

Policy Title:	Enhanced Supervision – OAR		
Policy Number:	I-B.1.6 413-020-0200 thru 0255		Effective Date: 12-29-2009

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- ORS 418.005

Form(s):

- CF 984, Physical Restraint Incident Report
- CF 985, Incident Report
- CF 994, Supervision Plan
- CF 9601, Child and Adolescent Needs and Strengths (CANS) Ages birth through five
- CF 9602, Child and Adolescent Needs and Strengths (CANS) Ages six through twenty

Rules:

413-020-0200

Purpose

The purpose of these rules (OAR 413-020-0200 to 413-020-0255), is to describe the responsibilities of the Department to --

- (1) Identify the supervision needs of a *child* or *young adult* in substitute care with a *certified family*;
- (2) Assess whether a *certified family* is managing the *enhanced supervision* needs of a *child* or *young adult*;
- (3) Describe the responsibilities of the *certified family* and the Department when *physical restraint* is used; and
- (4) Provide training and support services to a *certified family* who is having difficulty managing the supervision needs of a *child* or *young adult*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-020-0210

Definitions

The following definitions apply to OAR 413-020-0200 to 413-020-0255:

- (1) "BRS" means Behavior Rehabilitation Services, a Medicaid funded program that provides behavioral intervention, counseling, or skill building services in a professional, shelter, or residential (including therapeutic foster care formerly referred to as proctor care) placement setting.
- (2) "CANS screener" means an individual, who performs CANS screenings under the supervision of or under a contract with the Department, and who has completed successfully the training in the use of the Oregon CANS Comprehensive Screening Tool with a documented reliability score of 0.70 or greater.
- (3) "CANS screening" means Child and Adolescent Needs and Strengths screening, a process of integrating information on a *child* or young adult's needs and strengths for the purposes of case planning, service planning, and determining the supervision needs of the *child* or *young adult*. The Department uses two versions of the CANS Comprehensive Screening Tool, one version for an individual birth through five years old and another version for an individual six through twenty years old.
- (4) "Certified family" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which he or she resides, to a *child* or *young adult* in the care or custody of the Department.
- (5) "Certifier" means a Child Welfare employee who conducts assessments of applicants interested in providing relative or foster care to a *child* or *young adult* in the care or custody of the Department, determines whether or not to recommend approval of the operation of a relative care or foster home, and monitors the compliance of a relative care or foster care home with Child Welfare certification rules.
- (6) "Child" means a person under 18 years of age.
- (7) "Department" means Department of Human Services, Child Welfare.
- (8) "Enhanced supervision" means the additional support, direction, observation, and guidance provided by a *certified family* to a *child* or *young adult* to promote and ensure the safety and well-being of the *child* or *young adult*, beyond the level of supervision that typically is required for a *child* or *young adult* of the same age.
- (9) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated *child* or *young adult* placed in the home by the Department.
- (10) "Level of care" means the payment for *enhanced supervision* needs of a *child* or *young adult* to a *certified family*.
- (11) "Physical restraint" means the act of restricting a *child* or young adult's voluntary movement as an emergency measure to manage and protect the *child* or *young adult* or others from injury when no alternate actions are sufficient to manage the *child* or young adult's behavior. *Physical restraint* does not include temporarily holding a *child* or *young adult* to assist him or her or assure his or her safety, such as preventing a *child* from

running onto a busy street.

- (12) "Physical Restraint Incident Report" means a written description of an event involving a *child* or *young adult* that requires the *relative caregiver* or *foster parent* to use *physical restraint*.
- (13) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* placed in the home by the Department.
- (14) "Supervision plan" means a documented set of strategies that is developed to assist a *relative caregiver* or *foster parent* in providing the additional support, observation, direction, and guidance necessary to promote and ensure a *child* or young adult's safety and well-being.
- (15) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-020-0230

Referral for and Review of the CANS Screening

- (1) The caseworker of the *child* or *young adult* must complete a *CANS screening* referral:
- (a) Effective January 1, 2010, within the first 20 days of a child's entry into substitute care when the *child* is living with a *certified family*;
 - (b) Within twelve months from the date of the initial *CANS screening* when the screening results indicated a *level of care* and the *child* or *young adult* is living with a *certified family*; and
 - (c) When a *child* or *young adult* whose initial placement in substitute care was a BRS placement and the *child* or *young adult* moves to the home of a *certified family*.
- (2) The Level of Care Manager may approve a second *CANS screening* within twelve months from the date of the initial *CANS screening* when:
- (a) The *child* or young adult's caseworker and the caseworker's supervisor concur there has been an observed, documented, ongoing change in a *child* or young adult's behavior or functioning which:
 - (A) Has not improved through a revision of the *supervision plan* or services provided by the Department or other agencies;
 - (B) Endangers the *child* or young adult's safety or the safety of others; or
 - (C) Is an enduring consistent change in behavior that persists over time and places the *child* or *young adult* or other members of the household or community in danger.

- (b) A caseworker requests a *CANS screening* after a *child* or *young adult* returns to placement with a *certified family* after a BRS placement of six months or longer.
- (c) New or different information relevant to the correct application of the *CANS screening* has been presented during an informal conference under OAR 413-010-0520 or in the findings of fact in a proposed order under OAR 413-010-0535.
- (3) The *CANS screening* is:
- (a) Conducted by a *CANS screener*, and
- (b) Submitted to the Level of Care Manager who reviews the ratings submitted by the *CANS screener* and determines the *level of care*.
- (4) The *CANS screening* results form documents:
- (a) The rating on each element of the *CANS screening* tool; and
- (b) The *child* or *young adult's* presenting behaviors and functioning, the supervision necessary to promote the safety and well-being of the *child* or *young adult*, and recommendations for services based on the needs identified.
- (5) A copy of the *CANS screening* results form is sent to the caseworker and to the *certified family*.
- (6) When the caseworker receives the *CANS screening* results form, the caseworker must:
- (a) Contact the *certified family* to review the supervision recommendations;
- (b) When the *CANS screening* results form indicates the *child* or *young adult* currently has suicidal ideation or intent, the caseworker must review the *supervision plan* developed during the screening process within 24 hours of receipt of the *CANS screening* results and modify the plan, if appropriate;
- (c) Gather information regarding the *child* or *young adult's* strengths and supervision needs; and
- (d) Incorporate the needs and strengths identified in the *CANS screening* results and any services arranged for the *child* or *young adult* in the case plan.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-020-0233

When a Supervision Plan is Required

The caseworker must develop a *supervision plan* with the *certified family* with whom the *child* or *young adult* lives within 30 days of:

- (1) The receipt of a *CANS screening* results form that indicates a *level of care* and *enhanced supervision* is necessary to maintain the safety and support the well-being of the *child* or *young adult*; or
- (2) A placement move when a *child* or *young adult* who is receiving a *level of care* moves from one *certified family* to another *certified family*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-020-0236

Developing a Supervision Plan

- (1) After the caseworker has reviewed a *CANS screening* results form that indicates a *level of care*, the caseworker must:
 - (a) Contact the *certified family* to explain the identified needs and the supervision requirements necessary to maintain the safety and support the well-being of the *child* or *young adult*, and
 - (b) During a meeting with the *certified family*, the *child* or *young adult*, as appropriate, and others who may participate in a *supervision plan*, develop a *supervision plan* that meets the supervision needs of the *child* or *young adult* when the results of the *CANS screening* indicate a *level of care*.
 - (A) Level 1 (moderate needs) means the *certified family* must provide an environment with the additional support, direction, observation, and guidance from the *certified family* to ensure a *child* or *young adult's* safety and well-being, beyond the level of supervision that typically is required for a *child* or *young adult* of the same age.
 - (B) Level 2 (intermediate needs) means the *certified family* must provide a structured environment, additional support, direction, observation, and guidance to ensure a *child* or *young adult's* safety and well-being, beyond the level of supervision that typically is required for a *child* or *young adult* of the same age.
 - (C) Level 3 (advanced needs) means the *certified family* must provide a highly structured environment, additional support, direction, observation, and guidance to ensure a *child* or *young adult's* safety and well-being, beyond the level of supervision that typically is required for a *child* or *young adult* of the same age.
- (2) The *supervision plan* must include:
 - (a) The supervision actions or activities that are to be provided by the *certified family* and other individuals to meet the *child* or *young adult's* identified needs, such as

proactive use of space, routine, structure of the environment, positive reinforcement, and de-escalation techniques;

- (b) The actions and assistance the Department is to provide to support the *certified family* in addressing the needs of the *child* or *young adult* and maintaining the *child* or *young adult* in the home;
 - (c) The actions the *child* or *young adult* is to take to support the *supervision plan*;
 - (d) The persons responsible for monitoring the *child* or young adult's supervision needs and supervision actions and activities;
 - (e) How the persons responsible for monitoring the *supervision plan* are to communicate with each other; and
 - (f) When the *supervision plan* is to be reviewed, which must be at the next face-to-face contact with the *certified family* described in OAR 413-080-0059(1)(c) after the date the *supervision plan* is signed by the caseworker and the *certified family*.
- (3) The *supervision plan* must be signed by:
- (a) The caseworker and the *certified family*; and
 - (b) The *child* or *young adult*, if able, and other individuals who are to provide specific actions or activities in the *supervision plan*.
- (4) The *supervision plan* must be approved by the caseworker's supervisor.
- (5) Before a *supervision plan* may include *physical restraint* as a supervision action or activity:
- (a) The *certified family* must have completed the *physical restraint* training requirements described in OAR 413-020-0255;
 - (b) The *certified family* must agree to document each use of *physical restraint* in writing on a *Physical Restraint Incident Report* as soon as reasonably possible after each use; and
 - (c) The *certified family* must agree to orally report the circumstances of each *physical restraint* to the caseworker or the caseworker's supervisor within one business day and submit the *Physical Restraint Incident Report* to the caseworker within two business days.
- (6) A *supervision plan* that includes the use of *physical restraint* as a supervision action and activity must:
- (a) Focus on intervention strategies designed to modify a *child* or young adult's behavior without the need for *physical restraint*;
 - (b) Explain that a *physical restraint* is to be used only when the *child* or young adult's behavior poses an imminent danger to self or others, and when no alternate actions are sufficient to stop a *child* or young adult's behavior; and

- (c) Be approved by the Child Welfare program manager.
- (7) The caseworker must provide a copy of the signed *supervision plan* to the *certified family*, provide a copy to the certified family's *certifier*, and file a copy in the *child* or young adult's case file.
- (8) The caseworker must summarize the *supervision plan* in the Department's information system in the *child* or young adult's case notes and in the provider notes.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-020-0240

Use of Physical Restraint

- (1) A *physical restraint* may only be used if the behavior of a *child* or *young adult* places the *child* or *young adult* or others in imminent risk of harm, and only if good judgment indicates that a *physical restraint* may safely be implemented.
 - (a) The *certified family* may use a *physical restraint* under the circumstances described in this section even if:
 - (A) The *certified family* has not attended Behavior and Crisis Management Training; or
 - (B) The *child* or *young adult* does not have a *supervision plan*.
 - (b) *Physical restraint* must be implemented with the least force necessary to prevent the risk of harm to self or others and should end as soon as the risk of harm no longer exists.
- (2) Any time a *physical restraint* is used, the *certified family* must:
 - (a) Document the use of the *physical restraint* in writing on a *Physical Restraint Incident Report* as soon as reasonably possible after the incident;
 - (b) Report the circumstances of the *physical restraint* to the caseworker or the caseworker's supervisor within one business day; and
 - (c) Submit the written documentation of the circumstances of each *physical restraint* to the caseworker within two business days.
- (3) If the behavior of a *child* or *young adult* places the *child* or *young adult* or others in imminent risk of harm, and good judgment indicates that a *physical restraint* cannot be implemented, the *certified family* must call the local law enforcement agency to request intervention. The *certified family* must:
 - (a) Orally report the incident to the caseworker and the caseworker's supervisor as soon as reasonably possible; and
 - (b) Document the incident in writing on a *Physical Restraint Incident Report* and submit written documentation to the caseworker within two business days.

- (4) If the *child* or *young adult* is injured during the incident, whether or not a *physical restraint* is used, the *certified family* immediately must notify the Department's emergency 24-hour contact.
- (5) Mechanical restraint or seclusion of a *child* or *young adult* is prohibited in an emergency or at any other time. For the purposes of this rule:
- (a) "Mechanical restraint" means the use of any physical device to involuntarily restrain the movement of all or a portion of a child's body as a means of controlling his or her physical activities in order to protect the *child* or other persons from injury. Mechanical restraint does not apply to movement restrictions stemming from medicinal, dental, diagnostic, or surgical procedures which are based on widely accepted, clinically appropriate methods of treatment by qualified professionals operating within the scope of their licensure.
- (b) "Seclusion" means the involuntary confinement of a *child* alone in a specifically designed room from which the *child* is physically prevented from leaving.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-020-0245

Responsibilities in Monitoring a Child or Young Adult's Supervision Needs

- (1) During each face-to-face contact described in OAR 413-080-0059, the caseworker must determine:
- (a) Whether the *certified family* is meeting the supervision needs of the *child* or *young adult*;
- (b) Whether the supervision needs of the *child* or *young adult* have changed.
- (2) If the supervision needs of the *child* or *young adult* are not being met, the caseworker must assess the safety of the *child* or *young adult* as required by OAR 413-080-0059(2)(b).
- (3) If, after assessing the safety of the *child* or *young adult*, the caseworker determines that the *child* or *young adult* currently is safe in the home but his or her supervision needs are not being met, the caseworker must:
- (a) Consult with the *certifier* or the certifier's supervisor to determine if available resources or training are able to provide the additional support the *certified family* may need to meet the *child* or young adult's supervision needs;
- (b) Review the *supervision plan* to determine whether the plan needs to be revised or, if a *supervision plan* is not in place, determine whether a *supervision plan* needs to be developed as outlined in OAR 413-020-0233; and
- (c) Meet with the *certified family* to revise or develop a *supervision plan* according to OAR 413-020-0236 or, if the caseworker determines that a *supervision plan* is not necessary, to discuss the supervision requirements necessary to meet the

child or young adult's needs or additional resources available to the *certified family*.

- (4) When there is a current *supervision plan*, the caseworker must:
- (a) Review the *supervision plan* within the timeline agreed to in the plan;
 - (b) Assess the effectiveness of the supervision actions and activities provided by the *certified family* in meeting the *child* or young adult's supervision needs; and
 - (c) Continue, end, or revise the *supervision plan* as appropriate.
 - (A) The *supervision plan* may end when the plan successfully has reduced or eliminated the need for *enhanced supervision* and the *child* or *young adult* is no longer exhibiting the supervision needs identified in the *CANS screening* results.
 - (B) The *supervision plan* must be revised when additional supervision actions or activities are needed to meet the *child* or young adult's supervision needs. The caseworker must follow OAR 413-020-0236 when revising a *supervision plan*.
- (5) If the supervision needs of the *child* or *young adult* have changed, the caseworker must determine whether a new *CANS screening* is required, as provided in OAR 413-020-0230(2).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-020-0255

Training and the Planned Use of Physical Restraint

- (1) The Department has approved Behavior and Crisis Management Training as the standard training curriculum for any *certified family* who requires training on crisis management and the use of *physical restraint*. The training curriculum focuses on strengthening a certified family's supervision skills and instructs the *certified family* in the use of a *physical restraint* as a supervision action.
- (2) When a *supervision plan* includes the planned use of *physical restraint* the caseworker must consult with the *certifier* to confirm that the *certified family* has completed Behavior and Crisis Management Training prior to the implementation of a *supervision plan* that includes the use of *physical restraint* as a supervision action or activity.
- (3) A foster care coordinator or designee may approve comparable behavior and crisis management training obtained by a *certified family* for a specific *child* or *young adult* in place of Behavior and Crisis Management Training if:
 - (a) The training was selected by a school district and used in the school; or
 - (b) The training was approved by the Department of Human Services, Addictions and Mental Health Division and used in a Children's Intensive Mental Health Treatment Services program.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Contact(s):

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

Policy History

- 12/29/95
- 09/11/96
- 08/25/97
- 07/01/01
- 01/07/03
- 05/01/07
- 07/01/09 thru 12/28/09
- 09/25/09 thru 12/28/09

Prior Version