

	<b>Department of Human Services</b> <b>CHILDREN, ADULTS &amp; FAMILIES</b>	<b>NUMBER:</b> I-B.1.6 <b>OAR:</b> 413-0200-0200 thru 0255
	<b>CLIENT SERVICES INDEX</b>	<b>SECTION:</b> B. Case Management
	<b>ISSUED BY:</b> Office of Safety and Permanency for Children  <b>FINAL:</b> 5-01-07	<b>SUBSECTION:</b> 1. Legal
<b>SUBJECT:</b> 6. Behavior Intervention – OAR		

## REFERENCES

ORS 418.005

## FORMS

CF 984, Physical Restraint Incident Report

CF 994, Behavior Intervention Plan

CF 1010, Behavior Log

## 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) Monitor the challenging behavior of children and young adults in substitute care with relative caregivers or foster parents;
- (2) Identify when relative caregivers or foster parents are having difficulty managing the challenging behavior of children and young adults;
- (3) Describe the responsibilities of the relative caregiver or foster parent and the Department in an emergency when a child or young adult's behavior places the child or young adult or others in imminent risk of harm, and physical restraint is used; and
- (4) Provide training and support services to relative caregivers or foster parents who are having difficulty managing the challenging behavior of children and young adults.

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) "Behavior log" means the relative caregiver or foster parent's record of the child or young adult's behavior and the relative caregiver or foster parent's actions and interventions to manage the child or young adult's behavior.
- (2) "Behavior Intervention plan" means a documented set of strategies that is developed to assist a relative caregiver or foster parent to proactively manage a child or young adult's challenging behavior (CF 0994).
- (3) "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.
- (4) "Child" means a person under 18 years of age.
- (5) "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.
- (6) "Incident report" means a written description of an event that affects a child or young adult in the care or custody of the Department (CF 0985).
- (7) "Physical restraint" means the act of restricting a child or young adult's voluntary movement as an emergency measure in order 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.
- (8) "Physical Restraint Intervention – Incident Report" means a written description of an event involving a child or young adult that requires the relative caregiver or foster parent to intervene through the use of physical restraint (CF 0984).
- (9) "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.
- (10) "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** **Behavior Intervention Services**

The caseworker of the child or young adult must perform all of the following actions to monitor a child or young adult's challenging behavior:

- (1) Routinely share with the relative caregiver or foster parent the information known to the Department regarding the child or young adult's challenging behavior and the relationship of the challenging behavior to the child or young adult's mental and physical condition.
- (2) During monthly contacts, review a child or young adult's challenging behavior and the interventions used by each relative caregiver or foster parent in the ongoing care of the child or young adult.
- (3) Assess the relative caregiver or foster parent's implementation of any recommended, documented behavior interventions in the child or young adult's mental health assessment, physical diagnosis or diagnoses, and the case plan.
- (4) Instruct the relative caregiver or foster parent to keep a record, in the behavior log, of the actions and interventions used to manage a child or young adult's challenging behavior.
- (5) Assess the relative caregiver or foster parent's willingness and ability to --
  - (a) Implement the behavior interventions;
  - (b) Manage the child or young adult's challenging behavior; and
  - (c) Maintain conditions in the home that provide safety and well-being for the child or young adult.
- (6) Assess whether additional support is needed to maintain conditions in the home that provide safety and well-being and manage a child or young adult's challenging behavior.
- (7) Document the contacts with the relative caregiver or foster parent in FACIS case notes.

Stat. Auth.: ORS 418.005  
Stats. Implemented: ORS 418.005

**413-020-0233****Determine Whether to Develop a Behavior Intervention Plan for the Child or Young Adult**

- (1) When, after completing the actions required by OAR 413-020-0230(2) to (6), the caseworker determines that the relative caregiver or foster parent is able and willing to maintain conditions in the home that provide safety and well-being for the child or young adult, and needs a structured plan or the relative caregiver or foster parent requests a structured plan to manage a child or young adult's challenging behavior, the caseworker must develop a Behavior Intervention plan (CF 0994) for the child or young adult within 60 days.
- (2) When, after completing the actions required by OAR 413-020-0230(2) to (6), the caseworker determines that the relative caregiver or foster parent is unable or unwilling to maintain conditions in the home that provide safety and well-being for the child or young adult, the caseworker must complete the actions described in Child Welfare Policy I-B.1, "Monitoring Child Safety", OAR 413-080-0059(2)(b)(A) to (C).

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

**413-020-0236****Developing a Behavior Intervention Plan for the Child or Young Adult**

Within 60 days of determining a need for, or receiving a relative caregiver or foster parent request for, a structured plan for behavior intervention, the caseworker must:

- (1) Advise the relative caregiver or foster parent to continue to implement the recommended actions and interventions to manage the child or young adult's challenging behavior;
- (2) Gather information from the relative caregiver or foster parent, the child or young adult, the certifier, and, if appropriate, the parents or legal guardians of the child or young adult, the child or young adult's attorney, CASA, mental health providers, school personnel, and other service providers working with the child or young adult regarding the child or young adult's challenging behavior that --
  - (a) Is difficult for the relative caregiver or foster parent to manage; or
  - (b) Presents a threat to self or others.
- (3) Meet with the relative caregiver or foster parent, the child or young adult, the certifier, and, if appropriate the parents or legal guardians of the child or young adult, the child or young adult's attorney, CASA, mental health providers, school personnel, and other

service providers working with the child or young adult to develop a Behavior Intervention plan that documents:

- (a) The challenging behavior of the child or young adult that requires additional support for the relative caregiver or foster parent so that they may maintain conditions that provide safety and well-being for the child or young adult;
  - (b) The specific strategies and actions the relative caregiver or foster parent will use to prevent, intervene, and follow-up when the child or young adult's challenging behavior presents difficulties or is a threat to self or others, including:
    - (A) Proactive use of space, routine, and structure of the environment;
    - (B) Positive reinforcement, de-escalation techniques, and therapeutic activities; and
    - (C) When necessary, *physical restraint* (defined at OAR 413-020-0210). Planned use of *physical restraint* may be used only as an emergency measure in response to imminent danger to self or others, and when no alternate actions are sufficient to intervene in a child or young adult's challenging behavior.
  - (c) The actions and assistance that the Department will provide to support the relative caregiver or foster parent in maintaining the child or young adult in the current substitute care placement.
  - (d) The relative caregiver or foster parent's responsibility to continue documenting the child or young adult's challenging behaviors in a behavior log.
  - (e) A plan for regular communication between those monitoring the child or young adult's challenging behavior (the relative caregiver or foster parent, the caseworker, and others) regarding the effect of the behavior intervention services and Behavior Intervention plan on the child or young adult's challenging behavior; and
  - (f) A timeline for review of the Behavior Intervention plan, which is at least every 90 days.
- (4) The caseworker's supervisor must approve the Behavior Intervention plan.
- (5) A Behavior Intervention plan that includes the planned use of *physical restraint* must:
- (a) Focus on the intervention strategies designed to modify a child or young adult's behavior and designed to minimize the need for planned *physical restraint*;

- (b) Use planned *physical restraint* only as an emergency measure in response to imminent danger to self or others, when no alternate actions are sufficient to intervene in a child or young adult's challenging behavior; and
  - (c) Be approved by the Child Welfare program manager.
- (6) A Behavior Intervention plan may include the use of planned *physical restraint* only when the following conditions have been met.
- (a) The relative caregiver or foster parent has completed training requirements described in OAR 413-020-0255;
  - (b) The relative caregiver or foster parent must agree to document the circumstances of each *physical restraint* in writing in a Physical Restraint Intervention - Incident Report (CF 984) as soon as reasonably possible after the incident; and
  - (c) The relative caregiver or foster parent must agree to orally report the circumstances of each *physical restraint* to the caseworker or the caseworker's supervisor within one working day and submit the written documentation (required in subsection (b) of this section) of the circumstances of the *physical restraint* within 48 hours.
- (7) The caseworker must provide a copy of the signed Behavior Intervention plan for the relative caregiver or foster parent, and file a copy in the child's case file.
- (8) The caseworker must document a summary of the Behavior Intervention plan in FACIS case notes and in the relative caregiver or foster parent's FACIS provider notes.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-020-0240**

##### **Use of Physical Restraint in an Emergency**

- (1) In an emergency situation, only 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* (defined at OAR 413-020-0210) can safely be implemented, the relative caregiver or foster parent should do so whether or not the relative caregiver or foster parent has attended Behavior Crisis Management Training, whether or not the child or young adult has a Behavior Intervention plan.
- (a) *Physical restraint* should 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.

- (b) When the emergency situation results in any injury to the child or young adult, the relative caregiver or foster parent must immediately notify the Department's emergency 24-hour contact.
- (2) Any time an unplanned *physical restraint* is used, the relative caregiver or foster parent must:
- (a) Document the circumstances of the *physical restraint* in writing on a Physical Restraint Intervention Incident Report (CF 0984) 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 working day; and
  - (c) Submit the written documentation of the circumstances of each *physical restraint* to the caseworker within 48 hours.
- (3) In an emergency, 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 safely be implemented, the relative caregiver or foster parent should call the local law enforcement agency to request intervention. The relative caregiver or foster parent must:
- (a) Orally report the incident to the caseworker or the caseworker's supervisor as soon as reasonably possible; and
  - (b) Document the incident in writing in an Incident Report (CF 0985) and submit written documentation to the caseworker within 48 hours.
- (4) Mechanical restraint or seclusion of children or young adults 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 physical medicine, 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 Challenging Behavior**

The caseworker must:

- (1) During the required 30 day face-to-face contact with the child or young adult, monitor the interventions used in managing the challenging behavior of the child or young adult while in substitute care and determine whether the placement maintains conditions for the safety and well-being of the child or young adult.
- (2) Review behavior logs as they are received, but no less than every 30 days.
- (3) When it is determined that additional support is needed in the home:
  - (a) Consult with the certifier or the certifier's supervisor to determine if available resources or training will provide the additional support needed in the home; or
  - (b) Convene a meeting to develop a Behavior Intervention plan as described in OAR 413-020-0236.
- (4) If there is a Behavior Intervention plan in place:
  - (a) Review the Behavior Intervention plan within the timeline described in OAR 413-020-0236(3)(g);
  - (b) Assess the effectiveness of the interventions used by the relative caregiver or foster parent; and
  - (c) End the Behavior Intervention plan if strategies have successfully reduced or eliminated the challenging behavior, or revise the Behavior Intervention plan when additional strategies are needed to manage challenging behavior. Any revised Behavior Intervention plan that includes the use of planned *physical restraint* (defined at OAR 413-020-0210) must be approved by the Child Welfare program manager.

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 behavior intervention training for relative caregivers and foster parents. The training curriculum focuses on strengthening a relative caregiver or foster parent's behavior-management skills and instructs the relative caregiver or foster parent in specific actions when intervention requires planned *physical restraint* (defined at OAR 413-020-0210). When additional training is needed for a relative caregiver or foster parent, the certifier must refer him or her to available training resources.
- (2) When a Behavior Intervention plan includes the planned use of *physical restraint* to manage the behavior of a child or young adult, the caseworker must consult with the certifier to confirm the relative caregiver or foster parent has completed Behavior Crisis Management Training prior to the use of *physical restraint* as an intervention strategy.
- (3) Child Welfare may approve comparable behavior and crisis management training obtained by a relative caregiver or foster parent for a specific child or young adult when the relative caregiver or foster parent has completed crisis intervention training selected by a school district and used in the school, or approved by the Addictions and Mental Health Division and used in a Children's Intensive Mental Health Treatment Services program. A Foster Care Coordinator or designee must approve comparable crisis intervention training courses.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005