

	Department of Human Services CHILDREN, ADULTS & FAMILIES	NUMBER: I-B.1.6 OAR: 413-020-0200 thru 0255
	CLIENT SERVICES INDEX	SECTION: B. Case Management
	ISSUED BY: Office of Safety and Permanency for Children TEMPORARY: 7-01-09	SUBSECTION: 1. Legal
SUBJECT: 6. Enhanced Supervision – OAR		

REFERENCES

ORS 418.005

FORMS

CF 803, CANS Scoring/results/conclusion (Kids 0 to 5)
 CF 804, CANS Scoring/results/conclusion (Kids 6 to 20)
 CF 984, Physical Restraint Incident Report
 CF 985, Incident Report
 CF 994, Supervision Plan

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 enhanced supervision needs of a child or young adult in substitute care with a relative caregiver or foster parent;
- (2) Identify when a relative caregiver or foster parent is having difficulty managing the enhanced supervision needs of a child or young adult;
- (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 enhanced 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) "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.
- (2) "Child" means a person under 18 years of age.
- (3) "CANS screening" means the Child and Adolescent Strength and Needs screening, a process of integrating information on a child or young adult's strengths and needs, designed to support case planning, service planning, and supervision needs of a child or young adult.
- (4) "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.
- (5) "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).
- (6) "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.
- (7) "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 (CF 0984).
- (8) "Precipitating event" means an observed, ongoing change in a child or young adult's behavior or condition.
- (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) "Supervision 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 enhanced supervision needs (CF 0994).

- (11) "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

Monitoring Supervision

- (1) The caseworker of the child or young adult must monitor a child or young adult's enhanced supervision needs by:
- (a) Routinely sharing with the relative caregiver or foster parent the information known to the Department regarding the child or young adult's enhanced supervision needs and the relationship of the enhanced supervision needs to the child or young adult's mental and physical condition;
 - (b) Reviewing the enhanced supervision provided by each relative caregiver or foster parent in the ongoing care of the child or young adult during 30 day contacts; and
 - (c) Assessing whether additional support is needed to meet a child or young adult's enhanced supervision needs.
- (2) The caseworker must document the contacts with the relative caregiver or foster parent in the Department's electronic data system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-020-0233

When a Supervision Plan is Required

- (1) When it is determined through a CANS screening that a child or young adult is eligible for enhanced supervision, the caseworker may develop a supervision plan with the relative caregiver or foster parent.
- (2) When the relative caregiver or foster parent requests a supervision plan to manage a child or young adult's enhanced supervision needs, the caseworker must develop a supervision plan (CF 0994) for the child or young adult within 30 days.

- (3) When the CANS screening results indicate the child or young adult currently has suicidal ideation or intent, the caseworker must confirm the supervision plan developed during the screening process within 24 hours of receipt of the CANS screening results.
- (4) When, after completing the actions required by OAR 413-020-0230(1), 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 Supervision Plan

Within 30 days of determining a need for, or the caseworker receiving a relative caregiver or foster parent request for, a supervision plan, the caseworker must:

- (1) Advise the relative caregiver or foster parent to continue to implement the enhanced supervision actions documented on the current CANS screening results;
- (2) Gather information from all available resources regarding the child or young adult's enhanced supervision needs.
- (3) Meet with the relative caregiver or foster parent to develop a supervision plan which includes:
 - (a) The supervision actions or activities provided by the relative caregiver or foster parent 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 that the Department will provide to support the relative caregiver or foster parent in addressing the needs of the child as identified in the CANS screening and maintaining the child or young adult in the current substitute care placement.
 - (c) A plan for regular communication between those monitoring the child or young adult's enhanced supervision needs (the relative caregiver or foster parent, the caseworker, and others) regarding the effect of the enhanced supervision and supervision plan on the child or young adult's challenging behavior; and
 - (d) A timeline for review of the supervision plan, which is at least every 90 days.

- (4) The caseworker's supervisor must approve the supervision plan.
- (5) A supervision 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 stop a child or young adult's challenging behavior; and
 - (c) Be approved by the Child Welfare program manager.
- (6) A supervision 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 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 supervision 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 supervision plan in the Department's electronic data system in the child or young adult's case notes and in the relative caregiver or foster parent's 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* (see 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 supervision 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 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 and 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 Enhanced Supervision Needs

The caseworker must:

- (1) Monitor the enhanced supervision needs of the child or young adult during face-to-face contact.
- (2) When it is determined that additional support is needed in the home, consult with the certifier or the certifier's supervisor to determine if available resources or training will provide the additional support; or the relative caregiver or foster parent may need.
- (3) When there is a current supervision plan:
 - (a) Review the supervision plan within the timeline described in OAR 413-020-0236(3)(d);
 - (b) Assess the effectiveness of the relative caregiver or foster parent's enhanced supervision; and
 - (c) End or revise the supervision plan as follows:
 - (A) End the supervision plan when the plan successfully has reduced or eliminated the need for enhanced supervision; or
 - (B) Revise the supervision plan when additional strategies are needed to provide effective enhanced supervision. Any revised supervision plan that includes the use of planned *physical restraint* (see OAR 413-020-0210) must be approved by the Child Welfare program manager.
- (4) When a precipitating event indicates a need for a CANS re-screening, submit a completed CANS referral.

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 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 supervision requires planned *physical restraint* (see 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 supervision plan includes the planned use of *physical restraint* to manage a child or young adult's supervision needs, 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 enhanced supervision 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 behavior management 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 behavior management training courses.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005