

Safety Service Providers
This is a new set of rules.

413-000-0001

Purpose

The purpose of these rules is to describe the Department responsibility for the assessment of an individual as a safety service provider when intervention is required to manage child safety.

413-000-0002

Definitions (*intentionally incomplete*)

Child

Criminal offender information

Department

Safety service provider

Safety threat

LEDS

413-000-0003

Assessment of an individual's involvement in safety management

- (1) When there is an identified safety threat and intervention is required to manage child safety, the Department must take the following actions to assess an individual as safety service provider:
 - (a) Contact the individual to assess their interest in serving as a safety service provider;
 - (b) Inform the individual of Department responsibilities to manage child safety and ensure appropriateness of a safety service provider through a review of child abuse and neglect and criminal offender information;
 - (c) Provide the individual with sufficient information to make an informed decision on their willingness to be assessed as a safety service provider;
 - (d) Obtain consent to review Department child welfare databases to review the individual's records of previous child abuse and neglect and conduct a review of child abuse and neglect records any state the individual has lived within the past five years; and
 - (e) Obtain consent to review the individual's criminal offender information through Oregon LEDS and request consent to conduct fingerprint based criminal offender information when the individual has lived outside of Oregon within the past five years.

- (2) The Department must assess the ability of the individual to provide safety services. During the assessment of the individual as a safety service provider, the Department must review whether the individual has any reported child abuse or neglect history and, if there is a history, must determine whether the individual's history would prohibit their ability to:
- (a) Assist in managing safety of the child;
 - (b) Cooperate with any restrictions on the child's contact with others; or
 - (c) Prevent influencing the child on the allegations in the case.
- (3) In addition to the assessment requirements described in section (2), during the review of criminal offender records through Oregon LEADS, when the individual has a criminal history the Department must consider:
- (a) The nature and severity of the crime;
 - (b) The number of criminal offenses;
 - (c) The relevancy of the crime or any false statement, if any, to the individual's ability to be a safety service provider;
 - (d) Intervening circumstances relevant to the responsibilities of a safety service provider, including, but not limited to:
 - (A) The passage of time since the commission of the crime;
 - (B) The age of the individual at the time of the crime;
 - (C) The likelihood of repetition of offenses or commission of another crime;
 - (D) The subsequent commission of another crime;
 - (E) Whether the conviction was set aside and any legal effect of setting aside the convictions; and
 - (F) A recommendation of an employer.
- (4) The Department may not use an individual as a safety service provider when the individual refuses to a review of his or her record of child abuse and neglect or criminal offender information.

- (5) When a child welfare supervisor determines the individual is unfit as a safety service provider on the basis of the individual's criminal offender information or a false statement related to criminal offender information, the Department must provide, through certified mail, written notification of the determination and that the individual has the right to inspect and challenge his or her Oregon criminal offender information through OSP procedures as adopted per ORS 181.555(3) and OAR 257-010-0035 which give the individual the right to a contested case hearing.
- (7) If an individual prevails in a contested case hearing challenging his or her Oregon criminal offender information, the individual may contact the Department and request reconsideration as a safety service provider.

413-000-0004

Contracted service provider's involvement in safety management

- (1) The Department assesses the ability of contracted service providers prior to entering into any contract agreement with another agency.

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