

Policy Transmittal Developmental Disabilities Services



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Number: APD-PT-18-026

Issue date: 6/19/2018

Topic: Developmental Disabilities

Due date:

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 type="checkbox"/> Office of Developmental Disabilities Services (ODDS) |
| <input type="checkbox"/> Self Sufficiency Programs | <input 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"/> ODDS Children's Residential Services | <input checked="" type="checkbox"/> Other (please specify): DD Licensing, DD Licensors and Certifiers, CDDP Service Coordinators |
| <input type="checkbox"/> Child Welfare Programs | |

Policy/rule title:	Foster Homes for Children with Intellectual or Developmental Disabilities; 24-Hour Residential Programs and Settings for Children and Adults with Intellectual or Developmental Disabilities.		
Policy/rule number(s):	OAD 411-346; OAD 411-325	Release number:	
Effective date:	6/1/18	Expiration date:	
References:			
Web address:			

Discussion/interpretation:

On August 15, 2017, Governor Kate Brown signed Senate Bill 243 into law. Senate Bill (SB) 243 increases the oversight of children and young adults in out-of-home settings, and ensures the continued safety and well-being of children and young adults in these settings, by implementing the following legislative changes:

- Expansion of abuse definition. The definition of abuse in SB 243 (2017) includes new types of abuse that apply to a “child in care.” Children and young adults (under age 21) placed in the following out-of-home settings meet the definition of a “child in care” under SB 243 (2017): ODDS-certified children’s foster homes; ODDS-licensed children’s residential settings; DHS Child Welfare certified foster homes; Child Caring Agencies as defined in ORS 418.205.
- Expansion of abuse reporting requirements. In addition to the mandatory abuse reporting requirements under ORS 419B.005 to 419B.015, providers and their employees, alternate caregivers, and volunteers must immediately report to DHS Child Welfare suspected abuse of a child in care as defined by SB 243 (2017).
- New requirements for certification and licensing standards. Complying with mandatory reporting requirement and expanded abuse reporting requirements is a condition of certification or licensure.
- New requirements for training employees on annual abuse reporting. If a provider has one or more employees, the provider must provide annual training and written materials on abuse reporting requirements to their employee(s).

To ensure full implementation of SB 243, providers, their current employees, alternate caregivers, and volunteers, must complete required computer-based training no later than August 31, 2018.

Implementation/transition instructions:

ODDS-certified children’s foster homes:

- Child Foster Home Certifiers are responsible for distributing the *Senate Bill 243 Fact Sheet and Abuse Training & Reporting Requirements (Fact Sheet)* to the child foster home providers on their caseloads. Electronic distribution is recommended.
- Providers are required to review the Fact Sheet, sign and date page 3, and return the completed page 3 to their Certifier no later than August 31, 2018.
- Providers must submit to their Certifiers proof of successful completion (via a certificate) of the computer-based training no later than August 31, 2018.
- Providers are responsible for ensuring their current employees, alternate caregivers, and volunteers complete the training by August 31, 2018, and must document completion by keeping a copy of the certificate for review by the Certifier.

Children’s ODDS licensed 24-hour residential providers:

- Agencies are responsible for distributing the *Senate Bill 243 Fact Sheet and*

Abuse Training & Reporting Requirements (Fact Sheet) to their employees. Electronic distribution is recommended.

- Agencies are responsible for ensuring current employees and volunteers complete the computer based training no later than August 31, 2018.
- Agencies must maintain documentation of employees' and volunteers' training for licensing renewal.
- Agency Directors are required to review the Fact Sheet, sign and date page 3 documenting that staff training has occurred, and return the completed page 3 to the ODDS Children's Residential Manager no later than August 31, 2018.

Training/communication plan:

DD Licensing Office to review and discuss the policy with Licensors and Certifiers during the next Foster Care Quarterly meeting scheduled July 9, 2018.

Local/branch action required: N/A

Central office action required: N/A

Field/stakeholder review: Yes No

If yes, reviewed by: ODDS Engagement and Innovation webpage

Filing instructions:

If you have any questions about this policy, contact:

Contact(s): Julie Van Nette, Children's Foster Care Coordinator Lynn Matthews, Children's Residential Services Manager	
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Senate Bill 243 Fact Sheet and Abuse Training & Reporting Requirements

ODDS-certified children's foster homes and ODDS-licensed children's residential settings

Overview

On August 15, 2017, Governor Kate Brown signed Senate Bill 243 into law. Senate Bill (SB) 243 increases the oversight of children and young adults in out-of-home settings, and ensures the continued safety and well-being of children and young adults in these settings, by implementing the following legislative changes:

- Requirements under SB 1515 (2016) that were previously limited to child-caring agencies (CCAs) have been expanded to include the following out-of-home settings:
 - DHS Child Welfare certified foster homes;
 - Office of Developmental Disabilities Services (ODDS)- certified children's foster homes; and
 - ODDS-licensed children's residential settings.
- Expands the definition of abuse
- Expands abuse reporting requirements
- Sets new requirements for certification and licensing standards

What has NOT changed?

Mandatory abuse reporting requirements

- You are still a mandatory reporter of abuse under ORS419B.005 to 419B.015.
- Your employees, alternate caregivers, and volunteers are still mandatory reporters of abuse under ORS419B.005 to 419B.015.

How do these changes impact children residing in ODDS-certified children's foster homes and ODDS-licensed children's residential settings?

Expansion of abuse definition

- The definition of abuse in SB 243 (2017) has been expanded to include new types of abuse that apply to a "child in care." Children and young adults (under age 21) placed in the following out-of-home settings meet the definition of a "child in care" under SB 243 (2017): ODDS-certified children's foster homes; ODDS-licensed children's residential settings; DHS Child Welfare certified foster homes; Child Caring Agencies as defined in ORS 418.205.
- The new types of abuse include, but are not limited to, the following: **physical injury, neglect, abandonment, willful infliction of pain, sexual abuse, verbal abuse, financial exploitation, involuntary seclusion, and wrongful use of a physical or chemical restraint.**
- While the new types of abuse sound familiar, each has a unique definition in Oregon law (see page 2).

Expansion of abuse reporting requirements

- In addition to the mandatory abuse reporting requirements under ORS419B.005 to 419B.015, you and your employees, alternate caregivers, and volunteers must immediately report to [DHS Child Welfare](#) suspected abuse of a child in care as defined by SB 243 (2017).

New requirements for certification and licensing standards

- Complying with mandatory reporting requirements is a condition of certification or licensure.
- Complying with the expanded abuse reporting requirements is a condition of certification or licensure.

New requirements for training employees on annual abuse reporting

- If you have an employee, you must provide to the employee annual training and written materials on abuse reporting requirements.

What are the new types of abuse defined under SB 243 (2017) that apply to a “child in care”?

Reminder: Children and young adults under age 21 placed in ODDS-certified children’s foster homes or ODDS-licensed children’s residential settings meet the definition of “child in care” under SB 243 (2017). You and your employees, alternate caregivers, and volunteers must immediately report to DHS Child Welfare suspected abuse of a child in care as defined by SB 243 (2017).

PHYSICAL ABUSE: The physical abuse of a child in care is any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury. It includes willful infliction of physical pain or injury upon a child in care.

NEGLECT: The neglect of a child in care is failure to provide the child with the care, supervision or services necessary to maintain the child’s physical and mental health. It includes failure to make reasonable effort to protect a child in care from abuse.

ABANDONMENT: Abandonment of a child in care includes desertion or willful forsaking of a child in care or the withdrawal or neglect of duties and obligations owed a child in care. Abandonment is when an individual in a caregiving role leaves the child in care with no caregiver and with no plan to resume care of the child in the future.

FINANCIAL EXPLOITATION: Financial exploitation of a child in care is defined as the following: (a) Wrongfully taking the assets, funds or property belonging to or intended for the use of a child in care; (b) Alarming a child in care through threatening to take or appropriate money or property of the child to the point that the child truly believes it would happen; (c) Misappropriating, misusing or transferring without authorization any moneys from an account held jointly or singly by a child in care; (d) Failure to use the income or assets of a child in care effectively for the support and maintenance of the child in care.

VERBAL ABUSE: Verbal abuse of a child in care means to threaten significant physical or emotional harm to a child in care through the use of: (a) Derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule; (b) Harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments.

SEXUAL ABUSE: Sexual abuse of a child in care includes any of the following: (1) Sexual harassment, sexual exploitation and inappropriate exposure to sexually explicit material or language; (2) Any sexual contact between a person and a child in care that is unlawful under Oregon Revised Statute Chapter 163 Sexual Offenses and not subject to a defense under that chapter; (3) Any sexual contact that is achieved through force, trickery, threat or coercion.

INVOLUNTARY SECLUSION: Involuntary seclusion of a child in care includes: (a) Confinement of a child in care alone in a room, from which the child in care is physically prevented from leaving; (b) Seclusion used for the convenience of the caregiver or staff or to discipline a child. *Involuntary seclusion of a child in care does not include age appropriate discipline, including, but not limited to, a time-out.*

WRONGFUL RESTRAINT: Wrongful restraint of a child in care is defined as the wrongful use of a physical or chemical restraint of a child in care. *Wrongful restraint does not include an act of restraint prescribed by a licensed physician or any treatment activities that are consistent with an approved treatment plan or in connection with a court order.*

SB 243 Abuse Training & Reporting Requirements

Provider Type (select one)

I am an ODDS-certified children's foster home provider

I am an ODDS-licensed children's residential provider

Required SB 243 Abuse Training

Service Setting	Required computer-based training (select the hyperlink)
ODDS-certified children's foster home	NEW SB 243 abuse reporting training for foster parents certified by Child Welfare* *While this training was designed for foster homes certified by Child Welfare, the content is relevant to children's foster homes certified by ODDS.
ODDS-licensed children's residential	NEW SB 243 abuse reporting OAPI SB 243 training for all providers

Acknowledgement of Training & Abuse Reporting Requirements

By signing below, I agree to the following:

- (1) I have fully read the Senate Bill 243 Fact Sheet and Abuse Training & Reporting Requirements;
- (2) I understand the new definitions of abuse under SB 243 (2017) apply to children and young adults (under age 21) placed in my ODDS-certified children's foster home or ODDS-licensed children's residential setting;
- (3) I understand that, in addition to the mandatory abuse reporting requirements under ORS419B.005 to 419B.015, I, as well as my employees, alternate caregivers, and volunteers, must immediately report to DHS Child Welfare suspected abuse of a child in care as defined by SB 243 (2017).
- (4) I understand that complying with the mandatory reporter requirements under ORS419B.005 to 419B.015 and the expanded abuse reporting requirements under SB243 (2017) is a condition of certification or licensure.
- (5) I understand that if I have an employee, I must provide to the employee annual training and written materials on abuse reporting requirements.
- (6) I understand that I, as well as my current employees, alternate caregivers, and volunteers, must complete training on the new SB243 (2017) requirements by taking the required computer-based training relevant to my service setting; training must be completed no later than August 31, 2018.

Signature/Title

Date

Print name