resources, of the disposition. If the disposition is founded, the CPS supervisor also informs the DHS, Office of Human Resources of the type of abuse. The CPS supervisor must document the notification in FACIS.

(21) Enter FACIS data. Each local department office may designate an individual to enter the CPS supervisor's electronic verification of review and approval into FACIS.

(22) Notify parents or caregivers of CPS assessment dispositions. The CPS worker must notify the child's parents, including a non-custodial legal parent, and caregivers of all CPS assessment dispositions (unfounded, unable to determine, or founded). If providing the notice would increase the risk of harm to a child or adult victim, an exception to notification may be made with CPS supervisor approval based on documentation of risk.

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Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 409.185, 418.005, 418.800

413-015-0410
Protective Custody and Juvenile Court Action

(1) Protective Custody

(a) The CPS caseworker may take a child into emergency protective custody when the child is in an imminently dangerous environment and law enforcement assistance is not available. When there is resistance, the caseworker may not take the child into custody, but shall wait for law enforcement assistance or obtain an order of temporary custody from the juvenile court;

(b) If the parent or caregiver of an abused or neglected child requests that their child be placed in protective custody and the agency agrees that protective custody is necessary, the CPS worker may take custody of the child without police assistance. The parent must sign a form CF1005, "Voluntary Custody Agreement."

(c) Under 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 shall 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.

(d) 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.

(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 418.005