

Senate Bill 1515: What can a CCA expect after a report is made?

Summary and Background

Effective July 1, 2016, Senate Bill 1515 increased Department of Human Services (DHS) oversight of child-caring agencies (CCAs). The goal is to keep children safe and well cared for.

The purpose of this document is to inform CCAs on what to expect when DHS follows up on a report of a concern involving a CCA. It is recognized that if you are licensed or contracted with agencies in addition to DHS, those entities have their own process to follow up on concerns. A concern may include a report of child abuse, a report of a licensing violation or a report of a behavior rehabilitation services (BRS) rule or contract violation. Depending on the type of concern, an Office of Adult Abuse Protection and Investigation (OAAPI) investigator, child protective services (CPS) worker, licensing coordinator, Well Being compliance specialist, and/or the assigned caseworker will follow up. It is important to understand that while each of these programs/roles are under DHS, each has unique responsibilities and as such a singular event may necessitate multiple programs completing unique investigations each with their own separate outcome.

OAAPI, which is under DHS, is responsible for investigating child abuse involving CCAs (except homeless and runaway transitional living shelters, adoption agencies and academic boarding schools) and a child receiving services. OAAPI has the authority to determine who is responsible for child abuse.

CPS, which is under DHS, Child Welfare, Child Safety Program, is responsible for investigating child abuse involving proctor foster parent's own children, child on child sexual abuse and all child abuse involving homeless and runaway transitional living shelters, adoption agencies and academic boarding schools. CPS has the authority to determine who is responsible for child abuse and to take children into protective custody.

Children's Care Licensing Unit, which is under the DHS Office of Licensing and Regulatory Oversight, is responsible for issuing and overseeing child-caring agency licenses. This includes ensuring compliance with Oregon administrative rule licensing requirements. The licensing unit has the authority to suspend and revoke a license as well as to impose fines and require actions.

Well Being Program, which is under DHS, Child Welfare, is responsible for monitoring compliance with Oregon administrative rule BRS requirements and contracts. The Well Being program has the authority to require a CCA to make changes to ensure contract compliance and to recommend best practice changes for children's care and treatment.

Following the passage of SB1515 there are some changes to how DHS follows up on concerns involving a CCA so some information may be new or different than what you are used to.

Notification when a concern is reported

When a report of a concern involving a CCA is received by DHS the following notifications occur:

- State agencies contracted with the CCA are notified by email. Typically this includes licensing, Well Being, Oregon Health Authority (OHA), Oregon Youth Authority (OYA) and the assigned DHS caseworker and supervisor.
- The CCA executive director is notified by email with an attached letter. The information shared includes whether additional follow up by DHS will occur and, if so, who is assigned to follow up and who else was notified.
- The child's parent or guardian, CASA, child's attorney and any attorney for the parent are also notified if it is determined that an investigation of child abuse will be assigned to OAAPI or CPS.
- Law enforcement is notified if it is a report of child abuse.

Expectations when licensing is assigned to follow up

You can expect to be contacted by a licensing coordinator if the notification received indicates follow up by licensing will occur. The response may range from a phone call or email to a site visit, interviews or a document request. Any outcome resulting from follow up on a reported licensing violation will be communicated to the CCA by the assigned licensing coordinator.

Expectations when Well Being is assigned to follow up

You can expect to be contacted by a compliance specialist. The response may range from a phone call or email to a site visit, interviews or a document request. Any outcome resulting from follow up on a reported BRS contract violation will be communicated to the CCA by the assigned compliance specialist.

Expectations when more than one DHS entity is following up

When OAAPI and CPS are both responding efforts will be made to coordinate interviews and collaborate the response where possible. While communication between OAAPI, CPS, licensing and Well Being is required, because the roles are very different (investigation of child abuse as opposed to compliance with licensing rules or compliance with BRS rules/contracts) it should be expected that there will be some overlap in efforts. Expect that the executive director may need to talk to multiple people from DHS to adequately address child safety, licensing and well-being needs.

In regard to outcomes, the different programs may reach different conclusions. For example, there may be an unsubstantiated determination from OAAPI, in a situation of alleged neglect, but the same information results in a substantiation from CPS for a child sexually abusing another child. Similarly, an unsubstantiated determination from OAAPI or CPS may still result in a status change to a license from licensing or vice versa. Remember not every report requires a response from each program and there may be a response from government entities other than DHS, such as OYA or OHA.

Expectations during an investigation of child abuse

Whether OAAPI or CPS responds, the assigned investigator/CPS worker will gather information by observing the environment, requesting relevant documents and conducting interviews with the accused person/alleged perpetrator, the alleged victim, and other individuals who may have information relevant to the report. In some cases, a medical assessment of the child may be needed. In all cases, the parent or guardian of any child interviewed will be contacted.

The owner, manager, operator or appropriate authority responsible for the CCA will be contacted at the beginning of the investigation to arrange for access to the facility, plan interviews that will take place at the facility and gain access to names of children, employees or others who may have information relevant to the report. After information is gathered the investigator/CPS worker must determine if there is reasonable cause to believe child abuse or neglect occurred.

Time lines for completing a child abuse investigation

The OAAPI has 30 business days to complete the investigation and CPS has 30 calendar days (45 days in counties where differential response is implemented). Both OAAPI and CPS are permitted extensions when certain criteria are met. OAAPI is required to notify the CCA of an approved extension and the new due date for the report's completion.

Possible outcomes of a child abuse investigation

There are three possible outcomes for each allegation of child abuse. They are as follows:

- "Substantiated" which means there is reasonable cause to believe that abuse of a child in care occurred.
- "Inconclusive" which means there is some indication that the abuse of a child in care occurred, but there is insufficient evidence to conclude that there is reasonable cause to believe that the abuse occurred.
- "Unsubstantiated" which means there is no evidence that the abuse of a child in care occurred.


Notification of the outcome of a child abuse investigation

At the conclusion of a child abuse investigation any individual or entity notified of the initial report will be notified of the outcome by DHS. If any allegation is substantiated on the CCA or the proctor foster home the following additional notifications will occur:

- Any government agency or unit that has a contract with the CCA to provide care or services.
- Parent of each child not in the custody of the State who resides in or receives services from the CCA when the CCA is identified as responsible for the abuse.
- Assigned caseworker for each child in the CCA
- DHS Director
- DHS, Child Welfare Director

When a child abuse report is substantiated

After the investigation is complete, a licensing coordinator will contact the CCA and discuss next steps. There are many possible next steps depending on what information was gathered



during the investigation. Those steps range from no further action, to additional training requirements, a plan to achieve full compliance, or a change in the status of the license. Separate from DHS actions, the CCA is responsible for taking actions necessary to ensure the safety and well-being of the children residing in or receiving services from the CCA. Such action may include personnel decisions and at a minimum must include initiating a new BCU check and fitness determination for any identified perpetrator who remains employed by the CCA at the time of substantiation.

Appealing the results of the investigation

If the accused person/alleged perpetrator receives a finding of “substantiated” they will be sent a notice of the outcome which includes information on how to request a review of the finding.

Placing a CCA employee on leave or terminating their employment

Can DHS place a CCA employee on leave or terminate their employment? No. Only the CCA can place an employee on leave or terminate their employment. However, depending on the circumstances a safety plan may be developed and may include a CCA employee not having contact with a specific child or all children being served by the CCA. It may also include a limitation being placed on specific duties an employee can perform. If the CCA is not willing to take the steps necessary to ensure the safety of the child or children, including, restricting contact with an employee when necessary DHS can take steps to remove the child or children from the CCA.

Licensing does have the authority to impose a written condition on the CCA’s license that prohibits contact between an employee who is the accused person/alleged perpetrator and children.