

	<b>Department of Human Services</b> <b>CHILDREN, ADULTS &amp; FAMILIES</b>	<b>NUMBER:</b> I-B.3.1 <b>OAR:</b> 413-040-0000 thru 0032
	<b>CLIENT SERVICES INDEX</b>	<b>SECTION:</b> B. Case Management
	<b>ISSUED BY:</b> Office of Safety and Permanency for Children  <b>FINAL:</b> 3-20-07	<b>SUBSECTION:</b> 3. Service Planning
<b>SUBJECT:</b> 1. Developing and Managing the Case Plan – OAR		

## REFERENCES

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 Placement Expectations  
I-E.3.6 Achieving Permanency  
I-I.2 Narrative Recording  
I-E.1.1 Working with Relatives Toward Placement of Children

## FORMS

Child Welfare Practices for Cases with Domestic Violence (PAM 9200)  
Family Decision Meeting Guide (PAM 9411)  
Child Welfare Case Plan (CF 0333a, b, and c)  
ORS 417.365-375  
ORS 419B.343  
Public Law 105-89, Adoption and Safe Families Act  
PL 95-608, Indian Child Welfare Act of 1978

## 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 in which the parent or legal guardian will participate to achieve an expected outcome.
- (2) "Child" means a person under 18 years of age.
- (3) "Case plan" means a goal oriented, time limited individualized plan for the child and the child's family, developed by the Department and the parents or legal guardians, that identifies the family behaviors, conditions, or circumstances, safety threats to the child, and the expected outcomes that will improve the protective capacity of the parents or legal guardians. 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.
- (4) "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.
- (5) "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.
- (6) "Department" means the Department of Human Services, Child Welfare.
- (7) "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.

- (8) "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.
- (9) "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 a child 12 years of age or older and a child younger than 12 years of age, when appropriate. 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.
- (10) "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.
- (11) "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.
- (12) "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.

- (13) "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.
- (14) "Reunification" means placement with a parent or legal guardian.
- (15) "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.
- (16) "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;
  - (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 that will 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 verify their continued commitment. Determine whether the ongoing safety plan assures the safety of the child.
  - (C) Document the review of the ongoing safety plan in FACIS.
- (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 in FACIS the findings of the protective capacity assessment, the information obtained by conducting the activities required in paragraphs (A) to (D) of this subsection.
- (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 a child 12 years of age or older, a child younger than 12 years of age when appropriate, 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. A family member who is violent, unpredictable, abusive, or who is an alleged perpetrator of sexual abuse, domestic violence, or severe physical assault are examples of who may be excluded from the OFDM. 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) The family plan developed at the OFDM is a written document 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.
- (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 the home of 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 to develop an ongoing safety plan that assures a child's safety, as described in OAR 413-015-0450(2)(b)(A)(i) – (iii), in the home of a parent or legal guardian; and
  - (b) The actions, services, and time requirements of all participants in the ongoing safety plan in the home of a parent or legal guardian.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **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 identifying information of 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 FACIS.
- (d) The findings of the protective capacity assessment.
- (e) Expected outcomes and actions that each parent or legal guardian will take to achieve them.
- (f) Treatment services (if applicable) to the child or young adult that include:
  - (A) The identified needs and services provided to any child or young adult placed in substitute care, and the reasons the substitute care placement is the least restrictive placement to meet the child's identified needs;
  - (B) Routine and specialized medical and mental health services;
  - (C) Education services, including the school or educational placement of the child or young adult and any special educational needs;
  - (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; and
  - (C) 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 visitation and contact plan.
  - (C) The permanency plan.
  - (D) The conditions for return.
  - (E) The concurrent permanent plan, which is the alternate permanent plan when the child or young adult is in substitute care.
- (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 FACIS.
  - (c) Sibling placement, 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, 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 the Department is unable to obtain the signature of the parent or legal guardian as described in subsection (6)(a) or (6)(b) of this rule.
- (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, or active efforts in an ICWA case, 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 of improved parental capacity; 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.

- (a) 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.
- (b) The supervisor may authorize an extension of the time for developing the case plan when --
  - (A) The court has not yet conducted the disposition hearing and the Department intends to include any court-ordered activities or services in the case plan; or
  - (B) Information essential to the development of the case plan is not yet available due to circumstances beyond the control of the Department.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

#### **413-040-0011**

##### **Requirements of Action Agreements**

- (1) The Department develops time-limited Action Agreements 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) One of the expected outcomes in the case plan.
  - (b) The specific activities or services required to achieve the expected outcome.
  - (c) Participants and responsibilities.
  - (d) Anticipated start and completion dates.
  - (e) Identification of an order of the court that relates to the expected outcome or specified activities or services.
  - (f) Method of measuring progress.
  - (g) 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 monitor the case plan, make reasonable efforts to reduce the stay of a child or young adult in substitute care to reunify with the parents or legal guardians, and terminate Department intervention services in a timely manner.
- (2) The caseworker is responsible for all of the following actions:
- (a) Regular 30-day, face-to-face contact and communication with each parent or legal guardian about progress toward achieving the expected outcomes related to enhanced protective capacity.
  - (b) Regular 30-day, face-to-face contact with the child, young adult, and, when applicable, the individual providing substitute care, 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) Timely review of the progress the parent or legal guardian has made in reducing or eliminating identified safety threats and enhancing parental protective capacity.
- (k) Timely response 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's CASA, persons with significant attachments to the child, 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 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's CASA, persons with significant attachments to the child, and family members.
- (5) Subsequent to the face-to-face meeting, the caseworker documents all of the following in FACIS:
  - (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 of 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's CASA, persons with significant attachments to the child, 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;
  - (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 Child Welfare Policy I-E.3.1 "Placement Matching", 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 FACIS.
- (7) The Child Welfare supervisor must review the caseworker's documentation of the case plan review, and document completion of the review in FACIS 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 the home of 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 have been reduced or eliminated, or protective capacities are sufficiently enhanced, to assure the safety of the child or young adult in the home of the parent or legal guardian with an ongoing safety plan to manage the identified safety threats as they are uniquely occurring within a particular family;
  - (c) The parents or legal guardians are willing and able to accept an ongoing safety plan with the child or young adult in the home;
  - (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'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 the home.
- (2) If the caseworker cannot confirm that identified safety threats can be managed if the child or young adult is returned to the home of a parent or legal guardian with an in-home ongoing safety plan, the child or young adult must remain in substitute care.
  - (3) 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 home 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 the home of a parent or legal guardian.
  - (4) 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 home of the parent or legal guardian.
  - (5) 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's physical return home.

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 the home of 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 must
  - (b) Document the approval in FACIS.
- (2) After a proposed in-home ongoing safety plan 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 by 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 by 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) Confirm the in-home ongoing safety plan with the parent or legal guardian, and obtain the signature of the parent or legal guardian.
  - (d) Document the revised ongoing safety plan in FACIS.
- (3) In the event a court orders the return of a child or young adult to the home of 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.
- (4) The caseworker must visit the child or young adult in the home of the parent or legal guardian the day following the return home of the child or young adult. The caseworker must:
- (a) Confirm the safety of the child or young adult;
  - (b) Review the in-home ongoing safety plan; and
  - (c) Document observations and the conditions of the home in FACIS within seven working 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 to close the in-home ongoing safety plan, 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 to close the in-home ongoing safety plan 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 with the documented reasons for closing the in-home ongoing safety plan prior to approving the closure of the safety plan.
- (5) The caseworker petitions the court to dismiss wardship. When wardship is returned to a parent or legal guardian, the case is closed.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005