

Policy Title:	Developing and Managing the Case Plan – OAR		
Policy Number:	I-B.3.1 413-040-0000 thru 0032		Effective Date: 12-29-2009

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

History

Reference(s):

- ORS 418.005
- I-A.4.3 Identifying Legally Recognized Parental Relationships
- I-AB.2 Screening
- I-AB.4 Assessment
- I-B.3.2.1 Substitute Care Placement Reviews
- I-E.2.1 Placement of Indian Children
- I-E.2.2 Placement of Refugee Children
- I-E.3.6 Achieving Permanency
- I-I.2 Narrative Recording

Form(s) that apply:

- CF 803 – CANS Results (Ages 0 to 5)
- CF 804 – CANS Results (Ages 6 to 20)
- DE 9120 – What is ASFA?
- DE 9121 – Caregivers and ASFA
- DE 9122 – Service Providers and ASFA
- DE 9123 – Parents and ASFA

Rules:

413-040-0000

Purpose

These rules, OAR 413-040-0000 to 413-040-0032, describe the activities required to:

- (1) Complete a *protective capacity* assessment;
- (2) Use the Family Decision-making Meeting;
- (3) Develop a *case plan*;

- (4) Develop an *action agreement*;
- (5) Monitor the *case plan*;
- (6) Review and revise the *case plan*;
- (7) Determine when *conditions for return* have been met; and
- (8) Close the *ongoing safety plan* and close the case.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-040-0005

Definitions

The following definitions apply to OAR 413-040-0000 to 413-040-0032:

- (1) "Action agreement" means a written document between the Department and a *parent* or legal guardian that identifies one or more of the services or activities provided by the Department or other community partners, in which the *parent* or legal guardian will participate to achieve an *expected outcome*.
- (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 version for an individual birth through five years old and another version for an individual six through twenty years old.
- (3) "Case plan" means a written goal oriented, time limited individualized plan for the *child* and the child's family, developed by the Department and the parents or legal guardians, to achieve the child's safety, permanency, and well-being.
- (4) "Child" means a person under 18 years of age.
- (5) "Concurrent permanent plan" means the alternate *permanency plan* whenever the *child* has been placed in *substitute care* when the goal of the *permanency plan* is to return the *child* to the parents. The *concurrent permanent plan* is developed simultaneously with the plan to return the *child* to the parents or legal guardians.
- (6) "Conditions for return" mean a written statement of the specific behaviors, conditions, or circumstances that must exist within a child's home before a *child* can safely return and remain in the home with an in-home *ongoing safety plan*.
- (7) "Department" means the Department of Human Services, Child Welfare.
- (8) "Expected outcome" means an observable, sustained change in a *parent* or legal guardian's behavior, condition, or circumstance that, when accomplished, will increase a *parent* or legal guardian's *protective capacity* and reduce or eliminate an identified safety threat, and which, when accomplished, will no longer require Child Welfare intervention to manage a child's safety. It is a desired end result and takes effort to

achieve.

- (9) "Expert evaluation" means a written assessment prepared by a professional with specialized knowledge of a particular subject matter such as physical health, psychological health, mental health, sexual deviancy, substance abuse, and domestic violence. The assessment provides information regarding an individual's functioning in the area of the professional's specialized knowledge, and when the expert is evaluating a *parent* or legal guardian, whether the individual's functioning impacts his or her protective capacity.
- (10) "Family member" means any person related to the *child* by blood, marriage, or adoption, including, but not limited to the parents, grandparents, stepparents, aunts, uncles, sisters, brothers, cousins, or great-grandparents. *Family member* also includes the *registered domestic partner* of a person related to the *child*, a *child* 12 years of age or older, and when appropriate, a *child* younger than 12 years of age. In a case involving an Indian *child* under the Indian Child Welfare Act (ICWA), a "family member" is defined by the law or custom of the child's tribe.
- (11) "Family plan" means a written document developed at the OFDM that includes family recommendations on planning for the *child* and may include a *permanency plan*, *concurrent permanent plan*, placement recommendations, or service recommendations. The *family plan* also includes expectations of the parents of the *child* and other family members; services the Department will provide; time lines for implementation of the plan; benefits of compliance with the plan; consequences of noncompliance with the plan; and a schedule of future meetings if appropriate. The *family plan* described in ORS 417.375(1) is incorporated into the *case plan* to the extent that it protects the *child*, builds on family strengths, and is focused on achieving permanency for the *child* within a reasonable time.
- (12) "Ongoing safety plan" means a documented set of actions or interventions that manage a child's safety after the Department has identified one or more safety threats to which the *child* is vulnerable and determined the *parent* or caregiver is unable or unwilling to protect the *child*. An *ongoing safety plan* can be in-home or out-of-home and is adjusted when necessary to provide the least intrusive interventions.
- (13) "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an Indian *child* under the Indian Child Welfare Act (ICWA), a legal father includes a man who is a father under applicable tribal law. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood unless a court finds that the putative father is not the legal father.
- (14) "Permanency plan" means a written course of action for achieving safe and lasting family resources for the *child*. Although the plan may change as more information becomes available, the goal is to develop safe and permanent family resources with the parents, relatives, or other people who will assume legal responsibility for the *child* during the remaining years of dependency and be accessible and supportive to the *child* in adulthood.
- (15) "Personal care services" means the provision of or assistance with those functional

activities described in OAR 413-090-0120 consisting of mobility, transfers, repositioning, basic personal hygiene, toileting, bowel and bladder care, nutrition, medication management, and delegated nursing tasks that a *child* or *young adult* requires for his or her continued well-being.

- (16) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a *child* safe.
- (17) "Registered domestic partner" means an individual joined in a domestic partnership that has been registered by a county clerk in accordance with the Oregon Family Fairness Act.
- (18) "Reunification" means placement with a *parent* or legal guardian.
- (19) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody and care of the Department.
- (20) "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

413-040-0006

Requirements for the Protective Capacity Assessment

- (1) The Department uses the *protective capacity* assessment to engage the child's parents or legal guardians in a collaborative process to --
 - (a) Examine and understand the behaviors, conditions, or circumstances that made the *child* unsafe and the *parent* or legal guardian's strengths that build *protective capacity*;
 - (b) Examine and understand how the behavioral, cognitive and emotional characteristics of the parents or legal guardians impact their ability to care for and keep the *child* safe;
 - (c) Determine the changes (expected outcomes) in the behaviors, conditions, or circumstances of the parents or legal guardians that will increase *protective capacity* and reduce or eliminate the identified safety threat; and
 - (d) Identify services or activities that are likely to achieve the expected outcomes.
- (2) Whenever possible, the Department and the parents or legal guardians come to agreement on expected outcomes and the actions, services, and activities to achieve the expected outcomes.
- (3) The caseworker must:
 - (a) Complete the following activities within five days of receipt of the case from the CPS worker:

- (A) Review the Child Welfare case history, case documentation, and the actions and decisions of the most recent CPS assessment.
 - (B) Review the *ongoing safety plan* by contacting all participants in the safety plan to determine whether the *ongoing safety plan* assures the safety of the *child*.
 - (C) Document the review of the *ongoing safety plan* in the Department's information system.
- (b) Complete the following activities:
- (A) Conduct reasonable inquiries for the purpose of identifying individuals who may contribute to the caseworker's understanding of the *protective capacity* of the parents or legal guardians and the safety of the *child*. Such individuals may include parents or legal guardians, grandparents, extended family, an Indian child's tribe, and any other family members, persons with significant attachments to the *child*, other professionals, substitute caregivers, neighbors, and friends of the family. Reasonable inquiries mean, as defined in ORS 417.371(4)(b), efforts that include reviewing the case file for relevant information, contacting the parents or guardians, and contacting additional sources of information for the purpose of ascertaining the whereabouts of family members, if necessary.
 - (B) Gather information from these individuals through individual interviews or meetings for the purpose of identifying and understanding the needs, concerns, strengths, and limitations associated with the *protective capacity* of parents or legal guardians and assessing the impact on the child's safety.
 - (C) Evaluate the relationship between --
 - (i) The existing protective capacities of parents or legal guardians that contribute to *child* safety;
 - (ii) The diminished protective capacities of parents or legal guardians that must change for the parents or legal guardians to care for and keep the *child* safe; and
 - (iii) The parents' or legal guardians' readiness to change.
 - (D) Whenever possible, collaboratively identify with the parents or legal guardians:
 - (i) Other family members, persons with significant attachments to the *child*, community members, and members of an Indian child's tribe who will contribute to and actively participate in the *ongoing safety plan* or enhancing the *protective capacity* of the parents or legal guardians; and
 - (ii) Actions and services that will reduce or eliminate identified safety

threats or enhance the *protective capacity* of the parents or legal guardians.

- (E) Inform the parents or legal guardians of the Department's actions and decisions regarding identified safety threats, *protective capacity*, and the *ongoing safety plan*.
 - (F) Enter the findings of the *protective capacity* assessment, the information obtained by conducting the activities required in paragraphs (A) to (D) of this subsection, in the Department's information system.
- (4) The caseworker must include the findings of the *protective capacity* assessment in the *case plan*.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-040-0008

Requirements for a Family Decision-making Meeting

- (1) "OFDM" as used in this rule means the family decision-making meeting as defined in ORS 417.365, and is a family-focused intervention facilitated by professional staff that is designed to build and strengthen the natural care giving system for the *child*. These meetings may include family group conferences, family unity meetings, family mediation, or other professionally recognized interventions that include extended family and rely upon the family to make decisions about planning for its children. The purpose of the family decision-making meeting is to establish a plan that provides for the safety, attachment, and permanency needs of the *child*. The role of the OFDM is described in ORS 417.365 to 417.375.
- (2) When the *child* has been placed in *substitute care* for more than 30 days, the Department must consider scheduling an OFDM. When considered appropriate, the meeting is scheduled, whenever possible, between the 30th and 60th day of the out-of-home care placement.
- (3) When a decision has been made by the Department and the family to use the OFDM, the Department will conduct and document reasonable inquiries to promptly locate and notify the parents, grandparents, an Indian child's tribe, and any other *family member* who has had significant, direct contact with the *child* in the year prior to the *substitute care* placement. Other participants in the meeting may include the *child*, if the *child* is 12 years of age or older, or it is otherwise appropriate to include the *child*, other professionals, foster parents, neighbors, and friends of the family as appropriate.
- (4) Family members or an Indian child's tribe who are located after reasonable inquiries will be notified by the Department of the OFDM in a timely manner to allow them the opportunity to prepare for and attend the meeting.
- (5) Other participants will be jointly identified by the parents, legal guardians, Indian custodian of the *child*, and the Department, and the Department will notify identified participants in a timely manner to allow them the opportunity to prepare for and attend the meeting.
- (6) To assist the family in developing the family's plan for the *child*, the Department must

provide participants with information regarding the federal timeline for determining permanency for the *child* and the Oregon Administrative Rules that govern the sufficiency of a safety plan, *conditions for return*, and *reunification*.

- (7) The located family members may attend the OFDM unless the other participants determine that a *family member* may threaten or place other participants at risk. The Department may exclude family members it determines are violent, unpredictable, or abusive or an alleged perpetrator of sexual abuse, domestic violence, or severe physical assault.
- (8) Family members who are not invited or allowed to participate may submit written information and recommendations to the caseworker prior to the scheduled meeting concerning the subjects of the OFDM, including concerns regarding the placement of the *child*, *permanency plan*, *concurrent permanent plan*, and services.
- (9) During the OFDM, family members will develop a *family plan* for the *child*.
- (10) Any *family member* or tribal representative participating in an OFDM must sign a written acknowledgment of the content of the *family plan* developed at the meeting and of his or her attendance at the meeting.
- (11) The Department will send a copy of the *family plan* developed at the OFDM within 21 days after the date of the meeting to family participants, including those who participated by submitting written information and recommendations.
- (12) The Department will incorporate the *family plan* developed at the OFDM into the Department's *case plan* to the extent that the *family plan* protects the *child*, builds on family strengths, and focuses on achieving permanency for the *child* within a reasonable time. If the family's plan developed at the meeting cannot be incorporated into the Department's *case plan*, the reasons shall be documented in the Department's *case plan*.
- (13) The Department is responsible for confirming that any *family plan* developed at an OFDM is sufficient to ensure the safety or permanency of the *child* before implementing a *family plan* developed at an OFDM.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-040-0009

Requirements for Conditions for Return

- (1) The caseworker must determine the conditions that must exist prior to the return of the *child* to a *parent* or legal guardian.
- (2) The *conditions for return* are documented in the *case plan* and must describe:
 - (a) The specific behaviors, conditions, or circumstances that must exist before the Department may develop an in-home *ongoing safety plan* that assures a child's safety, as described in OAR 413-015-0450(2)(b)(A)(i) - (iii); and
 - (b) The actions, services, and time requirements of all participants in the in-home *ongoing safety plan*.

413-040-0010

Requirements for the Case Plan

- (1) The caseworker must analyze the information gathered during the *protective capacity* assessment to develop a *case plan*. The *case plan* must include all of the following information:
- (a) Family composition, which includes the information identifying each *child*, each *young adult*, and each *parent* or legal guardian.
 - (b) Safety threats identified in the CPS assessment as described in OAR 413-015-0420(1)(f)(A)(i) and (ii).
 - (c) The *ongoing safety plan* as described in OAR 413-015-0450 and recorded in the Department's information system.
 - (d) The findings of the *protective capacity* assessment.
 - (e) Expected outcomes and actions that each *parent* or legal guardian is taking to achieve them.
 - (f) Services (if applicable) to the *child* or *young adult* that include:
 - (A) The identified needs of and services provided to any *child* or *young adult* placed in *substitute care*, including the results of the *CANS screening*, the *personal care services* provided to an eligible *child* or *young adult* per Child Welfare Policy I-E.5.1.2, "Personal Care Services" OAR 413-090-0100 to 413-090-0210, and other current assessments or evaluations of the *child* or *young adult*, and the reasons the *substitute care* placement is the least restrictive placement to meet the *child* or *young adult*'s identified needs;
 - (B) The *child* or *young adult*'s health information, which documents the child's routine and specialized medical, dental, and mental health services;
 - (C) The *child* or *young adult*'s education services, the school or educational placement history of the *child* or *young adult*, high school credits earned for a *child* over 14 years of age or a *young adult*, and any special educational needs; and
 - (D) Services to transition the *child* or *young adult* to independent living in all cases when the *child* is 16 years or older, and if provided to the *child* who is 14 or 15 years old.
 - (g) Services the Department will provide including:
 - (A) Case oversight and routine contact with the parents or legal guardians and the *child* or *young adult*;

- (B) Appropriate and timely referrals to services and service providers suitable to address identified safety threats or strengthen parental *protective capacity*;
 - (C) Appropriate and timely referrals to services and service providers suitable to address the needs of the *child* or *young adult* as identified through the *CANS screening* and other current assessments or evaluations of the *child* or *young adult*; and
 - (D) Timely preparation of reports to the court or other service providers.
- (h) The date that the progress of the parents or legal guardians in achieving expected outcomes will be reviewed. The *case plan* must be reviewed with the parents or legal guardians every 90 days; however, the caseworker and parents or legal guardians may agree on a review date at any time within the 90-day period.
- (i) When the *child* or *young adult* is in *substitute care*, the *case plan* must also include:
- (A) Current placement information including:
 - (i) The location of the *child* or *young adult* and the substitute caregiver of the *child* or *young adult*, except when doing so would jeopardize the safety of the *child*, *young adult*, or the substitute caregiver, or the substitute caregiver will not authorize release of the address; and
 - (ii) Documentation that shows that the *child* or *young adult* is receiving safe and appropriate care in the least restrictive environment able to provide safety and well-being for the *child* or *young adult*.
 - (B) The *child* or young adult's record of visits with his or her parents and siblings.
 - (C) The *permanency plan*.
 - (D) The *conditions for return*.
 - (E) The *concurrent permanent plan* and the progress the Department has made in implementing the *concurrent permanent plan*.
- (2) As applicable, the caseworker must also include in the *case plan*:
- (a) The goals and activities required for an Indian *child* under the Indian Child Welfare Act (see Child Welfare Policy I-E.2.1, "Placement of Indian Children" OAR 413-010-0100 to 413-010-0260) or for a refugee *child* under the Refugee Act (see Child Welfare Policy I-E.2.2, "Placement of Refugee Children" OAR 413-070-0300 to 413-070-0380 and see ORS 418.925 to 418.945).
 - (b) Recommendations of expert evaluations requested by the Department whenever the recommendations may impact parental protective capacities or treatment

services for the *child* or *young adult*. If the recommendations are not included in the *case plan*, the rationale must be documented in the Department's information system.

- (c) Diligent efforts to place the *child* or *young adult* with relatives and with siblings who are also in *substitute care*, sibling connections, and the Department's efforts to keep siblings together.
 - (d) Orders of the court.
- (3) The persons involved with the Department in the development of the *case plan* include the parents or legal guardians, unless their participation threatens or places other participants at risk; and may include the *child*, *young adult*, adoptive parents, an Indian custodian when applicable, other relatives, persons with significant attachments to the *child* or *young adult*, the substitute caregiver, and other professionals when appropriate.
- (4) The *case plan* must include the signature of the caseworker and each *parent* or legal guardian, unless subsections (6)(a) or (6)(b) of this rule apply.
- (5) Approval and distribution of the *case plan*.
- (a) The Child Welfare supervisor must approve and sign the *case plan*.
 - (b) The caseworker must give a copy of the *case plan* to the parents or legal guardians of the *child* or *young adult*, and the Indian child's tribe when applicable, as soon as possible but no later than seven working days after the *case plan* is approved by the supervisor, except when doing so would provide information that places another person at risk.
- (6) Exceptions and exemptions to the required *case plan*.
- (a) A court may authorize an exception to the involvement of the parents or legal guardians when it determines that reasonable efforts to return the *child* home are not required, as described in Child Welfare Policy I-E.3.6, "Achieving Permanency" OAR 413-070-0515.
 - (b) When the Department has custody of a *child* or *young adult* in *substitute care* and is unable to obtain the signature of a *parent* or legal guardian, the caseworker must prepare and send a letter of expectations and a copy of the *case plan* to the *parent* or legal guardian within seven working days after the supervisor has approved and signed the *case plan*. A letter of expectations means an individualized written statement for the family of the *child* or *young adult* that identifies family behaviors, conditions, or circumstances that resulted in an unsafe *child*; the expected outcomes; and what the Department expects each *parent* or legal guardian will do to achieve safety, permanency, and well-being of the *child* or *young adult* in the parental home.
 - (c) A *case plan* as described in sections (1) to (5) of this rule is not required if a family, *child*, or *young adult* is eligible for Family Support Services as described in Child Welfare Policy I-B.2.3.1, "Family Support Services" OAR 413-030-0000 to 413-030-0030.

- (7) Timeline for *case plan* development. The caseworker must develop the *case plan* within 60 days of a child's removal from home or within 60 days of the completion of the CPS assessment, in cases where the *child* remains in the home of a *parent* or legal guardian.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-040-0011

Requirements of Action Agreements

- (1) The Department develops a time-limited *action agreement* in conjunction with the *case plan*. If sufficient resources are available, the *action agreement* must use culturally appropriate services and service providers whose interventions are focused on the achievement by the parents or legal guardians of the expected outcomes identified in the *case plan*.
- (2) The caseworker must ensure the *action agreement* includes all of the following:
- (a) A minimum of one of the expected outcomes in the *case plan*.
 - (b) The specific activities or services required to achieve the *expected outcome*.
 - (c) Participants and the responsibilities of each participant.
 - (d) Anticipated start and completion dates.
 - (e) If appropriate, identification of an order of the court that relates to the *expected outcome* or specified activities or services.
 - (f) The method of measuring progress.
 - (g) A timeline for review.
- (3) A caseworker may develop sequential action agreements with a *parent* or legal guardian, and each *action agreement* must include the information required in section (2) of this rule.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-040-0013

Requirements for Monitoring the Case Plan

- (1) The caseworker must --
- (a) Make reasonable efforts to:
 - (A) Reduce the stay of a *child* or *young adult* in *substitute care*; and
 - (B) Reunify the *child* or *young adult* with the parents or legal guardians.
 - (b) Monitor the *case plan*; and
 - (c) Terminate Department intervention services in a timely manner.

- (2) The caseworker is responsible for all of the following actions:
- (a) Contacting and communicating with each *parent* or legal guardian at regular 30-day face-to-face intervals about progress toward achieving the *conditions for return* and the expected outcomes.
 - (b) Contacting and communicating with the *child, young adult*, and, when applicable, the individual providing *substitute care*, at regular 30-day face-to-face intervals to monitor the safety of the *child* or *young adult*.
 - (c) Monitoring the services provided through the *case plan* through contact with each service provider a minimum of once every 90 days.
 - (d) Monitoring the *ongoing safety plan*.
 - (e) Monitoring action agreements.
 - (f) Monitoring the visitation and contact plan when a *child* or *young adult* is in *substitute care*.
 - (g) Monitoring the *parent* or legal guardian's progress toward meeting the *conditions for return* when a *child* or *young adult* is in *substitute care*.
 - (h) Monitoring the *parent* or legal guardian's progress toward meeting the expected outcomes of the *case plan*.
 - (i) Ensuring completion of the actions and activities that are the responsibility of the Department.
 - (j) Reviewing the progress the *parent* or legal guardian has made in reducing or eliminating identified safety threats and enhancing parental *protective capacity* during each 30-day review of the *ongoing safety plan*.
 - (k) Arranging for supervision or other services to address the *child* or young adult's strengths and needs identified through the most recent *CANS screening* as required by Child Welfare Policy I-B.1.6, "Enhanced Supervision" OAR 413-020-0200 to 413-020-0255.
 - (l) Responding immediately to issues that may impact the safety of the *child* or *young adult* which become known to the caseworker.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-040-0016

Requirements for Review of the Case Plan

- (1) The *case plan* is reviewed a minimum of every 90 days. This review must take place in a face-to-face meeting with the parents or legal guardians, unless excluded under section (3) of this rule. The meeting may include the *child*, *young adult*, service providers, safety plan participants, substitute caregivers, attorneys, a *child* or young adult's CASA, persons with significant attachments to the *child* or *young adult*, and family members.
- (2) During the *case plan* review, the caseworker assesses and determines the progress that has been made in achieving the expected outcomes of the *case plan*, and, when the *child* or *young adult* is in *substitute care*, the progress toward meeting the conditions of return.
- (3) Exceptions to the face-to-face *case plan* review. If a *parent* or legal guardian is not available for the review, the caseworker must document the reason the *parent* or legal guardian was unavailable and the efforts that were made to involve the *parent* or legal guardian in the review.
- (4) During a *case plan* review, the caseworker must consider input received from the *child* or *young adult*, the service providers, safety plan participants, substitute caregivers, attorneys, a *child* or young adult's CASA, persons with significant attachments to the *child* or *young adult*, and family members.
- (5) Subsequent to the face-to-face meeting, the caseworker documents all of the following in the Department's information system:
 - (a) The services provided and the progress of the parents or legal guardians in achieving expected outcomes or, when a *child* is in *substitute care*, meeting the conditions for return.
 - (b) Observations of improved *parent* or legal guardian *protective capacity* based on specific behaviors, conditions, or circumstances that have measurably changed.
 - (c) Input received from service providers, substitute caregivers, attorneys, the *child* or young adult's CASA, persons with significant attachments to the *child* or *young adult*, and family members.
 - (d) The reduction or elimination of the identified safety threats.
 - (e) The actions the Department has taken to develop and implement the *concurrent permanent plan* for the *child* or *young adult* in *substitute care* if a *parent* or legal guardian has not demonstrated progress in achieving the *conditions for return* in a timely manner including:
 - (A) A review of the *child* or young adult's education, health, and mental health services to ensure the needs of the *child* or *young adult* are being met;
 - (B) A review of other services provided to address the identified needs of the *child* or *young adult*, including those identified through the *CANS screening*;

- (C) An assessment of the need of the *child* or *young adult* for a safe and permanent home; and
 - (D) An assessment of the capacity of the substitute caregiver to meet the identified needs of the *child* or *young adult* as described in OAR 413-070-0640.
- (6) Within 30 days of receiving an *expert evaluation* requested by the Department, the caseworker must consider revising the *case plan* to include recommendations that will improve *parent* or legal guardian *protective capacity* related to the identified safety threats. If the recommendations are not included in the *case plan*, the rationale must be documented in the Department's information system.
- (7) The Child Welfare supervisor must review the caseworker's documentation of the *case plan* review, and document completion of the review in the Department's information system every 90 days. The supervisor must review, approve, and sign the six-month *case plan* review submitted for required administrative review.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-040-0017

Requirements for Return and Reunification

- (1) The caseworker recommends returning the *child* or *young adult* to a *parent* or legal guardian after the caseworker has reviewed the safety threats identified in the CPS assessment that required an out-of-home *ongoing safety plan* and verified that:
- (a) The *conditions for return* in the *case plan* have been met;
 - (b) The identified safety threats can be managed with an *ongoing safety plan*;
 - (c) The parents or legal guardians are willing and able to accept responsibility for the care of the *child* or *young adult* with an *ongoing safety plan*;
 - (d) The parents or legal guardians are willing and able to continue participating in *case plan* services;
 - (e) Service providers who are currently working with the *child*, *young adult*, parents or legal guardians, and other involved persons including the *child* or young adult's CASA and attorneys have been informed, in writing, of the plan to return the *child* or *young adult* with an in-home *ongoing safety plan*; and
 - (f) No safety concerns for the *child* or *young adult* are raised in the caseworker's review of the criminal history records and child welfare protective service records of all persons currently residing in a *parent* or legal guardian's home.
- (2) When the *child* or *young adult* is returning to a *parent* living in a residential treatment facility, an alcohol and drug free housing program, or a residential domestic violence program, the Department does not review the criminal history records and child welfare protective service records of persons living in the state funded facilities and programs.

- (3) If the caseworker cannot confirm that identified safety threats can be managed if the *child* or *young adult* is returned to a *parent* or legal guardian with an in-home *ongoing safety plan*, the *child* or *young adult* must remain in *substitute care*.
- (4) The caseworker's supervisor must review and concur that *conditions for return* have been met, and that any disagreement with the plan to return the *child* or *young adult* has been reviewed and considered in the development of the in-home *ongoing safety plan* prior to the caseworker recommending to the court that a *child* or *young adult* be returned to a *parent* or legal guardian.
- (5) The in-home *ongoing safety plan* must specifically document the planned caseworker and safety service provider contacts with the *child* or *young adult* and the *parent* or legal guardian, when the *child* or *young adult* is returned to the *parent* or legal guardian.
- (6) The caseworker must revise, as necessary, and confirm the sufficiency of an in-home *ongoing safety plan* that will manage safety threats as they are uniquely occurring within a particular family prior to the *child* or young adult's physical return.
Stat. Auth.: ORS 418.005
Stats. Implemented: ORS 418.005

413-040-0024

Requirements for an In-home Ongoing Safety Plan Prior to Return and Next Day Contact

- (1) When the caseworker determines the *conditions for return* have been achieved and identified safety threats can be managed when a *child* or *young adult* is returned to a *parent* or legal guardian (see OAR 413-040-0017), the caseworker must develop an in-home *ongoing safety plan* as described in OAR 413-015-0450. The caseworker's supervisor must:
 - (a) Approve the proposed in-home *ongoing safety plan* during the five working days prior to the return of a *child* or *young adult* to the home of a *parent* or legal guardian of the *child* or *young adult*, and
 - (b) Document the approval in the Department's information system.
- (2) After a proposed in-home *ongoing safety plan* returning a *child* or *young adult* to the *parent* or legal guardian's home is approved by the caseworker's supervisor, the caseworker must complete all of the following activities:
 - (a) Visit the *child* or *young adult*, outside the presence of a *parent* or legal guardian, at least once during the five days prior to the return of the *child* or *young adult* to the home to confirm the readiness of and prepare the *child* or *young adult* for the return home.
 - (b) Visit the *parent* or legal guardian in the home of the *parent* or legal guardian, at least once during the five days prior to the return of the *child* or *young adult* to the home, to verify:
 - (A) The behaviors, conditions, and circumstances in the home are safe for the return of the *child* or *young adult*;
 - (B) Confirmation of all persons living in the household;

- (C) The *parent* or legal guardian is ready for the return of the *child* or *young adult*,
 - (D) The *parent* or legal guardian is willing and able to participate in the *ongoing safety plan*; and
 - (E) The *parent* or legal guardian is willing and able to continue in *case plan* services.
- (c) If necessary, revise the proposed in-home *ongoing safety plan* to ensure that it is able to manage safety threats as they are uniquely occurring within the family prior to the *child* or young adult's physical return.
 - (d) Confirm the in-home *ongoing safety plan* with the *parent* or legal guardian, and obtain the signature of the *parent* or legal guardian.
 - (e) Document the revised in-home *ongoing safety plan* in the Department's information system.
- (3) After a proposed in-home *ongoing safety plan* returning a *child* or *young adult* to the *parent* or legal guardian's residential treatment facility, an alcohol and drug free housing program, or residential domestic violence program is approved by the caseworker's supervisor, the caseworker must complete all of the following activities:
- (a) Visit the *child* or *young adult*, outside the presence of a *parent* or legal guardian, at least once during the five days prior to the return of the *child* or *young adult* to the home to confirm the readiness of and prepare the *child* or *young adult* for the return.
 - (b) Contact the *parent* or legal guardian at least once during the five days prior to the return of the *child* or *young adult* to the home, to verify:
 - (A) The *parent* or legal guardian is ready for the return of the *child* or *young adult*,
 - (B) The *parent* or legal guardian is willing and able to participate in the *ongoing safety plan*;
 - (C) The *parent* or legal guardian is willing and able to continue to participate in *case plan* services.
 - (c) Verify that the residential treatment facility, an alcohol and drug free housing program, or residential domestic violence program is a safe environment for the *child* or *young adult*.
 - (d) If necessary, revise the proposed in-home *ongoing safety plan* to ensure that it is able to manage the safety threats as they are uniquely occurring prior to the *child* or young adult's physical return.
 - (e) Confirm the in-home *ongoing safety plan* with the *parent* or legal guardian and obtain the signature of the *parent* or legal guardian.

- (f) Document the revised *ongoing safety plan* in the Department's information system.
- (4) In the event a court orders the return of a *child* or *young adult* to a *parent* or legal guardian of the *child* or *young adult* before an in-home *ongoing safety plan* can be developed and approved (in accordance with the criteria in OAR 413-015-0450 and this rule):
- (a) The caseworker must complete the activities described in this rule as soon as practicable, but not later than seven working days following the court order; and
 - (b) If the caseworker disagrees with the order of the court, the caseworker must immediately consult with his or her supervisor.
- (5) The caseworker must visit the *child* or *young adult* in the residence of the *parent* or legal guardian the day following the return home of the *child* or *young adult*. The caseworker must:
- (a) Monitor the safety of the *child* or *young adult* by completing the activities required by OAR 413-080-0055(2);
 - (b) Follow the requirements of OAR 413-080-0055(4)-(6), as appropriate; and
 - (c) Document observations and the conditions of the residence in the Department's information system within seven business days of the visit.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-040-0032

Requirements for Closing the In-Home Ongoing Safety Plan and Closing the Case

- (1) When a *child* or *young adult* is in the home of the *parent* or legal guardian and the *parent* or legal guardian can sustain the safety of the *child* or *young adult*, the caseworker must assess when the in-home *ongoing safety plan* should close.
- (2) When assessing whether the in-home *ongoing safety plan* can be closed, the caseworker must determine whether:
 - (a) The *parent* or legal guardian has demonstrated capacity to sustain the safety of the *child* or *young adult* based upon:
 - (A) Observations of the *child* or *young adult* and the *parent* or legal guardian in the home;
 - (B) Expert evaluations and reports from service providers;
 - (C) Reports from participants in the in-home *ongoing safety plan*;
 - (D) The extent to which the achievement of expected outcomes supports the ability of the *parent* or legal guardian to sustain the safety of the *child* or *young adult*; and

- (E) Consultation with other individuals participating with the *parent* or legal guardian to sustain the safety of the *child* or *young adult*.
- (b) The *child* or *young adult* is safe in the home based upon:
- (A) The elimination of the identified safety threats or the *protective capacity* of the *parent* or legal guardian is sufficient to manage identified safety threats;
- (B) The willingness and ability of the *parent* or legal guardian to protect the *child* or *young adult*; and
- (C) Caseworker confidence in the ability of the *parent* or legal guardian to sustain the safety of the *child* or *young adult* over time.
- (3) The caseworker must document the determination that the in-home *ongoing safety plan* can be closed and the facts supporting the ability of the *parent* or legal guardian to provide safety for the *child* or *young adult* and to sustain the safety of the *child* or *young adult*.
- (4) The caseworker's supervisor must review the caseworker's documentation to ensure the criteria in section (2) of this rule are met, and concur that the in-home *ongoing safety plan* can be closed prior to approving the closure of the safety plan.
- (5) The caseworker closes the in-home *ongoing safety plan* and the case when the court dismisses the commitment of the *child* or *young adult* to the Department or the court's wardship over the *child* terminates.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600

History:

- [01/02/96](#)
- [12/01/96](#)
- [06/28/97](#)
- [07/27/98](#)
- [01/31/00 thru 07/28/00](#)
- [08/08/00](#)
- [10/01/03](#)
- [03/20/07](#)
- [08/01/08](#)
- [07/01/09 thru 12/28/09](#)
- [01/15/13](#)