



Department of Human Services  
**CHILDREN, ADULTS & FAMILIES**

**CLIENT SERVICES INDEX**

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for Children

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**SECTION:** B. Case Management

**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) 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 Service, 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 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 for an individual birth through five years old and another version for an individual six through twenty years old.
- (3) "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 they reside, to a child or young adult in the care or custody of the Department.
- (4) "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.
- (5) "Child" means a person under 18 years of age.
- (6) "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 a child or young adult, beyond the level of supervision that typically is required for a child or young adult of the same age.
- (7) "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.
- (8) "Level of care" means the payment for enhanced supervision needs of a child or young adult to a certified family.
- (9) "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.

- (10) "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.
- (11) "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.
- (12) "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.
- (13) "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 twenty days of a child's entry into substitute care and 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;
  - (c) When a child or young adult moves from a BRS placement into a certified family; and
  - (d) When there has been an observed, documented, ongoing change in a child or young adult's behavior or functioning.
- (2) The CANS screening is:
  - (a) Conducted by an individual trained and certified to conduct a CANS screening; and

- (b) Submitted to the Level of Care Manager who reviews the ratings submitted by the CANS screener and determines the level of care.
- (3) The CANS 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.
- (4) A copy of the CANS results form is sent to the caseworker and to the certified family.
- (5) When the caseworker receives the CANS results form, the caseworker must:
- (a) Contact the certified family to review the supervision recommendations;
- (b) When the CANS screening results indicate 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 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 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**

- (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 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.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-020-0236**

##### **Developing a Supervision Plan**

- (1) 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:
- (a) Meet with the relative caregiver or foster parent to explain the identified needs and the supervision requirements necessary to promote the safety and well-being of the child or young adult; and
  - (b) Develop a supervision plan with the certified family 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 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 persons responsible for monitoring the child or young adult's supervision needs and supervision actions and activities;
  - (d) How the persons responsible for monitoring the supervision plan are to communicate with each other; and
  - (e) When the supervision plan is to be reviewed, which must be at least every 90 days from the date the supervision plan is signed by the caseworker and the certified family.
- (3) The supervision plan must be:
- (a) Signed by the caseworker and the certified family; and
  - (b) Approved by the caseworker's supervisor.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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* only may 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 good judgment indicates that a *physical restraint* may be implemented safely.
- (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 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 must 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, but 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 in 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 or young adult's body as a means of controlling his or her physical activities to protect the child, young adult, 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 or young adult alone in a specifically designed room from which the child or young adult 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; and
- (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 is currently 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;
- (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 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 under OAR 413-020-0230(1)(d).

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 certified families who require training on crisis management and the use of a *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 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 Additions 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