

	STATE OFFICE for SERVICES to CHILDREN and FAMILIES CLIENT SERVICES MANUAL I ISSUED BY: Program Operations EFFECTIVE DATE: August 1, 1998	NUMBER: I-B.2.3.2
		SECTION: B. Case Management
		SUBSECTION: 2. Eligibility for Services 3. Program Eligibility
SUBJECT: 2. Protective Service Eligibility		

Responsible Manager: Assistant Administrator
Program Operations
Interpretation: Manager,
Child Protective Services

Approval: _____
Assistant Administrator,
Program Operations

REFERENCES: ORS 419.005(a-g)
ORS 418.015
ORS 184.805

PURPOSE

413-030-0100 (1) Child Protective Services (CPS) is a specialized social service program that Oregon's State Office for Services to Children and Families provides on behalf of children who are abused, neglected, exploited or abandoned, or who are at substantial risk of child maltreatment by a person responsible for that child's welfare. The aim of protective services is to protect children by assisting their parents or the person responsible for that child's welfare to resolve problems which underlie child maltreatment. Child Protective Services is concerned with identification, treatment and prevention of child abuse and neglect.

(2) The goals of Child Protective Services are:

(a) To assure the child's welfare and safety through various protective strategies;

(b) To maintain family unity insofar as reasonable;

(c) To reduce those factors, causes and stresses which led to the abuse or neglect;

(d) To support and encourage cognitive, emotional, and behavioral adjustment which results in family maintenance or reunification; and

(e) To expedite permanent plans when it is determined that the child cannot safely return to the home.

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(3) ORS 419B.005(1)(a) defines conditions of child abuse which must be reported to SOSCF or law enforcement. These rules further clarify those definitions and describe the eligibility criteria for SOSCF Child Protective Services.

Statutory Authority: ORS 418.005

Stats. Implemented: 419B.005, 418.015, 184.805

**DEFINITIONS
(See Glossary)**

413-030-0110 (1) "Abuse" includes, but is not limited to, abuse by a person including any employee of a residential facility or any staff person providing out-of-home care, who is responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term encompasses both acts and omissions on the part of a responsible person.

(2) "A Person Responsible for a Child's Welfare" includes the child's parent, guardian, foster parent, an employee of a public or private residential home or facility or other person legally responsible under state law for the child's welfare in a residential setting, or any staff person providing out-of-home care, i.e., child day care, family day care, group day care, and center-based day care, and, at state option, any other settings in which children are provided care.

Statutory Authority: Oregon Laws 1993, Ch. 676

Stats. Implemented: 419B.005, 418.015, 184.805

POLICY

PROGRAM ELIGIBILITY

413-030-0120 (1) All reports of suspected child abuse and neglect shall be received and evaluated for type of response needed (Per ORS 419B.010, ORS 418.747, ORS 419B.005-.020).

(2) A child and parents are eligible for and shall receive Protective Services when:

(a) SOSCF receives a report, or a SOSCF caseworker has reasonable cause to believe that a child is being abused, neglected, exploited and/or

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abandoned, and the child's physical or emotional well-being would be seriously threatened if external social services were not provided; and

(b) A child's parents or a person responsible for that child's welfare are unwilling or unable to provide, either through their own efforts, or through the use of available community resources, the care, guidance, and protection a child requires for safety, healthy growth and development as evidenced by one or more of the following:

(A) Physical Abuse: Physical abuse is injury to a child which, regardless of motive, is inflicted or allowed to be inflicted by non-accidental means. Physical abuse includes but is not limited to any injury which could not reasonably be the result of the explanation given, and/or any injury which is the result of discipline or punishment. Examples of injuries which may result from physical abuse include:

(i) Head Injuries;

(ii) Bruises/Cuts/Lacerations: A discoloration, breakage or tear of skin tissues;

(iii) Internal Injuries: Injury which may not be visible from the outside;

(iv) Burns/Scalds: Reddening, blistering or charring of the tissue through application of heat: fire, chemical substances, cigarettes, matches, electricity, scalding water, friction, and others.

(v) Injuries to Bone, Muscle, Cartilage, Ligaments: Fractures, dislocations, sprains, strains, displacements, hematomas, and others;

(vi) Poisoning: Introducing into the body, unless under medical direction, any substance which temporarily or permanently impairs the functions of one or more organs or tissues. This includes the inappropriate use of controlled substances, prescription medications, over-the-counter medications, and

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alcoholic beverages. Poisoning also includes the reckless and/or negligent use, during pregnancy, of substances which are toxic to the fetus and result in the birth of an infant with addictions or physical or neurological impairments;

(vii) Shock: Electrical shock;

(viii) Death.

(B) Neglect: Neglect is failure, whether intentional or not, to provide and maintain adequate food, clothing, shelter, medical care, supervision and protection, and/or nurturing. However, any child who is under care or treatment solely by spiritual means pursuant to the religious beliefs or practices of the child or the child's parents or guardian shall not, for this reason alone, be considered a neglected or maltreated child. Neglect includes but is not limited to the following types:

(i) Inadequate Food: The failure to provide a basic diet to maintain age-related physical and social activities and to prevent, based on nutritional deficiencies, significant or continuing illnesses, disease, developmental delay or impairment of physical and mental functioning;

(ii) Inadequate Clothing: The failure to provide, maintain and use adequate clothing and footwear which are appropriate to the climatic and environmental conditions;

(iii) Inadequate Shelter: The failure to provide and maintain adequate shelter and protection from weather elements and from environmental hazards in the dwelling unit and on the property;

(iv) Medical Neglect: A refusal or failure to seek, obtain and/or maintain those services for necessary medical, dental or

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mental health care. Includes withholding medically indicated treatment from disabled infants with life threatening conditions.

(v) Lack of Supervision and Protection: Failure, whether intentional or otherwise, to provide supervision, care, guidance and protection, thus placing the child at risk of physical or mental injury;

(vi) Desertion: The parent or caretaker leaves the child with another person and fails to reclaim the child. This includes parental failure to provide information about his/her own whereabouts, provision of false information about his/her whereabouts, or failure to establish a legal guardian or custodian for the child.

(C) Sexual Abuse and Sexual Exploitation: Sexual abuse is any incident of sexual contact including but not limited to rape, sodomy, incest and sexual penetration with a foreign object, as those acts are defined in ORS Chapter 163. Sexual abuse regardless of explanation, includes all of those contacts and interactions in which a child is used to sexually stimulate or gratify another person and includes but is not limited to:

(i) Exposing oneself before a child;

(ii) Exposing the genitals of the child;

(iii) Kissing a child in an intimate manner;

(iv) Nonphysical activities such as sexual harassment, invasive, or coercive verbal or visual suggestions or stimulation to engage now or later in sexual activities;

(v) Touching and fondling;

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(vi) Sexually exploiting the child by forcing/allowing/permitting or encouraging the child to watch pornographic material or sexual activities.

(D) Sexual exploitation includes all those activities defined in ORS Chapter 163, ORS 167, ORS 167.002, ORS 163.665, and ORS 163.670, such as contributing to the sexual delinquency of a minor, engagement of a child in various behaviors or poses for pornographic materials, and permitting or allowing a child to engage in prostitution.

(E) **Threat of Harm:** Threat of harm includes all activities, conditions and persons which place the child at substantial risk of physical or sexual abuse, neglect or mental injury.

(F) **Mental Injury:** Mental injury is the result of cruel or unconscionable acts and/or statements made, threatened to be made or permitted to be made by the caretaker(s) which have a direct effect on the child; or caretaker failures to provide nurturance, protection or appropriate guidance. The caretaker behavior, intentional or unintentional, must be related to the observable and substantial impairment of the child's psychological, cognitive, emotional and/or social well-being and functioning.

(G) **Abandonment:** Abandonment is parental behavior showing an intent to permanently give up all rights and claims to the child.

(H) **Child Selling:** Selling of a child consists of buying, selling, bartering, trading or offering to buy or sell the legal or physical custody of a child.

Statutory Authority: ORS 418.005

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ELIGIBILITY FOR PROTECTIVE SERVICES ENDS

413-030-0130 Eligibility for Protective Services ends when:

(1) It is determined that the report is not a "confirmed" case of child maltreatment;
or

(2) The assessment of the report did not confirm sufficient evidence to take the matter before a juvenile court to receive legal authorization for services beyond assessment and the parents will not agree to voluntary protective services which extend beyond the assessment; or

(3) The factors and stresses leading to the abuse/neglect of the child have been reduced to the point that the physical or emotional well-being of the child(ren) is no longer seriously threatened with harm; or

(4) Juvenile Court wardship and temporary SOSCF custody is established; the child is placed in substitute care; the parental barriers to return home are so substantial or severe that it is unlikely that the child will be able to return home without intensive services or termination of parental rights is a high probability.

Statutory Authority: Oregon Laws 1993, Ch. 676

Stats. Implemented: 419B.005, 418.015, 184.805