

	Department of Human Services <b>CHILDREN, ADULTS &amp; FAMILIES</b>	<b>NUMBER:</b> I-AB.10 <b>OAR:</b> 413-015-1000
	<b>CLIENT SERVICES INDEX</b>	<b>SECTION:</b> AB. Child Protective Services
	<b>ISSUED BY:</b> Office of Safety and Permanency for Children  <b>FINAL:</b> 7-01-06	<b>SUBSECTION:</b>
<b>SUBJECT:</b> 10. CPS Assessment Disposition – OAR		

**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
- Staff Guidelines - Threat of Harm Dispositional Guide
- Staff Guidelines - Assessing Physical Punishment
- Staff Guidelines - Psychological Maltreatment Forms
- 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.11 Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices, 413-015-1100 through 1125

**413-015-1000**

**The CPS Assessment Dispositions**

- (1) This rule describes child abuse for the purpose of making CPS assessment dispositions.
- (2) Following the completion of the CPS assessment, the CPS worker must determine whether there is reasonable cause to believe child abuse occurred. The possible determinations are:
  - (a) "Founded," which means there is reasonable cause to believe that child abuse occurred.

- (b) "Unfounded," which means no evidence of child abuse was identified or disclosed.
  - (c) "Unable to determine," which means there are some indications of child abuse, but there is insufficient data to conclude that there is reasonable cause to believe that child abuse occurred.
- (3) When determining whether there is reasonable cause to believe child abuse occurred, the CPS worker shall consider, among others, the following parental behavior, conduct, and conditions:
- (a) Abandonment, including parental behavior showing an intent to permanently give up all rights and claims to the child.
  - (b) Child selling, including the selling of a child that consists of buying, selling, bartering, trading or offering to buy or sell the legal or physical custody of a child.
  - (c) Mental injury (psychological maltreatment), including cruel or unconscionable acts or statements made, threatened to be made, or permitted to be made by the parent or caregiver that has a direct effect on the child. The parent or caregiver's behavior, intentional or unintentional, must be related to the observable and substantial impairment of the child's psychological, cognitive, emotional or social well-being and functioning.
  - (d) Neglect, including failure, through action or omission, to provide and maintain adequate food, clothing, shelter, medical care, supervision, protection, or nurturing. Chronic neglect is a persistent pattern of family functioning in which the parent or caregiver does not sustain or meet the basic needs of a child resulting in an accumulation of harm that can have long term effect on the child's overall physical, mental, or emotional development. Neglect includes the following:
    - (A) Physical neglect, which includes:
      - (i) Failing to provide for the child's basic physical needs including adequate shelter, food, and clothing.
      - (ii) Permitting a child to enter or remain in or upon premises where methamphetamines are being manufactured.
      - (iii) Unlawful exposure of a child to a substance that subjects a child to substantial harm to the child's health or safety. When the CPS worker is making a determination of physical neglect based on substantial harm to the child's health due

to unlawful exposure to a substance, this determination must be consistent with medical findings.

- (B) Medical neglect is a refusal or failure to seek, obtain, or maintain necessary medical, dental, or mental health care. Medical neglect includes withholding medically indicated treatment from disabled infants with life threatening conditions. However, failure to provide the child with immunizations or routine well child care alone does not constitute medical neglect. When the CPS worker is making a determination of medical neglect, the CPS worker must consult with a health care professional.
  - (C) Lack of supervision and protection, including failure to provide supervision and protection appropriate to the child's age, mental ability, and physical condition.
  - (D) Desertion, which includes the parent or caregiver leaving the child with another person and failing to reclaim the child, or parental or caregiver failure to provide information about their whereabouts, providing false information about their whereabouts, or failing to establish a legal guardian or custodian for the child.
  - (E) Psychological neglect, which includes serious inattention to the child's need for affection, support, nurturing, or emotional development. The parent or caregiver behavior must be related to the observable and substantial harm of the child's psychological, cognitive, emotional, or social well-being and functioning.
- (e) Physical abuse, including an injury to a child that is inflicted or allowed to be inflicted by non-accidental means that results in harm. Physical abuse may include injury that could not reasonably be the result of the explanation given. Physical abuse may also include injury that is a result of discipline or punishment. Examples of injuries that may result from physical abuse include:
- (A) Head injuries
  - (B) Bruises, cuts, lacerations
  - (C) Internal injuries
  - (D) Burns or scalds
  - (E) Injuries to bone, muscle, cartilage, and ligaments

- (F) Poisoning
  - (G) Electrical shock
  - (H) Death
- (f) Sexual abuse, which includes a person's use or attempted use of a child for the person's own sexual gratification, the sexual gratification of another person, or the sexual gratification of the child. Sexual abuse includes incest, rape, sodomy, sexual penetration, fondling, and voyeurism.
- (g) Sexual exploitation, including the use of a child in a sexually explicit way for personal gain, for example, to make money, in exchange for food stamps or drugs, or to gain status. Sexual exploitation also includes using children in prostitution or using children to create pornography.
- (h) Threat of harm, including all activities, conditions, and circumstances that place the child at threat of substantial harm of physical abuse, sexual abuse, neglect, mental injury, or other maltreatment. This also includes a threat of harm to a child's health or safety as a result of unlawful exposure of a child to a substance. When the CPS worker is making a determination of threat of harm to a child's health due to unlawful exposure to a substance, the CPS worker must consult with a medical professional.

Stat. Auth.: ORS 409.050, 418.005

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