

# Policy Transmittal Developmental Disabilities Services



draft

**Authorized signature**

**Number:**  
**Issue date:**

**Topic:** Developmental Disabilities

**Due date:** Effective March 1, 2021.

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other:

**Applies to (check all that apply):**

- |  |   |
|--|---|
| <input type="checkbox"/> All DHS employees                               | <input type="checkbox"/> County Mental Health Directors   |
| <input type="checkbox"/> Area Agencies on Aging: {Select type}           | <input type="checkbox"/> Health Services  |
| <input type="checkbox"/> Aging and People with Disabilities              | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS)  |
| <input type="checkbox"/> Self Sufficiency Programs                       | <input checked="" type="checkbox"/> ODDS Children's Intensive In Home Services  |
| <input checked="" type="checkbox"/> County DD program managers           | <input type="checkbox"/> Stabilization and Crisis Unit (SACU)   |
| <input checked="" type="checkbox"/> Support Service Brokerage Directors  | <input checked="" type="checkbox"/> Other (please specify): OCWP CPS Hotline staff; OTIS child-in-care abuse investigations unit. |
| <input checked="" type="checkbox"/> ODDS Children's Residential Services |   |
| <input type="checkbox"/> Child Welfare Programs                          |   |

<b>Policy/rule title:</b>	OTIS Child-In Care Abuse Investigation Rules-Add DD Child Foster Homes and notify of planned renumbering of OTIS Child-in-Care rules to new a Division 46.		
<b>Policy/rule number(s):</b>	407-045-0800 to 407-045-0955	<b>Release number:</b>	
<b>Effective date:</b>	March 1, 2021 & June 30, 2021	<b>Expiration date:</b>	n/a
<b>References:</b>	1) DHS 2-2021, Permanent Administrative Order, effective 3-1-2021, and 2) Pending rulemaking of renumber of these rules to new division 46.		
<b>Web address:</b>	<a href="https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVr snRsn=276879">https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVr snRsn=276879</a>		

**Discussion/interpretation:**

The Department of Human Services (ODHS) Office of Child Welfare Program (OCWP) receives reports of child abuse and screens them to determine the response required under ORS chapters 418 and 419B. Following notice of rulemaking, the child abuse investigations of child foster homes regulated by ODDS (CFH-DD) have been transferred from OCWP CPS responsibility to the Office of Training, Investigations and Safety (OTIS) as of March 1, 2021, see [DHS 2-2021, amend filed 02/26/2021, effective 03/01/2021](#).

CFH-DD were added to the child-in care abuse laws in 2017, when the term “Developmental disabilities residential facility” was enrolled to ORS 418.257 but CPS maintained investigative responsibility, while OTIS continued doing investigations in 24-hour residential care programs for children with I/DD.

This change aligns with OTIS specializing in conducting child abuse investigations that involve paid staff, teachers, and other professional caregivers while Child Welfare specializes in abuse within families.

In addition to the permanent rulemaking completed as of March 1, 2021, OTIS is planning on re-numbering these rules from the current Division 45 location to a new Division 46 on June 30, 2021. By renumbering, OTIS will have all abuse investigations involving adults, child-in-care and child abuse in separate divisions 45 to 47, respectively.

**Implementation/transition instructions:**

The mandatory abuse reporting requirements of ODDS regulated child foster home providers does not change with all calls to be made to the Oregon Child Abuse Hotline at 1-855-503-SAFE (7233).

Case management entities for children with I/DD in a certified child foster home by ODDS may notice a change in the notifications being received by OTIS instead of CPS, as described in the OTIS abuse investigation rules. This change in notifications does not change the already required actions of case management entities when notified of alleged or founded abuse of a client.

**Training/communication plan:**

ODHS OTIS held a rules advisory committee in Dec 2020 for drafting the rule changes, notified interested parties of the proposed rulemaking on 01/04/2021, held a public hearing and took comments on the proposed rule change prior to March 1, 2021. Persons interested in receiving emailed notifications when OTIS files notices of rulemaking may subscribe by following the instructions located on the website located here: <https://www.oregon.gov/dhs/POLICIES/Pages/ss-admin-rules.aspx>.

**Local/branch action required:**

ODDS informed CFH-DD certifiers of this pending policy change in February 2021,

noting these Key Details:

- OTIS will notify the certifier and ODDS Licensing of an initial screening report.
- The OTIS investigator may contact the certifier to get some insight into the home and to ask questions.
- OTIS will notify the CFH-DD certifiers and ODDS Licensing once the investigation is complete and the outcome has been determined.
- Please keep the information whether it is the screening report or the outcome of the investigations as confidential information.

Child foster home certifiers for ODDS certified providers should review and update any related publications following the notice of renumbering being made effective as of July 1, 2021.

**Central office action required:**

OTIS and Office of Child Welfare CPS Hotline staff regularly communicate for all mandatory report of alleged child abuse received and under the authority of OTIS investigation rules in chapter 407, division 45 to 47.

**Field/stakeholder review:**     Yes     No

**If yes, reviewed by:**    pending

**Filing instructions:**

This transmittal will be discussed the second Wednesday of every month at 2 pm using the TEAMS platform. The link to participate is: Join Microsoft Teams Meeting , or you may call 971-277-2343 using conference ID: 403 980 561# to hear only the audio portion of the meeting.

Please send questions in advance to ODDS.INFO@state.or.us

*If you have any questions about this policy, contact:*

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**KEY WORDS:**

**OTIS, child foster home, child-in-care, child abuse**