

	Department of Human Services CHILDREN, ADULTS & FAMILIES	NUMBER: I-AB.5 OAR: 413-015-1000
	CLIENT SERVICES INDEX	SECTION: AB. Child Protective Services
	ISSUED BY: Office of Safety and Permanency for Children TEMPORARY: 1-01-08	SUBSECTION:
SUBJECT: 5. The CPS Assessment Dispositions – OAR		

REFERENCES

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.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 CPS Assessment, OAR 413-015-0400 through 0485
 I-AB.4.1, Day Care Facility Investigation
 I-AB.6 Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices, OAR 413-015-1100 through 1125

413-015-1000

The CPS Assessment Dispositions

- (1) This rule describes child abuse and neglect for the purpose of making CPS assessment dispositions.
- (2) As part of completing the CPS assessment, the CPS worker must determine whether there is reasonable cause to believe child abuse or neglect occurred. The possible determinations are:
 - (a) "Founded," which means there is reasonable cause to believe that child abuse or neglect occurred.
 - (b) "Unfounded," which means no evidence of child abuse or neglect was identified or disclosed.
 - (c) "Unable to determine," which means there are some indications of child abuse or neglect, but there is insufficient data to conclude that there is reasonable cause to believe that child abuse or neglect occurred. The "unable to determine" disposition may be used only in the following circumstances:

- (A) After extensive efforts have been made, the CPS worker is unable to locate the family; or
- (B) After completing an assessment that complies with the Department's rules:
 - (i) The child is unable or unwilling to provide consistent information and there is insufficient information to support a founded or unfounded determination; or
 - (ii) There is conflicting or inconsistent information from collateral contacts or family, and there is insufficient information to support a founded or unfounded determination.
- (d) "No CPS assessment completed" which means a CPS supervisor has determined that no face-to-face contact was necessary with the alleged child victim and the alleged perpetrator of abuse because of the following:
 - (A) Addressed in Another Open Assessment. This reason is chosen when the report content is being included in another, currently open referral, under the same case number.
 - (B) Assessment Opened in Error. This reason is chosen when the referral is mistakenly opened.
 - (C) Cleared through Collateral Contact. This reason is chosen when the CPS worker has, through collateral contacts, received information that indicates there is and was no safety threat.
- (3) When determining whether there is reasonable cause to believe child abuse or neglect occurred, the CPS worker shall consider, among others, the following parent or caregiver behavior, conditions, and circumstances:
 - (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 each of the following:
- (A) Physical neglect, which includes each of the following:
 - (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 severe harm to the child's health or safety. When the CPS worker is making a determination of physical neglect based on severe 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 infants who have disabilities and 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 parent 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 severe 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 severe harm of physical abuse, sexual abuse, neglect, mental injury, or other child abuse or neglect.

Stat. Auth.: ORS 409.050, 418.005

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