

DIVISION 200

STATUTORY AUTHORITY

Response to Assessment of Child Abuse Reports in Private Child-Caring Agencies and Private Residential Schools

413-200-0000

Purpose

(1) ORS 419B.020 provides that SOSCF and/or law enforcement must assess or investigate all reports of child abuse. In addition, ORS 418.260 provides that SOSCF has responsibility to assess reports of abuses, derelictions or deficiencies in all child caring agencies, public or private.

(2) These rules are limited to requirements for assessing reports of child abuse in all out-of-home child care facilities registered, certified or licensed by the State Office for Services to Children and Families.

Stat. Auth.: HB 2004

Stats. Implementation: ORS 418.205 - ORS 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95

413-200-0010

Definitions

(1) "Child Abuse": Child abuse as defined in ORS 419B.005 includes:

- (a) Physical injuries caused by other than accidental means;
- (b) Mental injury;
- (c) Sexual abuse;
- (d) Sexual exploitation;
- (e) Negligent treatment or maltreatment (neglect); and
- (f) Substantial risk of harm to a child's health or welfare.

(2) "Out-of-Home Child Care Facilities": For the purpose of assessing reports of child abuse, out-of-home care facilities means: private child caring agencies and private residential schools. Specific procedures for assessing foster home abuse allegations are listed in SOSCF's Policy II-A.2.1.1, "Assessment of Abuse Allegations in Certified Family Foster Care, Group Homes and Family Shelter Homes."

(3) "Child Protective Services (CPS) Assessment": The part of the case process which assesses a report of suspected child abuse or neglect on the part of a child's caretaker in order to determine the presence of abuse or neglect, evaluates the severity of risk of harm to a child, arranges services to assure the child's safety, and communicates SOSCF's commitment to provide help to a family.

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413-200-0020

Assessment of Abuse

- (1) A protective services worker in the county where the provider is located shall assess all reports of child abuse in out-of-home care facilities. The assessment shall be coordinated with the facility certifier/liaison worker or their supervisor whenever possible.
- (2) Upon receiving a report of alleged abuse in an out-of-home care facility, the protective services worker shall immediately notify his/her supervisor, the certification/liaison worker and appropriate law enforcement agency and then assess the report per OARs 413-020-0300 through 413-020-0420 and branch protocol. The supervisor shall notify the branch manager, who shall assure the appropriate regional and central office staff are notified.
- (3) Certification/licensing staff, and staff with children in placement at the facility shall provide consultation and assistance to the protective services worker. SOSCF program staff and child protective services consultants shall provide consultation and technical assistance as requested by the branch. When the report does not meet the definition of "Child Abuse" in OAR 413-200-0010, certification/licensing staff shall evaluate for possible regulatory violations. The protective services staff will provide consultation regarding the report when requested.
- (4) The branch manager shall jointly determine with local law enforcement authorities, consistent with good practice, the appropriate time to notify provider and/or board of directors regarding the assessment.

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Stats. Implementation: ORS 418.205 - ORS 418.327

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413-200-0030

Reports of Assessment Findings

- (1) Incidents of abuse which occur in out-of-home care facilities and agencies require prompt reports to the SOSCF certification/licensing staff and to SOSCF program management. A sensitive issue report may be required (SOSCF Policy III-A.1.2, Sensitive Issues Policy). The CPS worker shall make a verbal report of initial assessment status and the actions taken and/or recommended. A written report will be completed and submitted as soon as possible to the protective services supervisor and the branch management staff. If this is a sensitive issue, the completed assessment is to be sent to SOSCF program management (SOSCF Policy III-A.2.1, "Reporting and Review of Sensitive Issues").
- (2) Upon completion of the assessment, the branch manager and/or the protective services supervisor shall jointly determine with the law enforcement agency when and how it is appropriate to notify the provider of the results.

(3) The certification/licensing worker shall provide a written summary of SOSCF conclusions and any recommendations for regulatory actions to the provider. For a licensed facility or agency, the appropriate program manager, branch manager and the assistant administrator of the region shall assure that the appropriate persons receive reports in order to take follow-up action in accordance with licensing regulations and policy.

Stat. Auth.: HB 2004

Stats. Implementation: ORS 418.205 - ORS 418.327

Hist.: SCF 6-1995, f. 12-22-95, cert. ef. 12-29-95

413-200-0040

Protective Actions

When abuse is confirmed, immediate protection of the child shall be assured through a risk assessment for children affected in the facility and appropriate action taken, if necessary, which may include:

(1) Assuring adjustment in the facility management or staffing to allow the program to continue with the least interruption and still protect children. This may require a comprehensive review of the operation of the facility by a multidisciplinary team. The regional administrator or designee, branch manager or designee, and the program manager shall jointly determine if such a review is required.

(2) Removing the child(ren) from the facility if the child(ren) is in the custody of SOSCF.

(3) Taking the child into custody with the assistance of a law enforcement officer if the child is not in the custody of SOSCF and the parents are unavailable or not willing to participate in a plan to protect the child.

Stat. Auth.: HB 2004

Stats. Implementation: ORS 418.205 - ORS 418.327

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413-200-0050

Confidentiality

All social service agencies, service providers, or agents of SOSCF to whom State Office for Services to Children and Families has disclosed relevant client information are subject to the standards of confidentiality established in rules 413-010-0000 through 413-010-0130.

Stat. Auth.: HB 2004

Stats. Implementation: ORS 418.205 - ORS 418.327

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