

418.260 Investigation of abuses, deficiencies, violations or failures to comply in child-caring agencies.

(1) If the Department of Human Services receives a report or otherwise becomes aware that any suspected or founded abuses, deficiencies, violations or failures to comply with the full compliance requirements described in ORS 418.240 are occurring in a child-caring agency, whether as a part of the inspections undertaken pursuant to ORS 418.255 or otherwise, the department shall immediately notify appropriate personnel within the department, including but not limited to employees responsible for licensing, certifying or authorizing child-caring agencies, who shall investigate and take appropriate action without undue delay, with primary concern given to the health, safety and welfare of the children for whom the child-caring agency is responsible. The department may notify law enforcement agencies as necessary to coordinate and assist in the investigation and enforcement of corrective actions undertaken by the department. If the child-caring agency is known or found to serve children also served by the Oregon Youth Authority, county juvenile departments or developmental disabilities services within the department, the department shall notify those entities of the report or suspected or founded abuses, deficiencies, violations or failures.

(2) If the department finds, after investigation by the department or law enforcement agencies, that the abuses, deficiencies, violations or failures to comply are founded, the department may suspend, revoke or place conditions on the license, certificate or other authorization of the child-caring agency. The conditions placed on a license, certificate or authorization may include, but are not limited to, placing full or partial restrictions on admission of children, temporary suspension, limitation of operations subject to an intent to revoke or limitation of operations subject to correction of violations as specified in a plan of correction. If the department imposes a plan of correction, and the corrections are not made within 45 days from the effective date of the plan of correction, the department may immediately suspend or revoke the license, certificate or authorization of the child-caring agency. The department shall immediately notify any governmental agency that has a contract with the child-caring agency to provide care or services to a child of any suspension or revocation of, or conditions placed on, the license, certificate or other authorization of the child-caring agency.

(3) If the department determines at any time during or after an investigation that the abuses, deficiencies, violations or failures to comply are or threaten a serious danger to any child or to the public, or place a child at risk with respect to the child's health, safety or welfare, the department may immediately suspend or revoke the child-caring agency's license, certificate or authorization, subject to the provisions of ORS chapter 183. The department shall immediately notify any governmental agency that has a contract with the child-caring agency to provide care or services to a child of any suspension or revocation of the license, certificate or other authorization of the child-caring agency under this subsection and of any conditions placed on the child-caring agency's license, certificate or authorization pursuant to ORS 418.240. The department shall immediately report the alleged deficiencies or violations to the governmental agency and the governing board responsible for the oversight of the child-caring agency.

(4) If the department determines that the abuses, deficiencies, violations or failures to comply are founded and the department imposes a plan of correction that the child-caring agency does not comply with in the time allotted for correction, the department shall immediately notify the following of the failure of the child-caring agency to comply with the plan of correction:

(a) The Legislative Assembly or the interim committees of the Legislative Assembly relating to child welfare.

(b) Members of the governing board responsible for the child-caring agency.

(c) Any governmental agency that has a contract with the child-caring agency to provide care or services to a child.

(5) Any employee of the department that has reasonable cause to believe that a child-caring agency has committed an abuse or incurred a deficiency or violation, or that grounds for immediate suspension or revocation of a license, certificate or authorization exist under ORS 418.240, and that such abuse, deficiency, violation or grounds is or threatens a danger to any child at the child-caring agency or to the public, or places a child at risk with respect to the child's health, safety or welfare, is required to immediately inform the Director of Human Services, the director's designee or such other personnel in the department designated to receive such information. Upon receipt of an employee report under this subsection, the director and department personnel shall immediately commence an investigation and take all reasonably prudent and necessary actions to ensure the health, safety and welfare of children at the child-caring agency. Failure to commence an investigation and take actions as required by this subsection constitutes official misconduct in the second degree under ORS 162.405. [Formerly 419.124; 1971 c.401 §20; 1975 c.310 §6; 1983 c.510 §9; 2016 c.106 §11; 2017 c.448 §2]