

<b>Policy Title:</b>	Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices – OAR		
<b>Policy Number:</b>	I-AB.6 413-015-1100 thru 1125	<b>Effective Date:</b>	1-28-05

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

### Reference(s):

- ORS 419B.005
- ORS 418.747
- ORS 419B.005 through .020
- The Guided Assessment Process, Tools for Increasing Child Safety...
- APSAC: American Professional Society on the Abuse of Children
- Annie E. Casey Foundation
- I-AB.1 Introduction to Child Protective Services, 413-015-0100 through 0125
- 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 & Child Safety Planning, 413-015-0500 - 0510
- 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, 413-015-0900 through 0905
- I-AB.10 Child Abuse Assessment Dispositions, 413-015-1000

### Form(s) that apply:

- None referenced.

### Rules:

#### **413-015-1100**

#### **Authority And Responsibility**

- (1) ORS 418.005 provides that, in order to establish, extend, and strengthen welfare services for the protection and care of dependent or neglected children, the Department of Human Services may make all necessary rules and regulations for administering child welfare services. Among other duties outlined by ORS 409.010, the Department is

responsible for the delivery and administration of programs and services relating to children and families, including child protective services and foster care. ORS 419B.020 provides that, upon receipt of a report of child abuse, the Department or a law enforcement agency is required to immediately cause an investigation to be made to determine the nature and cause of the abuse. In addition, ORS 418.640 requires the Department to adopt rules it deems necessary or advisable to protect the best interests of children in foster homes. Finally, ORS 181.537 authorizes the Department to conduct criminal records checks on subject individuals, as defined by the Department, if deemed necessary by the Department.

- (2) The Department of Human Services Child Welfare Program has determined that, in order to protect children from abuse or neglect and to protect the best interests of children in foster homes, it is necessary for the Department to permit local Child Welfare offices to perform criminal records checks on subject individuals when the Department is conducting a child protective services assessment, has an open child welfare case, or determines that emergency foster home certification decisions must be made.

Stat. Auth.: ORS 181.537, 409.010, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

#### **413-015-1105**

##### **Purpose**

- (1) The primary purposes of LEDS access in local Child Welfare offices are to assist staff in making child protective services related decisions and for emergency certification purposes as outlined in these rules (OAR 413-015-1100 to 413-015-1125). Criminal history information obtained from LEDS will be considered, along with other risk factors, to—
  - (a) assess child safety; or
  - (b) determine if behavior that is revealed by criminal history is inconsistent with providing care to children or having access to children.
- (2) These rules do not address criminal records checks for non-emergency certification or adoption approval. Criminal records checks for non-emergency certification or adoption approval are governed by OAR 413-120-0400 to 413-120-0470.

Stat. Auth.: ORS 181.537, 409.010, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

#### **413-015-1110**

##### **Definitions**

- (1) "Child Protective Services (CPS)" means a specialized social service program that the Department provides on behalf of children who are abused or who are at substantial risk of child abuse by a parent or caregiver.
- (2) "Department" means the Department of Human Services Child Welfare Program.

- (3) "Law Enforcement Data System (LEDS)" means the computerized criminal history information system maintained by the Oregon State Police.
- (4) "LEDS representative" means the staff person in the local DHS office who has been designated by the DHS Assistant Director for Children, Adults and Families and who has completed the training required by Oregon State Police in order to train other employees to be LEDS users.
- (5) "LEDS user" means a staff person in the local DHS office who has been trained by a LEDS representative and has been certified by the Oregon State Police to access LEDS information.
- (6) "Notice" means a subject individual has been informed in writing that the Department may conduct a criminal records check and that the subject individual may obtain a copy of his or her LEDS record and may challenge information in the record by contacting Oregon State Police. Notice does not imply consent or permission.
- (7) "Service Delivery Area (SDA)" means a geographic region of one or more counties served by the Department and managed by an SDA Manager.

Stat. Auth.: ORS 181.537, 409.010, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

#### **413-015-1115 Requirements**

Each Service Delivery Area must:

- (1) Identify LEDS representatives.
- (2) Identify LEDS users.
- (3) Develop a plan for training and certification of designated LEDS users.
- (4) Ensure LEDS users have:
  - (a) Computer and printer access.
  - (b) User identification.
- (5) Complete background checks on all LEDS representatives and LEDS users as provided in OAR 257-015-0050(6).
- (6) Implement information security measures as provided in OAR 257-015-0000 to 257-015-0100.

Stat. Auth.: ORS 181.537, 409.010, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

#### **413-015-1120 LEDS Use For Child Protective Service Purposes**

- (1) The local Child Welfare office may perform criminal records checks on subject individuals using the LEDS system available in the local office and use LEDS information pertaining to subject individuals for Child Protective Services purposes when—
  - (a) A child abuse allegation is being assessed or there is an open Child Welfare case; and
  - (b) Notice has been provided to a subject individual that the Department will perform a criminal records check on the subject individual.
- (2) When conducting criminal records checks for a Child Protective Services purpose under this rule, a subject individual is—
  - (a) A person who is alleged to be the perpetrator of child abuse or neglect when the allegation is being assessed by Child Protective Services;
  - (b) A person who resides in or frequents a household where the alleged victim of child abuse resides on a full- or part-time basis; or
  - (c) A person in the household to which a child is being returned.

Stat. Auth.: ORS 181.537, 409.010, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

#### **413-015-1125**

#### **LEDS Use for Certification Purposes in Emergency Situations**

- (1) The local Child Welfare office may perform criminal records checks using the LEDS system available in the local office and use LEDS information pertaining to a subject individual for emergency certification purposes when—
  - (a) A child abuse allegation is being assessed or there is an open child welfare case;
  - (b) Staff refer to and comply with OAR 413-120-0400 to 413-120-0470; and
  - (c) The subject individual has consented to the Department conducting a criminal records check by signing form DHS 1011F, "Consent For Criminal Records & Fingerprint Check."
- (2) When conducting criminal records checks for emergency certification purposes under this rule, a subject individual is—
  - (a) An adult who resides in or plans to reside in a household that is being certified for placement of a child;
  - (b) An adult who resides in or plans to reside in a household that is being re-certified to place or maintain a child in the household;
  - (c) A person assisting in the household to enrich the care provided to children

placed in the household by tutoring or providing recreation, relief care, or other services such as household chores, whether paid or unpaid; or

- (d) A member of the household under 18 years of age if there is reason to believe that member may pose a risk to children placed in the household.
- (3) Staff in local Child Welfare offices who access LEADS information for emergency certification purposes as outlined in these rules must refer to and comply with OAR 413-120-0400 to 413-120-0470 and forward fingerprints and consent forms to the Department's Criminal Records Unit if—
- (a) LEADS information reveals an arrest or conviction of any kind;
  - (b) The subject individual discloses an arrest or conviction of any kind; or
  - (c) It is known that the subject individual has lived outside of Oregon within the last five years.

Stat. Auth.: ORS 181.537, 409.010, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.0200

### **Contact(s):**

- **Name:** CAF Reception; **Phone:** 503-945-5600

### **Policy History**

- [07/28/05](#)
- [03/20/07](#)
- [10/03/2008](#)
- [06/15/10 thru 12/12/10](#)