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OREGON DEPARTMENT OF HUMAN SERVICES  
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413  
DIVISION 015

CHILD PROTECTIVE SERVICES

*Updated 05/01/2024*

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## **Introduction to CPS Rules**

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### **413-015-0100**

#### **Child Protective Service Authority and Responsibility**

*(SMC Amended 05/16/2023)*

Reports of alleged *abuse* are received by Child Welfare and screened to determine the response. The processes and time lines for responding are provided in division 015 of this chapter, and in OAR chapter 407, division 045 for reports of alleged *abuse* involving the settings listed in OAR 413-015-0215, which are screened and investigated by the Office of Training, Investigations and Safety (OTIS). OAR 413-015-0100 to 413-015-0125 provide an overview of division 015, which implements laws relating to the Department's responsibilities to respond to reports of *abuse*.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, 418.205-418.327

### **413-015-0105**

#### **Purpose of Child Protective Services**

*(SMC Amended 05/16/2023)*

The purposes of Child Protective Services are to identify *unsafe* children and to assure protection of children after a *report* of alleged *abuse* is received by a *screener*.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

### **413-015-0115**

#### **Definitions**

*(Amended 05/01/2024)*

Unless the context indicates otherwise, the following terms apply to OAR chapter 413, division 015.

- (1) "Abuse":
  - (a) For purposes of screening a *report* of "*abuse*" of a *child* subject to ORS 419B.005, "*abuse*" means any of the following, except that "*abuse*" does not include reasonable discipline unless the discipline results in one of the conditions described in this subsection.
    - (A) Mental Injury. Includes only cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts,

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statements or threats result in severe harm to the child's psychological, cognitive, emotional, or social well-being and functioning.

- (B) Neglect.
    - (i) Negligent treatment or maltreatment of a *child*, including, but not limited to, the failure to provide adequate food, clothing, shelter, or medical care that is likely to endanger the health or welfare of the *child*.
    - (ii) Buying or selling a person under 18 years of age as described in ORS 163.537.
    - (iii) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.
    - (iv) Unlawful exposure to a controlled *substance*, as defined in ORS 475.005, or to the unlawful manufacturing of a cannabinoid extract, as defined in ORS 475B.015, that subjects a *child* to a substantial risk of *harm* to the child's health or safety.
  - (C) Physical *Abuse*. Any assault, as defined in ORS chapter 163, of a *child* and any physical injury to a *child* which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given for the injury.
  - (D) Sexual *Abuse*.
    - (i) Rape of a *child*, which includes, but is not limited to, rape, sodomy, unlawful sexual penetration and incest, as described in ORS chapter 163.
    - (ii) Sexual *abuse*, as described in ORS chapter 163.
    - (iii) Sexual exploitation.
  - (E) Threat of *harm* to a *child*, which means subjecting a *child* to a substantial risk of *harm* to the child's health or welfare.
  - (F) Restraint or seclusion of a child who is a student by personnel, contractors, or volunteers of a public education program, as defined in ORS 339.285, in violation of ORS 339.285, 339.288, 339.291, 339.303 or 339.308.
  - (G) Infliction of corporal punishment on a child who is a student by a teacher, administrator, school employee, or school volunteer in violation of 339.250(9).
- (b) For purposes of screening a report of abuse of a child or young adult living with a resource parent or respite provider certified by Child Welfare, unless the abuse alleged is familial or "third party abuse," means any of the following:

- (A) Abandonment, including desertion or willful forsaking of a *child* or *young adult*, or the withdrawal or neglect of duties and obligations owed a *child* or *young adult* by resource parent or respite provider certified by Child Welfare, a *caregiver*, or other person.
- (B) Financial exploitation.
  - (i) Financial exploitation includes:
    - (I) Wrongfully taking the assets, funds, or property belonging to or intended for the use of a *child* or *young adult*.
    - (II) Alarming a *child* or *young adult* by conveying a threat to wrongfully take or appropriate moneys or property of the *child* or *young adult* if the child would reasonably believe that the threat conveyed would be carried out.
    - (III) Misappropriating, misusing, or transferring without authorization any moneys from any account held jointly or singly by a *child* or *young adult*.
    - (IV) Failing to use the income or assets of a *child* or *young adult* effectively for the support and maintenance of the *child* or *young adult*.
  - (ii) Financial exploitation does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of privileges.
- (C) Involuntary seclusion. Involuntary seclusion means confinement of a *child* or *young adult* alone in a room or an enclosed space from which the *child* or *young adult* is prevented from leaving by any means. A *resource parent* or *respite provider* certified by *Child Welfare* may not put a *child* or *young adult* into involuntary seclusion.
  - (i) Involuntary seclusion includes:
    - (I) Involuntary seclusion of a *child* or *young adult* for the convenience of a *resource parent* or *respite provider* certified by Child Welfare.
    - (II) Involuntary seclusion of a *child* or *young adult* to discipline the *child* or *young adult*.
    - (III) Involuntary seclusion of a *child* or *young adult* as a form of punishment.
    - (IV) Involuntary seclusion of a *child* or *young adult* done in retaliation.
  - (ii) Involuntary seclusion does not include age-appropriate discipline, including, but not limited to, a time-out if the time-out is in a

setting from which the *child* or *young adult* is not prevented from leaving by any means.

- (D) Neglect, which includes:
  - (i) Failure to provide the care, supervision, or services necessary to maintain the physical and mental health of a *child* or *young adult*; or
  - (ii) The failure of a resource parent or respite provider certified by Child Welfare, a *caregiver*, or other person to make a reasonable effort to protect a *child* or *young adult* from *abuse*.
- (E) Physical *abuse*, which includes:
  - (i) Any physical injury to a *child* or *young adult* caused by other than accidental means, or that appears to conflict with the explanation given of the injury; or
  - (ii) Willful infliction of physical pain or injury upon a *child* or *young adult*.
- (F) Sexual *abuse*, which includes:
  - (i) Sexual harassment, sexual exploitation as described in ORS 419B.005(1)(a)(E), or inappropriate exposure to sexually explicit material or language;
  - (ii) Any sexual contact between a *child* or *young adult* and a resource parent or respite provider certified by Child Welfare, a *caregiver*, or other person responsible for the provision of care or services to a *child* or *young adult*;
  - (iii) Any sexual contact between a person and a *child* or *young adult* that is unlawful under ORS chapter 163 and not subject to a defense under that chapter; or
  - (iv) Any sexual contact that is achieved through force, trickery, threat, or coercion.
  - (v) An act that constitutes a crime under ORS 163.375, 163.405, 163.411, 163.415, 163.425, 163.427, 163.467, or 163.525.
- (G) Verbal *abuse*.
  - (i) Verbal *abuse* includes threatening *severe harm*, either physical or emotional, to a *child* or *young adult*, through the use of:
    - (I) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule; or
    - (II) Harassment, coercion, threats, compelling or deterring

conduct by threats, humiliation, mental cruelty, or inappropriate sexual comments.

- (ii) Verbal *abuse* does not include age-appropriate discipline that may involve the threat to withhold privileges.

(H) Wrongful use of restraint. A resource parent or respite provider certified by the Child Welfare, may not use a restraint on a child or young adult.

(i) Wrongful restraints do not include:

- (I) Holding the child or young adult's hand or arm to escort the child or young adult safely and without the use of force from one area to another; or
- (II) Assisting the child or young adult to complete a task if the child or young adult does not resist the physical contact;

(ii) A resource parent or respite provider certified by Child Welfare may use a physical intervention if:

- (I) The intervention is necessary to break up a physical fight or to effectively protect a person from an assault, serious bodily injury or sexual contact;
- (II) The physical intervention uses the least amount of physical force and contact possible; and
- (III) The physical intervention is not a prohibited restraint, as described in ORS 418.519 and 418.523

(2) "Alleged perpetrator" means the person alleged to be responsible for the *abuse* of a *child*.

(3) "Alleged victim" means the *child* alleged to have been abused by the *alleged perpetrator*.

(4) "Caregiver" means a guardian, legal custodian, Indian custodian, or other person acting in loco parentis, who exercises significant authority over and responsibility for a child or young adult.

(5) "Caseworker" means a Child Welfare employee assigned primary responsibility for a *child* or *young adult* served by Child Welfare.

(6) "Child" means a person who:

- (a) Is a person under 18 years of age; or
- (b) Is a child in care, as defined in ORS 418.257 as a person under 21 years of age residing in or receiving care or services from:
  - (A) A child-caring agency or proctor foster home;
  - (B) A foster home certified by the Department; or

- (C) A developmental disabilities residential facility; unless
  - (D) The care is being provided to the child by the child's parent (ORS 418.257).
- (7) "Child care" means each of the following:
- (a) A Registered Family Child Care Home, which is the residence of a provider who has a current Family Child Care Registration at that address and who provides care in the family living quarters.
  - (b) A Certified Family Child Care Home, which is a *child care* facility located in a building constructed as a single-family dwelling that has certification to care for a maximum of 16 *children* at any one time.
  - (c) A Certified Child Care Center, which is certified to care for 13 or more *children*, or a facility that is certified to care for twelve or fewer *children* and located in a building constructed as other than a single-family dwelling.
  - (d) A Regulated Subsidy Provider, which is a *child care* provider that is exempt from Office of Child Care licensing and that receives subsidy payments for *child care* on behalf of clients of the *Department*.
  - (e) Other facilities that are operating as a Registered Family Care Home, Certified Family Child Care Home, Certified Child Care Center, or Regulated Subsidy Provider without a certification or registration when a certification or registration is required by the Office of Child Care.
- (8) "Child-caring agency" is defined in ORS 418.205 and:
- (a) Means any private school, private agency, private organization or county program providing:
    - (A) Day treatment for *children* with emotional disturbances;
    - (B) Adoption placement services;
    - (C) Residential care including, but not limited to, foster care or residential treatment for *children*;
    - (D) Residential care in combination with academic education and therapeutic care, including, but not limited to treatment for emotional, behavioral or mental health disturbances;
    - (E) Outdoor youth programs; or
    - (F) Other similar care or services for *children*.
  - (b) Includes the following:
    - (A) A shelter-care home that is not a foster home subject to ORS 418.625 to



418.645;

- (B) An independent residence facility as described in ORS 418.475;
  - (C) A private residential boarding school; and
  - (D) A child-caring facility as described in ORS 418.950.
  - (E) A secure transportation services provider that transports or provides escort services for children on the highways of this state, along a route that begins or ends in this state as described in ORS 418.205.
- (c) Child-caring agency does not include:
- (A) Residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830 and 443.835 for *children* receiving developmental disability services.
  - (B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this paragraph, "respite services" means the voluntary assumption of short-term care and control of a child under age 18 without compensation or reimbursement of expenses for the purposes of providing a parent in crisis with relief from the demands of ongoing care of the parent's *child*;
  - (C) A youth job development organization as defined in ORS 344.415;
  - (D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645; or
  - (E) A foster home subject to ORS 418.625 to 418.645.
  - (F) A facility that exclusively serves individuals 18 years of age and older; or
  - (G) A facility that primarily serves both adults and *children* but requires that any *child* must be accompanied at all times by at least one custodial parent or guardian.
- (9) "Child protective services" (CPS) means a specialized social service program that Child Welfare provides on behalf of *children* or, when applicable, young adults who may be unsafe after a report of *abuse* is received.
- (10) "Child Welfare" means the Oregon Department of Human Services, Child Welfare.
- (11) "CPS assessment" means an investigation into a report of *abuse* pursuant to ORS 419B.020 or ORS 418.205 - 418.327 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe *abuse* occurred, and ensure safety through protective action plans, initial safety plans, or ongoing safety planning.
- (12) "CPS supervisor" means an employee of Child Welfare trained in child protective

services and designated as a supervisor.

- (13) "CPS worker" means an employee of Child Welfare who has completed the mandatory Child Welfare training for CPS workers.
- (14) "Conditions for return" means a written statement of the specific behaviors, conditions, or circumstances that must exist within a *child's* home before a *child* can safely return and remain in the home with an in-home ongoing safety plan.
- (15) "Department" means the Oregon Department of Human Services.
- (16) "Designated medical professional" means (as described in ORS 418.747(9)) a physician, physician assistant, or nurse practitioner who has been designated by the local multi-disciplinary team and trained to conduct child abuse medical assessments (as defined in ORS 418.782), and who is — or who may designate another physician, physician assistant, or nurse practitioner who is — regularly available to conduct these medical assessments.
- (17) "Domestic violence" means a pattern of coercive behavior, which can include physical, sexual, economic, and emotional *abuse* that an individual uses against a past or current intimate partner to gain power and control in a relationship.
- (18) "Education provider" as defined in ORS 339.370 means:
  - (a) A school district, as defined in ORS 332.002;
  - (b) The Oregon School for the Deaf;
  - (c) An educational program under the Youth Corrections Education Program;
  - (d) A public charter school, as defined in ORS 338.005;
  - (e) An education service district, as defined in ORS 334.003;
  - (f) Any state operated program that provides educational services to kindergarten through grade 12 students; or
  - (g) A private school.
- (19) "Face-to-face" means an in-person interaction between individuals.
- (20) "Family engagement meeting" (FEM) means a family-focused intervention facilitated by professional staff that is designed to build and strengthen the natural caregiving system for the *child*. The purpose of the family engagement meeting is to establish a plan that provides for the safety, attachment, and permanency needs of the *child*. A FEM meets the Oregon Family Decision Meeting requirements as described in ORS 417.365 to 417.375 that include extended family and rely upon the family to make decisions about planning for the *children*.

- (21) "Former foster child" means a person under 21 years of age who was in substitute care at or after 16 years of age, including substitute care provided by federally recognized tribes, and had been in substitute care for at least 180 cumulative days after 14 years of age.
- (22) "Guardian" means an individual who has been granted guardianship of a *child* or *young adult* through a judgment of the court.
- (23) "Harm" means any kind of impairment, damage, detriment, or injury to an alleged victim's physical, sexual, psychological, cognitive, or behavioral development or functioning. "Harm" is the result of *abuse* and may vary from mild to severe.
- (24) "Household" means an association of persons who live in the same home or dwelling and may be related by blood, adoption, or marriage or may be unrelated persons residing in the same home or dwelling as the *child*.
- (25) "ICWA" means the Indian Child Welfare Act.
- (26) "Impending danger safety threat" means a family behavior, condition, or circumstance that meets all five safety threshold criteria. When it is occurring, this type of threat is not immediate, obvious, or occurring at the onset of the CPS intervention. This threat is identified and understood more fully by evaluating and understanding individual and family functioning.
- (27) "Indian", as defined in OAR 413-115-0000, means a person who is a member of an *Indian tribe* or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606)
- (28) "Indian child" means any unmarried person who is under age 18 and either:
  - (a) Is a member or citizen of an Indian tribe; or
  - (b) Is eligible for membership or citizenship in an Indian tribe and is the biological *child* of a member or citizen of an Indian tribe.
- (29) "Indian custodian", as defined in OAR 413-115-0000, means any *Indian*, other than the *Indian child's* parent, who has custody of an *Indian child* under applicable tribal law or custom or under applicable state law, or to whom temporary physical care, custody, and control has been transferred by the *Indian child's parent*.
- (30) "Indian tribe" or "tribe", as defined in OAR 413-115-0000, means any *Indian tribe*, band, nation, or other organized group or community of *Indians* federally recognized as eligible for services provided to *Indians* by the Secretary of the Interior because of their status as *Indians*, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).
- (31) "Infant" means a child less than one year old.
- (32) "Infant with prenatal substance exposure" means an infant, regardless of whether abuse is suspected, for whom prenatal substance exposure is indicated at birth. This includes any of the following circumstances:
  - (a) There is credible information the birthing parent used substances during the pregnancy or at

the time of birth;

- (b) Prenatal substance exposure is determined by a positive toxicology screen from the infant or the birthing parent at delivery; or
  - (c) An infant whose health care provider has identified signs of substance withdrawal, a Fetal Alcohol Spectrum Disorder diagnosis, or detectable physical, developmental, cognitive, or emotional delay or harm associated with prenatal substance exposure.
- (33) "Initial contact" means:
- (A) For a CPS assessment, the first face-to-face contact between a CPS worker and a family. The "initial contact" includes face-to-face contact with the *alleged victim*, their siblings, parent or *caregiver*, and any *children* and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.
  - (B) For a third party CPS assessment, the first *face-to-face* contact between a *CPS worker* and the *alleged victim* and the first contact between a *CPS worker* and the *alleged victim's parent* or *caregiver*. The "initial contact" includes gathering sufficient information about the *alleged victim*, their *parents* or *caregivers*, and the *alleged perpetrator's* access to the *alleged victim* to determine whether present danger safety threats exist.
- (34) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a *child* or, if applicable, a young adult from an impending danger safety threat to allow for completion of the CPS assessment.
- (35) "LEDS" means Law Enforcement Data System, the computerized criminal history information system maintained by the Oregon State Police.
- (36) "LEDS representative" means the staff person in the local Child Welfare office who has been designated under OAR 257-015-0050(5) and who has completed the training required by the Oregon State Police to train other employees to be LEDS users.
- (37) "LEDS user" means a staff person in the local Child Welfare office who has been trained by a LEDS representative and has been certified by the Oregon State Police to access LEDS information.
- (38) "LEDS notice" means a written statement hand-delivered to the subject individual or sent via U.S. mail to their last known address informing the subject individual of subsections (a) and (b) of this section. "LEDS notice" does not imply consent or permission of the subject individual.
- (a) Child Welfare may conduct, or has already conducted, criminal records checks.
  - (b) The subject individual has the right to obtain a copy of their LEDS record and challenge the accuracy of the information in the record through the Oregon State Police procedures outlined in OAR 257-010-0035.

- (39) "Moderate to high needs" means observable family behaviors, conditions, or circumstances that are occurring now; and over the next year without intervention, are likely to have a negative impact on a *child's* physical, sexual, psychological, cognitive, or behavioral development or functioning. While intervention is not required for the *child* to be safe, it is reasonable to determine that short-term, targeted services could reduce or eliminate the likelihood that the negative impact will occur.
- (40) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.
- (41) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.
- (42) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.
- (43) "ODDS" means the Office of Developmental Disabilities Services within the Department.
- (44) "ODDS licensed group home" means a 24-hour residential program and setting for *children* and adults with intellectual or developmental disabilities.
- (45) "Ongoing safety plan" means a documented set of actions or interventions that manage the safety of a *child* or, when applicable, a young adult after Child Welfare has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.
- (46) "ORICWA" means the Oregon Indian Child Welfare Act.
- (47) "OTIS" means the Office of Training, Investigations and Safety within the Department.
- (48) "Out of control" means family behaviors, conditions, or circumstances that can affect safety of a *child* or, when applicable, a young adult are unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment.
- (49) "OYA" means the Oregon Youth Authority.
- (50) "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an *Indian child* under the Indian Child Welfare Act (ICWA) or the Oregon Child Welfare Act (ORICWA), "parent" means any biological parent of an *Indian child*, an *Indian* who has lawfully adopted an *Indian child*, including adoptions made under tribal law or custom or a father whose paternity has been acknowledged or established under ORS 109. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.

- (51) "Personal representative" means a person who is at least 18 years of age and is selected to be present and supportive during the CPS assessment by a *child* who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the crime. The personal representative may not be a person who is a suspect in, party or witness to, the crime.
- (52) "Plan of care" means a written plan for an infant with prenatal substance exposure and the infant's family, focused on meeting health needs and substance use disorder treatment needs and developed in collaboration with the family, the healthcare provider, community agencies and Child Welfare when appropriate.
- (53) "Pre-adoptive family" means an individual or individuals who:
  - (a) Has been selected to be a *child's* adoptive family; and
  - (b) Is in the process of legalizing the relationship to the *child* through the judgment of the court.
- (54) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition, or circumstance occurring in the present tense, already endangering or threatening to endanger a *child* or, when applicable, a young adult. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a *child* or, when applicable, a young adult in peril.
- (55) "Proctor foster home" means a foster home certified by a child-caring agency that is not subject to ORS 418.625 to 418.470.
- (56) "Protective action plan" means:
  - (a) When planning for a *child*, an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a *child* from a present danger safety threat; or
  - (b) When planning for an *Indian child*, an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect an *Indian child* from imminent physical damage or harm without removing the *Indian child* from either *parent* or Indian custodian, as described in OAR 413-115-0070.
- (57) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a *child* or, when applicable, a young adult safe.
- (58) "Protective custody" means custody authorized by ORS 419B.150.

- (59) "Reasonable cause" as defined in ORS 419B.150 means a subjectively and objectively reasonable belief, given all of the circumstances and based on specific and articulable facts.
- (60) "Reasonable suspicion" means a reasonable belief given all of the circumstances, based upon specific and describable facts, that the suspicious physical injury may be the result of *abuse*. Explanation: The belief must be subjectively and objectively reasonable. In other words, the person subjectively believes that the injury may be the result of *abuse*, and the belief is objectively reasonable considering all of the circumstances. The circumstances that may give rise to a reasonable belief may include, but not be limited to, observations, interviews, experience, and training. The fact that there are possible non-*abuse* explanations for the injury does not negate reasonable suspicion.
- (61) "Referral" means a report that has been assigned for the purpose of CPS assessment.
- (62) "Report" means an allegation of *abuse* that the screener evaluates to determine if it constitutes a report of *abuse* as defined in ORS 419B.005 or, when applicable, ORS 418.205 - 418.327.
- (63) "Reporter" means an individual who makes a report.
- (64) "Resource family" or "resource parent" means an individual or individuals who hold a current Certificate of Approval from the *Department* to operate a home to provide care, in the home in which the individual or individuals reside, to a child or young adult in the care or custody of the *Department*.
- (65) "Respite provider" means an individual certified by the *Department* to provide certified respite care to a *child* or *young adult* being served in their home through an open child welfare case or a *child* or *young adult* in the care or custody of the *Department*.
- (66) "Restraint" means the physical restriction of a child or young adult's actions or movements by holding the child or young adult or using pressure or other means.
- (67) "Safe" means there is an absence of present danger safety threats and impending danger safety threats.
- (68) "Safety service provider" means a participant in a protective action plan, initial safety plan, or ongoing safety plan whose actions, assistance, or supervision help a family in managing safety.
- (69) "Safety services" mean the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats.
- (70) "Safety threshold" means the point at which family behaviors, conditions, or circumstances are manifested in such a way that they are beyond being risk influences and have become an impending danger safety threat. In order to reach the "safety threshold" the behaviors, conditions, or circumstances must meet all of the following criteria: be imminent, be out of control, affect a vulnerable *child* or *young adult*, be



specific and observable, and have potential to cause severe harm. The "safety threshold" criteria are used to determine the presence of an impending danger safety threat.

- (71) "School administrator" means the principal, vice principal, assistant principal, or any other person performing the duties of a principal, vice principal, or assistant principal at a school, as defined in the Teacher Standards and Practices Commission (TSPC) OAR 584-005-0005.
- (72) "Screener" means a Child Welfare employee with training required to receive information and requests at the Oregon Child Abuse Hotline and assess the information and requests to determine Child Welfare's response.
- (73) "Screening" means the process of determining Child Welfare's response to information and requests received by the Oregon Child Abuse Hotline.
- (74) "Screening supervisor" means an employee of Child Welfare whose primary responsibility is to oversee the work of a screener and ensure compliance with rules and consistency in the practice of screening.
- (75) "Sexual exploitation", as described in ORS 419B.005 means:
  - (a) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163.435, and any other conduct which Page 8 of 50 allows, employs, authorizes, permits, induces, or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording, or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes.
  - (b) Allowing, permitting, encouraging, or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to patronize a prostitute as described in ORS 167.008.
- (76) "Severe harm" as defined in ORS 419B.150 means:
  - (a) Life-threatening damage; or
  - (b) Significant or acute injury to a person's physical, sexual, or psychological functioning.
- (77) "Sex trafficking" means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person under the age of 18 for the purpose of a commercial sex act or the recruitment, harboring, transportation, provision, or obtaining of a person over the age of 18 using force, fraud, or coercion for the purpose of a commercial sex act.
- (78) "Sibling" means one of two or more *children* or young adults who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:



- (a) By blood or *adoption* through a common *parent*;
  - (b) Through the marriage of the legal or biological parents of the *children* or *young adults*; or
  - (c) Through a legal or biological parent who is the *registered domestic partner* of the legal or biological parent of the *children* or *young adults*.
- (79) "Substance" means any legal or illegal drug with potential for misuse, including any controlled substance as defined by ORS 475.005, prescription medications, over-the-counter medications, or alcoholic beverages.
- (80) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody and care of Child Welfare.
- (81) "Suspicious physical injury" (as defined in ORS 419B.023) includes, but is not limited to:
- (a) Burns or scalds;
  - (b) Extensive bruising or abrasions on any part of the body;
  - (c) Bruising, swelling, or abrasions on the head, neck, or face;
  - (d) Fractures of any bone in a *child* under the age of three;
  - (e) Multiple fractures in a *child* of any age;
  - (f) Dislocations, soft tissue swelling, or moderate to severe cuts;
  - (g) Loss of the ability to walk or move normally according to the *child's* developmental ability;
  - (h) Unconsciousness or difficulty maintaining consciousness;
  - (i) Multiple injuries of different types;
  - (j) Injuries causing serious or protracted disfigurement or loss or impairment of the function of any bodily organ; or
  - (k) Any other injury that threatens the physical well-being of the *child*.
- (82) "Teacher" means (as defined in TSPC OAR 584-005-0005) a licensed or registered employee in a public school or charter school, or employed by an education service district, who has direct responsibility for instruction, coordination of educational programs, or supervision or evaluation of teachers; and who is compensated for services from public funds.

- (83) "Third party abuse" means *abuse* by a person who is not the alleged victim's parent, *caregiver*, guardian, or other member of the alleged victim's household, and who is not responsible for the alleged victim's care, custody, and control.
- (84) "Third party CPS assessment" means an investigation into a report of *third party abuse* pursuant to ORS 419B.020 that includes activities conducted to determine if there is reasonable cause to believe *abuse* occurred, and whether the *alleged victim* is *safe* from the *alleged perpetrator* of *third party abuse*.
- (85) "Unsafe" means the presence of a present danger safety threat or an impending danger safety threat.
- (86) "Vulnerable child or young adult" means a *child* or, when applicable, young adult who is unable to protect themselves. This includes a *child* or young adult who is dependent on others for sustenance and protection. A "vulnerable child or young adult" is defenseless, exposed to behaviors, conditions, or circumstances that they are powerless to manage, and is susceptible and accessible to a threatening parent or *caregiver*. Vulnerability is judged according to physical and emotional development, ability to communicate needs, mobility, size, and dependence.
- (87) "Young adult" means a person aged 18 through 20 years.

Statutory/Other Authority: ORS 409.185, ORS 418.005, ORS 418.747, ORS 419B.017, ORS 419B.024, ORS 419B.035, ORS 418.205 - 418.327 & ORS 419.050, 409.050  
Statutes/Other Implemented: ORS 409.185, ORS 418.005, ORS 418.747, ORS 418.205 - 418.327, ORS 147.425, ORS 418.015 & ORS 419B.005 - 419B.050

## **413-015-0125**

### **CPS Responsibility Ends**

*(SMC Amended 05/16/2023)*

Child Welfare is not responsible for providing *child protective services* when:

- (1) A *screener* determines that information received during *screening* does not require a *CPS assessment* under OAR 413-015-0210(2);
- (2) The *CPS assessment* has determined the alleged victim is *safe*; or
- (3) The *CPS assessment* does not identify information sufficient to request juvenile court intervention or the *CPS assessment* has determined the alleged victim is *unsafe* and the juvenile court declines to intervene, and the parents or *caregivers* do not request or agree to cooperatively receive services.

Stat. Auth.: ORS 418.005, 409.050  
Stats. Implemented: ORS 418.005

# Screening

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## **413-015-0200**

### **Purpose of Screening Rules**

*(SMC Amended 05/16/2023)*

OAR 413-015-0200 to 413-015-0225 describe how Child Welfare handles and documents information received by the Oregon Child Abuse Hotline and outline the criteria used to determine a response to the information. This process is known as screening and is conducted by a screener.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005

## **413-015-0205**

### **Information Received**

*(SMC Amended 05/16/2023)*

All information received at screening must be reviewed by a screener to determine the type of information:

- (1) Report of *abuse*;
- (2) Request for family support services;
- (3) Notification;
- (4) Information the OTIS is responsible for screening;
- (5) Case management related information; or
- (6) Information or referral.

Stat. Auth.: ORS 418.005, ORS 418.205-418.327, 409.050

Stats. Implemented: ORS 418.005, ORS 418.205-418.327, ORS 419B.020

## **413-015-0210**

### **Documentation Requirements**

*(Amended 02/01/2024)*

- (1) A report of *abuse*, request for family support services and information the OTIS is responsible for screening must be documented in a screening report form within the Child Welfare's electronic information system.
- (2) Case management related information must be documented in the Child Welfare's electronic information system case notes, or if applicable, provider case notes. Materials and records used or obtained for the purpose of making a screening decision must be uploaded in the Child Welfare electronic information system.
- (3) Internal and external notifications made by Oregon Child Abuse Hotline staff must be documented in Child Welfare's electronic information system.
- (4) Timelines for documentation.
  - (a) The screener must complete documentation immediately when:
    - (A) A report of *abuse* is assigned a "within 24 hour" response timeline; or
    - (B) The OTIS is responsible for screening.
  - (b) The screener must complete all other documentation no later than 10 hours from the date and time the report was received by the Oregon Child Abuse Hotline, unless the screening supervisor grants an extension as described in paragraph (c) of this section.
  - (c) A screening supervisor may grant a one-time extension to the deadline in paragraph (b) of this section, not to exceed 24 hours from the date and time the report was received by the Oregon Child Abuse Hotline, when the screener made a collateral contact as described in OAR 413-015-0211(2) and the additional information is not received within the timeline.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005, 418.205-418.327

## **413-015-0211**

### **Report of Abuse**

*(Amended 02/01/2024)*

- (1) The screener must gather the following relevant information to the extent it is known by the reporter:
  - (a) The extent of the alleged *abuse*;
  - (b) The circumstances surrounding the alleged *abuse*;
  - (c) Demographics;

- (d) Race and ethnicity;
  - (e) Languages spoken;
  - (f) Contact information;
  - (g) The location of the family's residence and where the alleged *abuse* may have occurred; and
  - (h) Whether the *child* has or may have American Indian or Alaska Native heritage.
- (2) The screener may only make efforts to gather additional information from collateral contacts and law enforcement when there is insufficient information to assign the report for CPS assessment and:
- (a) The information gathered from the reporter is concerning; and
  - (b) The collateral contact or law enforcement data is likely to supplement the report with sufficient information to make the screening decision.
- (3) The screener must review the Child Welfare history, if any, of the alleged victim, every identified *child* or *young adult*, *parent*, *caregiver*, and household member for the report dates, types of *abuse* alleged, screening decisions and CPS assessment dispositions.
- (4) The screener must assign the report for CPS assessment if:
- (a) The information received constitutes a *report of abuse* as defined in OAR 413-015-0115(1)(a) of a *child*; and is the responsibility of Child Welfare to assess.
  - (b) The information received constitutes a *report of abuse* of a *child* as defined in OAR 413-015-0115(1)(a) or a *report of abuse* of a *child* or *young adult* as defined in OAR 413-015-0115(1)(b); and involves a resource family or respite provider certified by Child Welfare.
  - (c) The *screener* determines the current *report* would be the fourth or greater consecutive *report* closed at *screening* regarding the same *child* or household and there is at least one *child* in the home who is less than five years of age, unless an exception has been approved by the Oregon Child Abuse Hotline program manager or designee; or
  - (d) A tribe, LEA, or OTIS requests assistance from CPS with an investigation of *abuse*, and a *screening supervisor* agrees that assistance from CPS is appropriate.
- (5) When a determination is made to assign a report for CPS assessment, the screener must determine the response timeline as follows:

- (a) Within 24 hours.
  - (b) Within 72 hours.
  - (c) Within 10 business days.
- (6) The screener must refer all reports that meet the criteria to assign for CPS assessment to a local Child Welfare office as follows:
- (a) Except as described in subsection (7)(b) or (c), the screener must refer the CPS assessment to the local office assigned to the address where the alleged victim resides, and that county is responsible for completing the CPS assessment.
  - (b) When the alleged *abuse* involved in a resource family or respite provider certified by Child Welfare, the screener must refer the CPS assessment to the local office assigned to the address where the alleged *abuse* occurred, and that local office is responsible for completing the CPS assessment.
  - (c) When the alleged victim is placed in a Behavioral Rehabilitation Service or other residential program, the screener must refer the CPS assessment to the local office where the familial case is currently open.
  - (d) Any exception to (a), (b) or (c) of this section must be made in consultation with the Child Welfare program managers in the affected local offices.
- (7) The screener must close the report at screening if one of the following subsections applies:
- (a) The *screener* determines that information received:
    - (A) Does not constitute a *report of abuse* and the *screener* determines that the information describes behaviors, conditions, or circumstances that pose a risk to a *child*; or
    - (B) Is a historical *report of abuse* and the screener determines that alleged perpetrator is deceased and the death of the alleged perpetrator was unrelated to the *report of abuse*.
    - (C) Is a report of abuse and the information indicates the alleged abuse occurred in another country and the alleged perpetrator is located in another country; or
    - (D) Alleged perpetrator is a child and resides in another state
    - (E) Child is a resident of another state.

- (F) Child is resident of both Oregon and another state, and the other state is responding.
  - (G) Is a notification described in OAR 413-015-0214, “Notifications Closed at Screening”.
- (b) When a *report* is received, but the *screener*, after extensive efforts, is unable to obtain sufficient information to locate the alleged victim. Name and exact address are not necessary if a location is obtained.
- (8) The Oregon Child Abuse Hotline staff must cross report to law enforcement as required by OAR 413-015-0305(1).
- (9) The Oregon Child Abuse Hotline staff must complete the following external notifications:
- (a) Notification of law enforcement.
    - (A) No later than 24 hours, when information is received from a *caseworker* that a *child* or *young adult* on an open CPS assessment or a *child* or *young adult* on an open Child Welfare case is identified as a sex trafficking victim.
    - (B) Immediately when information gathered indicates a current suspicious physical injury.
    - (C) Immediately when a crime is suspected to have occurred even if unrelated to a report of *abuse*:
      - (i) To a *child* or *young adult* living with a resource family or receiving services from a respite provider certified by Child Welfare; or
      - (ii) At the home of a resource family or respite provider certified by Child Welfare.
  - (b) Notification of Office of Developmental Disabilities Services (ODDS) when a report involves a *child* or *young adult* receiving services from ODDS.
  - (c) Notification of federally recognized tribes when the screener knows or has reason to know that the *child* is an Indian child. A copy of the report must be sent to the Tribe within 24 hours of completion of the screening report and after information related to the reporter's identity is removed.
  - (d) Notification of the reporter.

- (A) When a screener determines a report will be assigned, the screener must notify the reporter that if contact information is provided, efforts will be made by the CPS worker to inform the reporter at a later date if contact with the alleged victim was made, if *abuse* occurred, and if services will be provided.
- (B) When a screener determines a report will be closed at screening, the screener must notify the reporter of the following:
  - (i) Contact with the alleged victim will not be made;
  - (ii) An *abuse* determination will not be made; and
  - (iii) Whether services will be provided.
- (e) Notification of Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The screener must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Services office when the screener has reasonable cause to believe:
  - (A) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the reporter comes into contact has suffered *abuse*; or
  - (B) That any person with whom the reporter comes into contact has *abused* a person 18 years of age or older with a mental illness, developmental disability, or physical disability, or any person 65 years of age or older.
- (10) The screener must obtain approval from the screening supervisor or designee prior to making a decision not to document information gathered.
- (11) The screening supervisor or designee must review all closed at screening reports no later than 10 days from the date and time the report was received by the Oregon Child Abuse Hotline.

Statutory/Other Authority: ORS 418.005, ORS 418.205-418.327, ORS 419B.024 & ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 418.205-418.327 & ORS 419B.024



## 413-015-0212

### Additional Screening Requirements

(Amended 02/01/2024)

- (1) When a screener receives a report that a *child* is identified as an infant with prenatal substance exposure, the screener must:
  - (a) Ask the reporter whether a plan of care has been developed; and
  - (b) Ask the reporter whether the infant with prenatal substance exposure and family were referred to Services.
- (2) When a screener receives a report of a missing *child* or *young adult* on an open CPS assessment or open Child Welfare case, the screener must, if the *child* or *young adult* is in substitute care and the reporter is the *caregiver*, inform the reporter they must report information about the missing *child* or *young adult* to law enforcement and the National Center for Missing and Exploited Children.
- (3) When a screener receives a report of a fatality, the screener must consult with a screening supervisor.
- (4) When a screener receives duplicate information (same alleged victim, same alleged perpetrator, same allegation of *abuse*, and same incident dates), the screener must:
  - (a) Inform the reporter that a new screening report will not be documented because the information has already been received; and
  - (b) Provide the reporter with the assigned *caseworker's* name and phone number.
- (5) When a screener has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department or OYA, the screener must consult with a screening supervisor.

Stat. Auth.: ORS 418.005, ORS 418.205-418.327, 409.050

Stats. Implemented: ORS 418.005, ORS 418.205-418.327

### **413-015-0213**

#### **Request for Family Support Services**

*(SMC Amended 05/16/2023)*

- (1) A request for family support services must fall within one of the following categories:
  - (a) Request for Placement;
  - (b) Request for Independent Living Program Services;
  - (c) Request for Post Legal Adoption or Post Guardianship Services; or
  - (d) Request for Voluntary Services.
- (2) The screener must assign a request for Family Support Services to the local Child Welfare office in the county where the primary custodial parent resides, unless the request is for Independent Living Program services, then the county where the *former foster child* resides.
- (3) When assigning a request for Family Support Services, the screener must assign a response timeline of 10 business days.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005

### **413-015-0214**

#### **Notifications Closed at Screening**

*(Amended 02/01/2024)*

When the screener receives one of the following notifications, the screener must document the information in a screening report form as a notification unless 413-015-0211(4) applies:

- (1) Notification of an expectant mother with no *children* in the home and the past or current behaviors, conditions or circumstances may endanger a newborn *child*.
- (2) Notification from a *caseworker* that a *child* or *young adult* is identified as a sex trafficking victim.
- (3) Notification that a *child* is identified as an infant with prenatal exposure.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005

## **413-015-0215**

### **Information for which the OTIS is Responsible**

*(SMC Amended 05/16/2023)*

- (1) When the screener receives information involving any of the following settings, the screener must immediately forward the information to the OTIS and notify the OTIS the information was forwarded:
  - (a) Child care;
  - (b) Child-caring agency;
  - (c) Educational provider;
  - (d) ODDS licensed group home;
  - (e) ODDS licensed host home;
  - (f) ODDS certified foster home;
  - (g) OYA certified foster home; or
  - (h) Proctor foster home.
- (2) When the screener receives information involving third party abuse that is not the responsibility of Child Welfare to assess, the screener must immediately forward the information to the OTIS and notify the OTIS the information was forwarded.

Statutory/Other Authority: ORS 418.005 & ORS 419B.017, 409.050

Statutes/Other Implemented: ORS 418.205-418.327, ORS 419B.035, ORS 418.005, ORS 419B.017 & ORS 419B.015

## **413-015-0220**

### **Case Management Related Information**

*(Amended 11/01/2023)*

When any information on an open CPS assessment, open case, a resource family, or respite provider certified by Child Welfare is received at screening, Oregon Child Abuse Hotline staff must document the information in Child Welfare's electronic information system and notify the assigned CPS worker, permanency worker, adoption worker, certifier and their respective supervisors, if applicable.

Stat. Auth.: ORS 418.005, ORS 409.050

Stats. Implemented: ORS 418.005

#### **413-015-0225**

##### **Information or Referral**

*(SMC Amended 05/16/2023)*

Oregon Child Abuse Hotline staff may provide information or referrals or refer to relevant information and referral resources.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005

#### **413-015-0230**

##### **Emergency Action**

*(SMC Amended 05/16/2023)*

When a screener receives information that a person requires immediate attention to their health or safety, the screener must immediately contact 911.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005

## **Cross Reporting**

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#### **413-015-0300**

##### **Cross Reporting Defined**

*(SMC Amended 05/16/2023)*

Child Welfare and law enforcement agencies are required by ORS 419B.015 to notify each other when a *report of abuse*, as defined in ORS 419B.005 or ORS 418.205 – 418.327, is received.

This process is known as cross reporting, and the notification is called a cross report. OAR 413-015-0300 to 413-015-0310 explain when and how a *report of abuse* received by Child Welfare or a law enforcement agency is cross reported. Information is not cross reported until it is received.

Stat. Auth.: ORS 418.005, 419B.017, 409.050

Stats. Implemented: ORS 418.005, 419B.015, 419B.017, 419B.020

## 413-015-0302

### Purpose of Cross Reporting

(SMC Amended 05/16/2023)

The purpose of the cross report is to share reports of alleged *abuse* between Child Welfare and law enforcement agencies.

Stat. Auth.: ORS 418.005, 419B.017, 409.050

Stats. Implemented: ORS 418.005, 419B.015, 419B.017

## 413-015-0305

### Cross Reporting Requirements

(Amended 07/01/2022)

- (1) Who is required to cross report and to whom.
  - (a) When a *report* of *abuse* is received by the Oregon Child Abuse Hotline, Oregon Child Abuse Hotline staff must cross report to a law enforcement agency in the county where the alleged *abuse* occurred, unless the county where the alleged *abuse* occurred is unknown, in which case, cross report to the law enforcement agency in the county where the alleged victim resides, unless the county where the alleged victim resides is unknown, in which case, cross report to the law enforcement agency in the county where the reporter made contact with the alleged victim or the alleged perpetrator.
  - (b) When a *report* of *abuse* is received by a law enforcement agency, the law enforcement agency must cross report to Child Welfare by reporting to the Oregon Child Abuse Hotline.
- (2) What to include in a cross report. A cross report from either the Oregon Child Abuse Hotline or law enforcement agencies must include:
  - (a) The information provided by the person making the *report* of *abuse*. This may include the name of and contact information for the confidential *reporter*, the names and addresses of the *child*, the names and addresses of the *child's parent* or *caregiver*, the *child's* age, the nature and extent of the *abuse*, any evidence of previous *abuse*, the explanation given for the *abuse*, where the *abuse* occurred, identity and whereabouts of the alleged perpetrator, and any other information provided by the person making the *report* that would be helpful in establishing the cause of the *abuse* and the identity and whereabouts of the alleged perpetrator; and
  - (b) The name and contact information for the assigned *CPS worker* and officer, if known.

- (3) When and how to cross report.
  - (a) The Oregon Child Abuse Hotline. When and how the Oregon Child Abuse Hotline must cross report to a law enforcement agency is described below.
    - (A) The same day.
      - (i) The Oregon Child Abuse Hotline must cross report to a law enforcement agency on the same day a screener determines that a *report* of alleged *abuse* requires a within 24 hours response by Child Welfare or immediate notification to law enforcement. This requirement includes, but is not limited to, any reports of:
        - (I) Moderate to severe physical *abuse*;
        - (II) Visible injuries to a *child*;
        - (III) Sexual *abuse*; or
        - (IV) Suspicious or unexpected death of a *child*.
      - (ii) The reports of *abuse* that the Oregon Child Abuse Hotline cross reports on the same day must be cross reported in one of the following ways:
        - (I) Verbal cross report. When a cross report is verbal, and Child Welfare and law enforcement do not respond to the *report* of *abuse* together, a completed screening report form must be sent to the law enforcement agency.
        - (II) Electronic transmission.
    - (B) No later than 10 days.
      - (i) All other reports of *abuse*, including reports assigned for *CPS assessment* and closed at screening, must be cross reported within a time frame that ensures the receipt of the cross report by law enforcement no later than 10 calendar days after receiving the *report*.
      - (ii) The reports of *abuse* that the Oregon Child Abuse Hotline cross reports within a time frame that ensures the receipt of the cross report no later than 10 calendar days must be cross reported by phone or electronic transmission.

- (C) Oregon Child Abuse Hotline cover sheet. In order for law enforcement agencies to quickly and easily prioritize reports and respond accordingly, all written cross reports from the Oregon Child Abuse Hotline must have a cover sheet. The following information must be included on the cover sheet:
    - (i) Date and time of the cross report;
    - (ii) How the cross report is made;
    - (iii) If additional cross reports occurred, and if so, to what agencies;
    - (iv) Name and number of the screener;
    - (v) If the *report* was assigned or not assigned;
    - (vi) Name and number of the assigned *caseworker*;
    - (vii) Cross reporting time frame;
    - (viii) If the *report* is an original or follow-up cross report; and
    - (ix) Date of the original cross report, if it is a follow-up cross report.
  - (D) Supplemental cross reporting by the Oregon Child Abuse Hotline. The Oregon Child Abuse Hotline may receive information not previously cross reported but apparently related to a *report* of *abuse* involving the same victim and the same alleged perpetrator that has been previously cross reported. If the information relates to the same incident of *abuse*, the Oregon Child Abuse Hotline staff must make a supplemental cross report of the additional information to each law enforcement agency that received the prior cross report. Supplemental information that is determined to be critical, given the information in the original *report*, must be cross reported immediately. All other supplemental information must be cross reported within a time frame that ensures the receipt of the information no later than 10 calendar days after the information was received.
- (b) Law enforcement. When and how law enforcement agencies must cross report to the Oregon Child Abuse Hotline is described below.
- (A) Immediate.
    - (i) Law enforcement agencies must cross report to the Oregon Child Abuse Hotline immediately when a law enforcement agency

determines that a *report* of alleged *abuse* requires a joint immediate response.

- (ii) The reports of *abuse* that law enforcement agencies cross report immediately must be cross reported by verbal cross report to the Oregon Child Abuse Hotline without delay.

(B) Next business day.

- (i) Law enforcement agencies must cross report to the Oregon Child Abuse Hotline all other reports of *abuse* no later than the end of the next business day after receiving the *report*.
- (ii) The reports of *abuse* that law enforcement agencies cross report no later than the end of the next business day must be cross reported in one of the following ways:
  - (I) Verbal report.
  - (II) Electronic transmission.
  - (III) Hand delivery.

Statutory/Other Authority: ORS 418.005, ORS 419B.017 & ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 419B.017 & ORS 419B.015

## **413-015-0310**

### **Child Welfare Documentation and Verification Requirements**

*(SMC Amended 05/16/2023)*

#### **Documentation and Verification.**

- (1) If the Oregon Child Abuse Hotline cross reports a *report* of *abuse* on the same day the *report* is received, the cross report must be documented in the Child Welfare electronic information system and must include:
  - (a) The date the cross report is made from Child Welfare to law enforcement;
  - (b) To which law enforcement agency the cross report is made; and
  - (c) How the cross report is made.
- (2) Copies of the cover sheet for a cross report must be maintained in the case record.



- (3) If the cross report is faxed, the screener or designee must attach the fax transmittal confirmation sheet to each cover sheet.

Stat. Auth.: ORS 418.005, 419B.017, 409.050

Stats. Implemented: ORS 418.005, 419B.015, 419B.017

## CPS Assessment

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### 413-015-0400

#### **Purpose and Overview of the CPS Assessment Rules**

*(Amended 11/01/2023)*

These rules, OAR 413-015-0400 to 413-015-0485, describe the activities required to sufficiently complete a CPS assessment. Additional CPS assessment activities are required by OAR 413-015-0601 to 413-015-0608 when the report involves a resource family or respite provider certified by Child Welfare. Activities required to sufficiently complete a third party CPS assessment in which the only alleged perpetrator in the report is a third party are found in OAR 413-015-0801 to 0885.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

### 413-015-0403

#### **Assignment of CPS Assessment**

*(Amended 02/01/2024)*

- (1) A *CPS assessment* may only be assigned to a Child Welfare employee whose current position is a *CPS worker*, a *CPS supervisor*, or an employee who meets the definition of *CPS worker*.
- (2) Whenever possible, separate CPS workers must be assigned to complete the assessments of allegations when a *parent* is a child and they are an alleged perpetrator and an alleged victim.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

### 413-015-0404

#### **Receipt of New Information on an Open CPS Assessment**

*(SMC Amended 05/16/2023)*

When a CPS worker receives notification from a screener that a closed at screening or new referral was created on an open CPS assessment, the CPS worker must review the new information, in consultation with the CPS supervisor, on the same day the CPS worker received notification of the new information.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0405**

### **CPS Assessment Response Timelines**

*(SMC Amended 05/16/2023)*

- (1) The timeline for the response refers to the amount of time from the receipt of a *report* at *screening* to the time when the *CPS worker* is required to make an *initial contact*.
- (2) Every *CPS assessment* must be assigned one of the following response timelines by a *screener* pursuant to OAR 413-015-0210 and the *CPS worker* must make an *initial contact* within the assigned response timeline:
  - (a) Within 24 hours.
  - (b) Within 72 hours.
  - (c) Within 10 business days.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.800, 419B.005 to 419B.050

## **413-015-0409**

### **Exception to Completing a CPS Assessment or CPS Assessment Activities**

*(Amended 02/01/2024)*

- (1) Exception to Completing a CPS Assessment.
  - (a) The only exception to completing a *CPS assessment* required by these rules (OAR 413-015-0400 to 413-015-0485) on an assigned *referral* is when a *CPS worker*, in consultation with a *CPS supervisor* or designee, determines that the *referral* does not require a *CPS assessment* because:
    - (A) The *referral* was opened in error; or
    - (B) There is no longer an allegation of *abuse*. The *CPS worker* received information after being assigned the *referral* and that information in combination with the corresponding *screening* report no longer constitutes a *report of abuse* as defined in ORS 419B.005 or, when applicable, ORS 418.205 – 418.327. This exception may be used only when the *CPS worker* and the *CPS supervisor* or designee determine the information:
      - (i) Is not from the alleged perpetrator;
      - (ii) Relates directly to and specifically negates all allegations in the *screening* report; and
      - (iii) Is considered on the basis of the objectivity of the individual providing the information and the quality of the information.

- (b) The exception in section (1) of this rule is not permitted and a CPS assessment must be completed when the CPS worker has already made contact with the parent, caregiver, or alleged victim, unless:
    - (A) The parent, caregiver, or alleged victim is the original reporter.
    - (B) The report was documented under the wrong case and the corrected report is created.
    - (C) The alleged victim never existed; or (D) The alleged victim is no longer a child;
  - (c) If contact was made as described in subsection (b), the contact must be documented in the CPS assessment, even if the exception in subsection (a) is granted.
  - (d) If the exception in subsection (a) is granted, the local Child Welfare office is responsible for sending written notice to the alleged perpetrator that a criminal records check was conducted, as described in OAR 413-015-1120, using the form provided by the Department, unless the notification is completed by the Oregon Child Abuse Hotline. Sending this notice is not considered contact for the purpose of subsection (b).
- (2) Exception to Completing CPS Assessment Activities. The only exception to completing all requirements of a *CPS assessment* outlined in these rules (OAR 413-015-0400 to 413-015-0485) is when the following subsections apply:
- (A) The *CPS worker* has gathered sufficient information to make a safety determination and the alleged victim is *safe*;
  - (b) The *CPS worker* has gathered sufficient information to make a disposition as required by OAR 413-015-1015 and the disposition is unfounded; and
  - (c) The criteria outlined in the "Exception to Completing *CPS Assessment* Activities" procedure are met.
- (3) The *CPS worker* must document any exceptions granted under this rule in the Child Welfare electronic information system and explain the basis for the exception.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, ORS 419B. 026

## **413-015-0415**

### **CPS Assessment Activities**

(Amended 02/01/2024)

*CPS assessment* activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is controlled by the specific circumstances in a given *referral*.

- (1) Review records.
  - (a) The assigned *CPS worker* must:
    - (A) Thoroughly review the documentation in the *referral*;

- (B) Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the family and the alleged victim that may be useful in completing the *CPS assessment*;
  - (C) Thoroughly review available Self-Sufficiency records; and
  - (D) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the *CPS worker* has information that the family has lived in another state.
- (b) The *CPS worker* must review the documents to identify information related to:
  - (A) Present danger safety threats or impending danger safety threats;
  - (B) History or a pattern of *abuse*;
  - (C) *Child* and family support systems and *protective capacity*; and
  - (D) Worker safety.
- (2) Addressing prior allegations that have not been assessed because Child Welfare was unable to locate the family. The assigned *CPS worker* must address in the current assessment any allegations not previously assessed because Child Welfare was unable to locate the family as follows:
  - (a) Discuss the prior unassessed allegations during interviews;
  - (b) Consider all information about prior unassessed allegations when determining *child* safety; and
  - (c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.
- (3) Contact collateral sources.
  - (a) The *CPS worker* must contact collateral sources who can clarify or supplement the information in the *referral* and in records already reviewed.
    - (A) The *CPS worker* must contact the assigned Self-Sufficiency worker, if any.
    - (B) The *CPS worker* may contact other collateral sources including, but not limited to:
      - (i) Individuals who have regular contact with the alleged victim;
      - (ii) Doctors or others who have evaluated or maintain records on the alleged victim;
      - (iii) People who are in an established personal or professional relationship with the *parent* or *caregiver* and who can judge the quality and nature of the *parent* or *caregiver* behavior and

functioning; and

- (iv) People who have records or information about the *parent* or *caregiver* as a result of their involvement with, or exposure to, the *parent* or *caregiver*.
  - (b) The *CPS worker* must gather information from collateral sources throughout the *CPS assessment*.
  - (c) The *CPS worker* must consult with the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with Child Welfare.
  - (d) The Director of Human Services may, by subpoena compel the production of documents and records, including audio records, video records, photographs and student records, that the director deems relevant or material to a CPS assessment (SB 901 (2023)).
- (4) Consult with a CPS supervisor.
- (a) The *CPS worker* must consult with a *CPS supervisor* or designee:
    - (A) When the *CPS worker* has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department or OYA;
    - (B) When a *referral* involves a resource family or respite provider certified by Child Welfare;
    - (C) When a *referral* involves:
      - (i) A child care;
      - (ii) A child caring agency;
      - (iii) A child caring agency certified proctor foster home;
      - (iv) An educational provider;
      - (v) An ODDS licensed group home or host home; or
      - (vi) An ODDS or OYA certified foster home
    - (D) When a *CPS worker* receives notification from a *screener* that a closed at *screening* or new *referral* was created on an open *CPS assessment*;
    - (E) Prior to a decision to place a *child* in *protective custody*, or after placement if consultation before placement will delay the safety intervention;
    - (F) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;
    - (G) Prior to developing an *initial safety plan* in a resource family or respite

provider certified by Child Welfare, ODDS, or OYA;

- (H) When the *referral* involves a *child* fatality;
  - (I) When making a disposition in a complicated or sensitive situation or case;  
or
  - (J) When closing a CPS assessment with the disposition of "unable to locate."
- (b) Subject to the discretion of the *CPS supervisor*, the *CPS worker* will consult with a *CPS supervisor* or designee at additional key points during the CPS assessment, such as:
- (A) Before making *initial contact* with the family; or
  - (B) When a *referral* indicates potential danger to the worker.
- (5) Contact and work with other entities. The *CPS worker* may need to work with representatives of other entities to gather and analyze safety-related information, develop a sufficient *protective action plan*, *initial safety plan*, or *ongoing safety plan*, and to complete the *CPS assessment*.
- (a) The *CPS worker* may, as appropriate, notify or consult with other Department programs or other agencies including, but not limited to, the Office of Vocational Rehabilitation Services and Animal Control.
  - (b) The *CPS worker* must report to or contact and work with other entities as follows:
    - (A) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The *CPS worker* must make a *report* to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the *CPS worker* has reasonable cause to believe:
      - (i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the *CPS worker* comes into contact has suffered *abuse*.
      - (ii) That any person with whom the *CPS worker* comes into contact has *abused* a person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.
    - (B) Tribal Governments. If the *CPS worker* knows or has reason to know that the *child* is an *Indian child*, the *CPS worker* must give notice within 24 hours to the *Indian child's* tribe that a *CPS assessment* is being conducted unless the *screener* documented completion of this notification in the *referral*. (See OAR 413-115-0040.)
    - (C) Law enforcement.
      - (i) If a cross report was not previously made, the *CPS worker* must

contact one or more law enforcement agencies in accordance with the protocols of the local multi-disciplinary team agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310.

(ii) When there is a joint response involving a *CPS worker* and law enforcement staff, the *CPS worker* is still responsible for all of the activities necessary to complete a *CPS assessment*, which are summarized in OAR 413-015-0400.

- (I) The *CPS worker* must, in consultation with a *CPS supervisor*, determine whether to coordinate assessment activities with LEA in the following situations:
  - (II) Present danger. When the *CPS worker* has information that indicates that the *child* is *unsafe* right now.
  - (III) Family cooperation. When the *CPS worker* has information that the family may not allow the *CPS worker* to observe the alleged victim or other *children* in the home.
  - (IV) Protective custody. When the *CPS worker* has information that a *child* may need to be placed in *protective custody* for the *child's* safety.
  - (V) *Child* interview. When the *CPS worker* and the LEA officer must each interview a *child*, it is preferable to coordinate the interviews to reduce the number of interactions with the *child*.
  - (VI) Worker safety. When the *CPS worker* has information that indicates the family behaviors, conditions, or circumstances could pose a danger to the *CPS worker*.
  - (IX) Crime committed. When the *CPS worker* suspects or receives a *report* that a crime may have been committed.
- (D) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.
- (E) Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a report involves a child care, as required by ORS 419B.020(1).
- (F) Office of Developmental Disabilities Services (ODDS). The CPS worker must notify and coordinate with ODDS when a report involves a home certified by ODDS or a child or young adult receiving services from ODDS.
- (G) Office of Training, Investigations, and Safety (OTIS). The CPS worker must notify and coordinate with the OTIS when a report involves a setting the OTIS is responsible for investigating as listed in OAR 413-

015-0215.

- (H) Oregon Youth Authority (OYA). The CPS worker must notify and coordinate with OYA when a report involves a home certified by OYA or a child in the legal custody of OYA.
- (I) Probation and parole. The CPS worker must contact probation and parole when the allegation involves a parent or caregiver, alleged victim, or alleged perpetrator who is supervised by probation or parole.
- (J) Public or private schools.
  - (i) The *CPS worker* may request school records, including documents and other materials which the *education provider* must immediately provide as described in ORS 339.388.
  - (ii) The *CPS worker* may interview an alleged victim or potential witness at school when the worker believes it will be the best environment in which to assure safety when making contact. ORS 419B.045 provides requirements for CPS assessments that are conducted on school premises. The *CPS worker* must do the following:
    - (I) Notify the *school administrator* that a *CPS assessment* must be conducted. If the *school administrator* is a subject of the *CPS assessment*, then notification is not required.
    - (II) Report to the school office, provide identification, inform school personnel of the *CPS assessment*, and provide the name of the alleged victim or potential witness to be interviewed.
    - (III) Request information from school personnel regarding the disabilities of the alleged victim, if any, prior to an interview with the alleged victim.
    - (IV) Interview the alleged victim or potential witness out of the presence of other persons, unless the *CPS worker* believes the presence of a school employee or other person would facilitate the interview. If the *CPS worker* believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker may confer with the *CPS supervisor* for assistance in handling the situation.
    - (V) Discuss further actions with the alleged victim at the conclusion of the interview.
    - (VI) Inform school personnel when the interview has been completed.



- (VII) Inform school personnel if the alleged victim is taken into *protective custody*.
    - (VIII) Inform school personnel that the *CPS worker* will notify parents of the interview.
    - (IX) Contact the *CPS supervisor* if school officials refuse to allow the CPS assessment to take place on school property.
  - (iii) The CPS worker may not interview a child identified as an alleged perpetrator at school.
- (6) Obtain interpreters and translation. The *CPS worker* must obtain the services of a competent interpreter and competent written translation service for families, including hearing-impaired family members, who have limited or no means of communicating in or reading English.
- (7) Complete actions required to comply with the ICWA/ORICWA under OAR 413-115-0040 to 413-115-0090.
- (8) Determine refugee status and comply with the Refugee Children Act, if applicable. During a *CPS assessment*, the *CPS worker* must consider whether the *child* is a refugee child. Under ORS 418.925, a "refugee child" is a "person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular group or political opinion."
  - (a) If it appears that a *child* is a refugee child, the *CPS worker* must ask about the *child* or parents' country of origin, length of time the *child* or parents have been in the United States, reasons why the *child* or parents came to the United States, and ethnic and cultural information relevant to the *child's* status as a refugee. The *CPS worker* does not have to make a legal determination that the *child* and *parent* are refugees, but if the *child* or the parents indicate they are refugees, then the *CPS worker* must proceed as if they are, until or unless it is known that they are not refugees.
  - (b) The *CPS worker* may not take a refugee child into *protective custody* unless, in addition to the other requirements for taking a *child* into custody, the *CPS worker* determines that:
    - (A) Removal is necessary to prevent imminent serious emotional or physical *harm* to the *child*; and

- (B) Reasonable efforts to alleviate the *harm* through remedial or preventive services do not alleviate the *harm*, have failed, or are not practical in an emergency situation.
- (c) Unless it is a voluntary placement, no refugee child may remain in placement more than five calendar days unless there has been a judicial determination, supported by clear and convincing evidence that:
  - (A) Preventative or remedial services provided by Child Welfare have failed to alleviate the need for removal; and
  - (B) Return to the home will likely result in psychological or physical damage to the *child*.
- (d) When a refugee child is placed in care, the juvenile court petition must include, in addition to the information required by ORS 419B.809, the following information:
  - (A) A specific and detailed account of the circumstances that led Child Welfare to conclude that the *child* was in imminent danger of serious emotional or physical *harm*;
  - (B) Specific actions Child Welfare has taken or is taking to alleviate the need for removal;
  - (C) Assurance Child Welfare has complied with placement preferences listed in ORS 418.937 and listed in subsection (e) of this section; and
  - (D) Assurance Child Welfare is making or has made diligent efforts to locate and give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee that the petition has been filed.
- (e) The *CPS worker* must consider the refugee child's culture and tradition when making any placement decision for a refugee child and, unless shown to be inappropriate and inconsistent with the best interests of the *child*, place the *child* with the following in order of preference:
  - (A) Natural parents.
  - (B) Extended family member.
  - (C) Members from the same cultural heritage.
  - (D) Persons with knowledge and appreciation of the *child's* cultural heritage.

- (f) The *CPS worker* may determine that placement under subsection (e) of this section is inappropriate and inconsistent with the best interests of the *child* if:
  - (A) The preferred placement presents a threat to the *child's* safety;
  - (B) The extreme medical, physical, or psychological needs of the *child* cannot be met in the placement; or
  - (C) There is an informed request from either of the *child's* biological parents not to use a placement, if the request is consistent with stability, security, and the individual needs of the *child*.
- (g) When a juvenile court petition is filed and a refugee child is placed in care, the *CPS worker* must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The *CPS worker* must contact the International Case Consultant for Child Welfare to arrange a time for the staffing. In preparation for the staffing, the *CPS worker* must:
  - (A) Invite the *CPS supervisor* to the staffing; and
  - (B) Be prepared to discuss the reasons for the *CPS referral*, the information indicating that family members are refugees, and their country of origin.
- (9) Take photographs. The *CPS worker* must, during the *CPS assessment*, take photographs and document, as necessary, *abuse* and the *observable* nature of any *present danger safety threat* or *impending danger safety threat*.
  - (a) As provided in ORS 419B.028, a law enforcement officer or the *CPS worker* may take photographs for the purpose of documenting the *child's* condition at the time of the *CPS assessment*.
  - (b) As provided in ORS 419B.028, if the *CPS worker* conducting a *CPS assessment* observes a *child* who has suffered *suspicious physical injury* and the *CPS worker* is certain or has a *reasonable suspicion* that the injury is or may be the result of *abuse*, the *CPS worker*, in accordance with the protocols and procedures of the county *multi-disciplinary team* described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the *child* has previously been photographed or assessed during a *CPS assessment*, the *CPS worker* will photograph or cause to be photographed any suspicious injuries if the *CPS worker* is certain or has a *reasonable suspicion* the suspicious injuries are the result of *abuse*:
    - (A) During the *CPS assessment* of a new allegation of *abuse*; and
    - (B) Each time, during the *CPS assessment*, an injury is observed that was not previously observed by the assigned *CPS worker*.

- (c) When a *child* is photographed pursuant to subsection (b) of this section:
    - (A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:
      - (i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the *designated medical professional*; and
      - (ii) Place photographs in the Child Welfare electronic informatoin the Child Welfare record labeled with the case name, case number, *child's* name, and date taken.
    - (B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the *child's* case.
  - (d) When ensuring photographs are taken pursuant to subsection (b) of this section, the *CPS worker* may take the *child* into *protective custody* without a court order *only for the period of time necessary* to ensure the *suspicious physical injuries* are photographed, as described in ORS 419B.023 and OAR 413-015-0455.
  - (e) The *CPS worker* must document injuries, hazardous environments, and the *observable* nature of any *present danger safety threat* or *impending danger safety threat* in the CPS assessment narrative by use of photographs, written description, or illustrations.
  - (f) Photographs of the anal or genital region may be taken only by medical personnel.
- (10) Obtain medical assessment. The *CPS worker* must, during the *CPS assessment* as required in this section, facilitate a medical assessment of the *child* or, when applicable, *young adult* and obtain medical history when necessary to assure safety, determine treatment needs, or assist in analyzing safety-related information.
- (a) When the *CPS worker* determines that a medical assessment is needed as part of a *CPS assessment*, the *CPS worker* must consult with a *CPS supervisor* as soon as possible, but not at the expense of delaying medical treatment.
  - (b) If a person conducting an CPS assessment under ORS 419B.020 observes a *child* who has suffered *suspicious physical injury* as defined in ORS 419B.023 and the person is certain or has a *reasonable suspicion* that the injury is or may be the result of *abuse*, the person must, in accordance with the protocols and procedures of the county *multi-disciplinary team* described in ORS 418.747, ensure that:

- (A) A *designated medical professional* conducts a medical assessment within 48 hours of the observation of the *suspicious physical injury*, or sooner if dictated by the *child's* medical needs; or
- (B) An available physician, physician assistant, or nurse practitioner conducts a medical assessment if, after reasonable efforts to locate a *designated medical professional*, a *designated medical professional* is not available to conduct a medical assessment within 48 hours. The *CPS worker* is required to document in the Child Welfare electronic information system efforts to locate the *designated medical professional* when an available physician, physician assistant, or nurse practitioner is used.
- (c) When ensuring the timely medical assessment of a *child* pursuant to subsection (b) of this section, and actions outlined in subsection (f) of this section would not comply with the required timelines, the *CPS worker* may take the *child* into *protective custody* without a court order only for the period of time necessary to ensure the medical assessment is conducted, as described in ORS 419B.023 and OAR 413-015-0455.
- (d) The *CPS worker* must facilitate an assessment by a medical professional if the alleged *abuse* involves injury to the anal or genital region.
- (e) When there are indications of severe physical trauma, the *CPS worker* must make arrangements to immediately transport to a medical facility, which may include calling 911. The *CPS worker* must also make arrangements for medical examination for mild or moderate physical trauma.
- (f) To make arrangements for the medical examination, the *CPS worker* must do the following, unless completing the action would delay medical treatment:
  - (A) Discuss with the *parent* or *caregiver* the need for medical examination or treatment.
  - (B) Ask the *parent* or *caregiver* to take the *child* or *young adult* to a medical facility for a medical examination or treatment.
  - (C) Request that the *parent* sign a form DHS 2099, "Authorization for Use and Disclosure of Information."
  - (D) Contact an LEA immediately and seek a juvenile court order to obtain *protective custody* for the purpose of obtaining a medical examination or treatment when:
    - (i) The *parent* or *caregiver* refuses to obtain needed medical examination or treatment;

- (ii) The *parent* or *caregiver* may flee with the *child* or *young adult*; or
    - (iii) Delaying medical examination or treatment could result in *severe harm*.
  - (E) Immediately seek medical care and consultation when there may be a life-threatening condition, or a deteriorating condition that may become life-threatening.
  - (F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to test for chemical exposure to harmful substances when there is reason to believe a *child* or *young adult* has been exposed to dangerous chemicals such as those found in a chemical drug lab.
  - (g) When a *report* of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for *CPS assessment*, the assigned *CPS worker* must comply with OAR 413-020-0600 to 413-020-0650.
  - (h) When it is medically indicated to subject a *child* in the custody of the Child Welfare to HIV testing, the *CPS worker* must comply with OAR 413-040-0400 to 413-040-0450.
  - (i) As provided in ORS 147.425, a *child* who is the victim of a person crime and is at least 15 years of age at the time of the *abuse* may have a *personal representative* present during a medical examination. If a *CPS worker* believes that a *personal representative* would compromise the *CPS assessment*, a *CPS worker* may prohibit a *personal representative* from being present during the medical examination.
  - (j) When the *CPS worker* is assessing a CPS allegation of medical neglect, the *CPS worker* must consult with a health care professional as part of the CPS assessment.
- (11) Obtain psychological and psychiatric evaluations.
- (a) The *CPS worker* must make a *referral* for a psychological or psychiatric evaluation of the *parent*, *caregiver*, or *child* or *young adult* by a mental health professional to assure safety, determine treatment needs, or assist in analyzing safety-related information when during the *CPS assessment* the *CPS worker* identifies a specific condition or behavior that requires additional professional evaluation. This includes, but is not limited to:
    - (A) Unusual or bizarre forms of punishment;
    - (B) Mental illness;

- (C) Suicidal ideation;
  - (D) Homicidal ideation; or
  - (E) Unusual or bizarre behavior that is indicative of emotional problems.
- (b) The *CPS worker* must obtain consent of the *parent* or *caregiver* prior to making a *referral* for a psychological or psychiatric evaluation, unless the evaluation is court ordered.
- (12) Make efforts to locate. When a *child* or *young adult* in *substitute care* is missing, the *CPS worker* must complete required actions as described in OAR 413-080-0053.
- (13) Develop plan of care. When an infant is identified as an infant with prenatal substance exposure, the CPS worker must:
- (a) Ensure a *plan of care* is developed;
  - (b) Ensure the infant with prenatal substance exposure and family are referred to services identified in the *plan of care*; and
  - (c) Document the *plan of care* and referrals made in the Child Welfare's electronic information system.
- (14) Make monthly face-to-face contact. The *CPS worker* must make a minimum of *monthly face-to-face contact* as described in OAR 413-080-0054.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050,  
ORS 418.205-418.327

## **413-015-0420**

### **Make Initial Contact**

*(Amended 02/01/2024)*

- (1) The CPS worker must make an initial contact within the assigned response time line.
- (2) The following outlines contacts the CPS worker is required to attempt and, when possible, complete at initial contact. The CPS worker must:
  - (a) Have face-to-face contact with and interview the alleged victim, their siblings, and any children living in the home except as provided in OAR 413-015-0606. The purpose of the face-to-face contact and interview with the alleged victim, their siblings, and any children living in the home is

to gather information regarding possible abuse, gather information about functioning and vulnerability, and assess immediate safety.

- (A) Interview and observe the alleged victim and any children as follows:
  - (i) The CPS worker must notify parents of the intent to interview unless notification could compromise safety.
  - (ii) The CPS worker must make diligent efforts to make contact at home, school, day care, or any other place where the worker believes the child or young adult may be found. If the CPS worker is unsuccessful, the CPS worker must document in the Child Welfare electronic information system all attempted contacts and the dates of those attempted contacts.
  - (iii) When the CPS worker makes contact at home and the parent or caregiver is not present:
    - (I) The CPS worker must consult with a CPS supervisor and seek assistance from LEA if the referral indicates there is reasonable cause to believe the alleged victim or any child's health or safety is endangered by the conditions of the dwelling; or supervision is inadequate and there is an immediate need to evaluate health and safety.
    - (II) The CPS worker must wait until the parent is present in the home to complete an interview in the home if there is not reasonable cause to believe health or safety is endangered by the conditions of the dwelling or that supervision is inadequate.
  - (iv) When the CPS worker is denied access to the alleged victim or to the alleged victim's residence, the CPS worker must, if the referral indicates the alleged victim may be unsafe, request assistance from LEA in assessing the situation and in taking protective custody if needed. If the referral indicates that the alleged victim is presently safe, the CPS worker must consider the following:
    - (I) Attempting to contact other persons who may have relevant information regarding the referral;
    - (II) Persisting in attempts to gain cooperation from the family or caregivers, depending on the known safety information;
    - (III) Seeking LEA assistance;



- (IV) Consulting with the CPS supervisor, the district attorney, assistant attorney general, or the county juvenile department to discuss possible juvenile court action; or
    - (V) Seeking a protective custody order from the juvenile court.
  - (v) The CPS worker must conduct interviews in a manner that assures privacy.
  - (vi) If the parent or caregiver is the alleged perpetrator or if the presence of the parent or caregiver might impede the interview, the CPS worker must attempt to interview outside the presence of their parents or caregivers.
  - (vii) A CPS worker must allow a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the abuse to have a personal representative be present during an interview. If a CPS worker believes that the personal representative would compromise the CPS assessment, the CPS worker may prohibit a personal representative from being present during the interview.
  - (viii) The CPS worker must observe injuries or signs of abuse. The CPS worker may need to remove the alleged victim's clothing to make adequate observations. In that event, the CPS worker must:
    - (I) Use discretion and make the alleged victim as comfortable as possible.
    - (II) Seek parental consent and assistance, when possible and appropriate.
    - (III) Consider requesting a worker or other support person, who is the same gender as the alleged victim, be present to serve as a witness and provide comfort.
  - (ix) The CPS worker may observe injuries to the anal or genital region if the alleged victim is not school aged and if the injury can be observed without the CPS worker touching the anal or genital region.
- (B) The CPS worker must notify the parents or caregivers the same day the interview occurred. If the same day notification could make a child or adult unsafe, a CPS supervisor may authorize an extension for one day to allow a planned notification that is less likely to compromise safety. The CPS worker must document in the Child Welfare electronic information system the supervisory approval and an explanation describing the basis for the approval.

- (b) Have face-to-face contact with and interview the non-offending parent or caregiver and all adults living in the home. The purpose of this face-to-face contact and interview is to find out what the non-offending parent or caregiver and other adults living in the home know about the alleged abuse, gather safety related information, including parent and caregiver functioning, and gather information to determine if the parent or caregiver can or cannot and will or will not protect the alleged victim.
  - (A) Whenever practicable, the CPS worker must interview both parents and caregivers in person, as outlined in OAR 413-015-0422.
  - (B) Provide all adults living in the home with a written notice that a criminal records check may be conducted on them, as described in OAR 413-015-1120.
  - (C) The CPS worker must provide each parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.
  - (D) The CPS worker must interview the non-custodial legal parent during the CPS assessment. This is not required during the initial contact, but must be completed as part of the assessment process because the non-custodial parent may have essential information or be a placement resource. If the interview of the non-custodial legal parent may make a child or adult unsafe, a CPS supervisor may authorize an exception to this requirement based on written documentation that supports the conclusion that an interview with a non-custodial legal parent should not be conducted.
- (c) Have face-to-face contact with and interview the alleged perpetrator. Except as provided in this subsection, the CPS worker must make face-to-face contact with and interview the alleged perpetrator during the initial contact when they are the custodial parent, caregiver, any person living in the home, or are present in the home when the CPS worker makes contact. The purpose of this interview is to evaluate the alleged perpetrator's reaction to allegations of abuse as well as to the alleged victim and their condition, and to gather further information about the alleged perpetrator and the family in relation to the safety of the alleged victim. When the parent is a child and an alleged perpetrator, the purpose is also to determine if the parent is also an alleged victim of abuse (under paragraph (D) of this subsection).
  - (A) The CPS worker is not required to make face-to-face contact with or interview the alleged perpetrator during the initial contact if:
    - (i) The alleged perpetrator is not a custodial parent, caregiver, anyone living in the home, or is not present in the home when the CPS worker makes contact and delaying contact will not compromise child safety. The CPS worker still must interview the alleged perpetrator, but may complete the interview during the course of the CPS assessment; or
    - (ii) There is a criminal investigation and the interview cannot be coordinated with an LEA within the time lines for initial contact.

- (B) The decision to delay interview of an alleged perpetrator as provided in subparagraphs (A)(i) or (ii) of this subsection must be approved by a CPS supervisor, and the CPS worker must document in the Child Welfare electronic information system both the approval and the reason for delaying the interview.
  - (C) When interviewing the alleged perpetrator, the CPS worker must:
    - (i) Coordinate the interviews of the alleged perpetrator with LEA when law enforcement is conducting an investigation;
    - (ii) Consult with a CPS supervisor if an interview with the alleged perpetrator could make a child or adult unsafe;
    - (iii) Provide the alleged perpetrator with a written notice that a criminal records check may be conducted on them, as described in OAR 413-015-1120; and
    - (iv) Make inquiries about the employment status of the alleged perpetrator. If the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department of Human Services (DHS) or OYA, the CPS worker must notify a CPS supervisor. The CPS supervisor must notify the DHS Office of Human Resources at the time of the assessment and at the time the assessment is reviewed as required in OAR 413-015-0475. The CPS supervisor must document the notifications in the Child Welfare electronic information system.
  - (D) When interviewing the alleged perpetrator who is a child and the parent of the alleged victim, the CPS worker must ask questions to determine if there is an allegation of abuse with the child parent as an alleged victim. If it is determined that there is an allegation of abuse with the child parent as an alleged victim, the information must be reported to a screener.
  - (E) When interviewing an alleged perpetrator who is the parent or caregiver, the CPS worker must provide the parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.
- (3) Gather safety related information through interviews and observation. The CPS worker must begin to gather safety related information through interviews and observation as outlined in OAR 413-015-0422.
  - (4) Determine if there is a present danger safety threat or impending danger safety threat. During the initial contact, the CPS worker must determine, based on the information obtained at that time, if there is a present danger safety threat or impending danger safety threat as outlined in OAR 413-015-0425.
  - (5) Documentation of the Initial Contact. The CPS worker must document the dates of attempted and successful contacts in the Child Welfare electronic information system. If it was not possible during the initial contact for the CPS worker to successfully complete

a required contact, the CPS worker must document why contact was not made and must complete the face-to-face contact and interview as soon as possible.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050

## **413-015-0422**

### **Gather Safety Related Information through Interview and Observation**

*(SMC Amended 05/16/2023)*

- (1) The *CPS worker* must gather relevant information and facts necessary to complete all parts of the *CPS assessment*. The *CPS worker* must gather information through interview and observation about the following:
  - (a) The extent of the *abuse*;
  - (b) The circumstances surrounding the *abuse*;
  - (c) *Child* functioning;
  - (d) Adult functioning;
  - (e) Parenting practices and skills; and
  - (f) Disciplinary practices.
- (2) Interview.
  - (a) Except as outlined in subsection (b) of this section, interview each person in a manner that considers each person's privacy and safety and assures effective communication. Use information gathered from one interview to assist in the next interview.
  - (b) When *domestic violence* is alleged:
    - (A) And the adult victim is not alleged to be a perpetrator of *abuse*, consider interviewing the alleged adult victim first; and
    - (B) Ask questions about *domestic violence* in separate interviews only.
  - (c) The *CPS worker* must, to the extent possible, do the following during interviews with family members:
    - (A) Present identification to the family at the beginning of the interview and provide a business card or other document to the parents and *caregivers* containing the CPS worker's name and phone number;
    - (B) Clearly state the reason for the interview, provide statutory authority to assess reports of *abuse*, and give an explanation of the alleged *abuse*;
    - (C) Allow the *parent* or *caregiver* to respond to each allegation;

- (D) Assure the privacy of the persons being interviewed;
  - (E) Focus the interview on safety;
  - (F) Assess whether the parents or *caregivers* are involved in *domestic violence*;
  - (G) When there is an infant in the household:
    - (i) Inquire about sleep practices the family uses anytime the infant is laid down to sleep;
    - (ii) Engage and educate the family on safe sleep practices; and
    - (iii) Support the family in problem solving to reduce sleep related risk.
  - (H) Summarize and discuss the initial impressions and intentions resulting from the interview with appropriate family members or *caregivers*;
  - (I) Obtain from the parents or *caregivers* the names of persons who can provide additional information in making a safety determination and completing the *CPS assessment*;
  - (J) Ask the parents and *caregivers* to sign an authorization to release information to enable Child Welfare to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers, if applicable; and
  - (K) Inform the parents and *caregivers* about the Child Welfare grievance procedure.
- (3) Observation.
- (a) The *CPS worker* must observe the alleged victim, and the parent or caregiver to assess:
    - (A) Physical condition of the alleged victim, including any *observable* effects of *abuse*;
    - (B) Emotional state of the alleged victim, including mannerisms, signs of fear, and developmental status;
    - (C) Reactions of the parents or *caregivers* to the concerns;
    - (D) Emotional and behavioral status of the parents or *caregivers* during the interviewing process; and
    - (E) Interactions between family members, including verbal and body language;
  - (b) The CPS worker must observe all home environments where the alleged victim resides to assess:

- (A) The condition of the living space;
  - (B) The sleep environment of each child, including any infant; and
  - (C) The physical condition of the home.
- (4) When information is gathered or observations made that indicate a *child* or *young adult* may be a victim of *sex trafficking*, the *CPS worker* must determine whether a *child* or *young adult* is, or is at risk of being, a victim of *sex trafficking*.
- (a) If a determination is made that a *child* or *young adult* is a victim of *sex trafficking* the CPS worker must:
    - (A) Report to a screener the identification of a *child* or a *young adult* as a *sex trafficking* victim;
    - (B) Identify and refer to appropriate services; and
    - (C) Document the *child* or *young adult* is a *sex trafficking* victim in the Child Welfare electronic information system.
  - (b) If a determination is made that a *child* or *young adult* is at risk of being a victim of *sex trafficking*, the CPS worker must identify and refer to appropriate services.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 419B.005 to 419B.050

## **413-015-0425**

### **Determine if there is a Present Danger Safety Threat or Impending Danger Safety Threat**

*(SMC Amended 05/16/2023)*

- (1) Present Danger Safety Threat. At *initial contact* and at any time during the *CPS assessment* the *CPS worker* must determine if a *present danger safety threat* is occurring. To determine there is a *present danger safety threat*, the *CPS worker* must conclude the danger is immediate, significant, and clearly *observable*.
- (2) Impending Danger Safety Threat. Throughout the *CPS assessment* as new information is gathered and also at the conclusion of the *CPS assessment* when all information is gathered, the *CPS worker* must apply the following *safety threshold* criteria to determine if an *impending danger safety threat* is present. When the *CPS worker* concludes all the criteria apply to the family behaviors, conditions, or circumstances, an *impending danger safety threat* is present.
  - (a) Imminent. The family behavior, condition, or circumstance is likely to occur in the immediate to near future.
  - (b) Observable. The family behavior, condition, or circumstance is *observable* and can be clearly described and articulated.
  - (c) Vulnerable Child. The *child's* vulnerability is determined by considering the

*child's* physical and emotional development, ability to communicate needs, mobility, size and dependence, and the *child's* personal characteristics in relation to the family behaviors, conditions, and circumstances.

- (d) Out of Control. A family behavior, condition, or circumstance that can affect a *child's* safety is unrestrained, unmanaged, without limits or monitoring, not subject to influence or manipulation within the control of the family, resulting in an unpredictable and chaotic family environment. The CPS worker must determine whether a *parent* or *caregiver* can or cannot and will or will not protect the *child* from the family behavior, condition, or circumstance.
  - (e) Severity. A family behavior, condition, or circumstance is likely to result in *severe harm* to a *child*.
- (3) When the *CPS worker* determines there is a *present danger safety threat* or *impending danger safety threat* the *CPS worker* must:
- (a) If the *CPS worker* determines a *child* is *unsafe* due to a *present danger safety threat*, establish a *protective action plan* as outlined in OAR 413-015-0435, "Develop a Protective Action Plan", and continue the activities required to sufficiently complete the *CPS assessment*.
  - (b) If the *CPS worker* determines a *child* is *unsafe* due to an *impending danger safety threat*, establish:
    - (A) An *initial safety plan* as outlined in OAR 413-015-0437, "Develop an Initial Safety Plan", and continue the activities required to sufficiently complete the *CPS assessment* when the determination is made prior to the conclusion of the *CPS assessment*.
    - (B) When the *CPS worker* determines a *child* is *unsafe* due to an *impending danger safety threat* at the conclusion of the *CPS assessment*, the *CPS worker* must establish an *ongoing safety plan* as outlined in OAR 413-015-0450, "Develop an Ongoing Safety Plan."
- (4) Documentation of Present Danger Safety Threats and Impending Danger Safety Threats. The *CPS worker* must document in the Child Welfare electronic information system the determination that a *present danger safety threat* or *impending danger safety threat* is present or not, and explain the information that supports the determination.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0428**

### **Identify How the Impending Danger Safety Threat is Occurring**

(SMC Amended 05/16/2023)

- (1) When the *CPS worker* determines an *impending danger safety threat* is present, the *CPS worker* must identify how the *impending danger safety threat* is occurring in the family to determine the necessary level of safety intervention required to assure child safety. The *CPS worker* must use the information gathered to determine:



- (a) Who. Who is creating or allowing the threat;
  - (b) What. What are they doing or not doing;
  - (c) To whom. Which *children* are affected;
  - (d) When. Specific times during the day or week, if any, that requires special attention due to the way the family behaviors, conditions, or circumstances are occurring;
  - (e) Precipitants or family conditions. What contributes to the threat;
  - (f) Frequency. How often does the precipitant, family condition, or threat occur;
  - (g) Duration. How long has the family condition been occurring; and
  - (h) Persistent. How pervasive is the family condition or threat.
- (2) Documentation of how the *impending danger safety threat* is occurring. The *CPS worker* must document how each *impending danger safety threat* is occurring in the Child Welfare electronic information system.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0432**

### **Develop Safety Plans**

(Amended 01/01/2024)

- (1) When a present danger safety threat or impending danger safety threat is identified, a CPS worker must put a safety plan in place to manage the threat. There are three types of safety plans: the protective action plan which manages present danger safety threats, and the initial safety plan and the ongoing safety plan, which manage impending danger safety threats.
- (2) Shared requirements for a protective action plan, initial safety plan, or ongoing safety plan:
  - (a) When developing a protective action plan, initial safety plan, or ongoing safety plan, the CPS worker must:
    - (A) Assure the plan focuses on and controls the identified present danger safety threat or impending danger safety threat;
    - (B) Not use a parent or caregiver who is the alleged perpetrator of physical abuse, sexual abuse, or domestic violence to provide protection or any other adult who was aware of the threats to child safety and did not protect;



- (C) Include safety service providers that have been confirmed to be suitable to provide safety for the child (refer to OAR 413-015-1200 through 413-015-1230, "Assessment of an Individual as a Safety Service Provider");
  - (D) Involve the child's parent or caregiver;
  - (E) Involve the child's tribe as a resource and comply with OAR chapter 413, division 115 when the CPS worker knows or has reason to know that the child is an Indian child; and
  - (F) Assure it has been approved by a Child Welfare supervisor.
- (b) The protective action plan, initial safety plan, or ongoing safety plan, whether in-home or out-of-home, must:
- (A) Be a written document between the parent or caregiver and Child Welfare;
  - (B) Provide a detailed description of the present danger safety threat or impending danger safety threat;
  - (C) Describe how identified present danger safety threats or impending danger safety threats will be managed, including:
    - (i) If impending danger safety threats will be managed in-home, an explanation of how the in-home criteria outlined in (2)(c)(B) of this rule were met;
    - (ii) If impending danger safety threats will be managed out-of-home, an explanation of how the in-home criteria outlined in (2)(c)(B) of this rule were not met; and
    - (iii) How the plan will be monitored.
  - (D) Identify the safety service providers and the safety services necessary to implement the plan; and
  - (E) Establish the time commitments and availability of those involved in the plan.
- (c) The CPS worker must determine whether the impending danger safety threat will be managed with an in-home or out-of-home initial safety plan or ongoing safety plan by determining how the impending danger safety threat is occurring and applying the in-home safety plan criteria.

- (A) The CPS worker must understand how the impending danger safety threat is occurring as required in OAR 413-015-0428, "Identify How the Impending Danger Safety Threat is Occurring", and use the information about how the impending danger safety threat is occurring to develop the least intrusive plan that can manage the identified impending danger safety threat occurring within the particular family;
- (B) An in-home initial safety plan or in-home ongoing safety plan is required when all of the following in-home safety plan criteria are met:
  - (i) There is a home-like setting where the parent and child live.
  - (ii) There are no barriers in the home to allowing safety service providers and activities to occur.
  - (iii) At least one parent is willing to cooperate with the plan.
  - (iv) The necessary safety activities and resources are available to implement the plan.
- (C) An out-of-home initial safety plan or out-of-home ongoing safety plan is required when any of the in-home safety plan criteria outlined in (B)(i) through (iv) above are not met.
- (d) A protective action plan, initial safety plan, or ongoing safety plan may be a combination of in-home and out-of-home in order to assure the least intrusive intervention.
- (e) When CPS worker has determined a child is unsafe and an individual other than the parent or guardian is required to manage the child's safety, the CPS worker must comply with OAR 413-070-0069 to identify relatives and persons with a caregiver relationship. If the child enters care with a non-relative caregiver, the CPS worker must also comply with OAR 413-070-0072 to contact and provide notice to relatives and persons with a caregiver relationship.
- (f) The CPS worker must make modifications to the protective action plan, initial safety plan, or ongoing safety plan, as necessary, to continue to control the identified present danger safety threats or impending danger safety threats.
- (g) When assessing an allegation of sexual abuse, if a plan includes a parent or caregiver, who is the alleged perpetrator, consenting to leave the family home, the CPS worker must notify the local district attorney responsible for the MDT in the county where the child resides that a plan of this type has been developed, pursuant to ORS 418.800. The notice must:
  - (A) Be in writing; and

- (B) Be provided within three business days of the date the parent or caregiver leaves the family home.
  - (h) When a plan includes a parent or caregiver, who is the alleged perpetrator, consenting to leave the family home without their children or have their children leave the family home without them, the CPS worker must, in consultation with a supervisor, file a petition alleging the child is within the jurisdiction of the juvenile court pursuant to ORS 419B.100 within 10 calendar days of the date the parent or caregiver or their children leave the home if the plan is still necessary to assure child safety and will continue to be necessary for the immediate future. A CPS supervisor and Child Welfare program manager may jointly approve a one-time extension to continue the plan described in this section for up to an additional 30 days when the criteria outlined in "Safety Planning" procedure are met.
  - (i) When the protective action plan or initial safety plan involves an Indian child remaining in the home with a parent, the CPS worker must make active efforts to consult and partner with the Indian child's tribe. If the Indian child's tribe is unavailable, consult with the Tribal Affairs Unit.
- (3) Additional Requirements for a Protective Action Plan. Refer to OAR 413-015-0435, "Develop a Protective Action Plan", for additional requirements when developing a protective action plan.
  - (4) Additional Requirements for an Initial Safety Plan. Refer to OAR 413-015-0437, "Develop an Initial Safety Plan", for additional requirements when developing an initial safety plan.
  - (5) Additional Requirements for an Ongoing Safety Plan. Refer to OAR 413-015-0450, "Develop an Ongoing Safety Plan", for additional requirements when developing an ongoing safety plan.
  - (6) Documentation. The CPS worker must provide a detailed description of the protective action plan, initial safety plan, or ongoing safety plan developed to manage the present danger safety threat or impending danger safety threat. Documentation must be completed in the Child Welfare electronic information system within five business days following the identification of the threat and must include:
    - (a) All requirements outlined in paragraphs (2)(b)(B) through (E) of this rule;
    - (b) A summary of the parents' and caregivers' agreement to and acceptance of the plan; and
    - (c) The date the plan was reviewed by a supervisor and the name of the supervisor who reviewed it.

Statutory/Other Authority: ORS 418.005, 409.050

Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015 & ORS 419B.005 - 419B.050

### **413-015-0435**

#### **Develop a Protective Action Plan**

*(SMC Amended 05/16/2023)*

- (1) If the CPS worker determines the child is unsafe due to a present danger safety threat, the CPS worker must immediately initiate a protective action plan. This usually occurs during the initial contact but must occur at any time during the CPS assessment if it is determined that the child is unsafe due to present danger. The purpose of the protective action plan is to ensure that children are safe while CPS intervention continues and a fuller understanding of the family behaviors, conditions, and circumstances is obtained. A protective action plan occurs the same day that it is determined the child is unsafe and provides a child with responsible adult supervision and care.
- (2) Requirements for a Protective Action Plan. When developing a protective action plan, the CPS worker must ensure all requirements in OAR 413-015-0432 are met and that the protective action plan:
  - (a) Manages present danger safety threats;
  - (b) Is in place before the CPS worker leaves the home;
  - (c) Does not remain in place longer than 10 calendar days; and
  - (d) Does not remain in place after the CPS assessment is complete.

Stat. Auth: ORS 418.005, 409.050

Statutes Implemented: ORS 418.005, 409.185, 418.015, 419B.005 - 419B.050

### **413-015-0437**

#### **Develop an Initial Safety Plan**

*(SMC Amended 05/16/2023)*

- (1) If the *CPS worker* determines the *child is unsafe* due to an *impending danger safety threat*, the *CPS worker* must develop and document an *initial safety plan*. The purpose of the *initial safety plan* is to assure that *children are safe* while CPS intervention continues and a fuller understanding of the family behaviors, conditions, or circumstances is obtained.
- (2) Requirements for an *initial safety plan*. When developing an *initial safety plan* the *CPS worker* must assure all requirements in OAR 413-015-0432, "Develop Safety Plans", are met and that the *initial safety plan*:

- (a) Manages impending danger safety threats; and
- (b) Does not continue or remain in place after the *CPS assessment* is complete.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0440**

### **Determine Disposition of the CPS Assessment**

*(Amended 11/01/2023)*

- (1) The CPS worker must determine a disposition for all CPS assessments completed by Child Welfare as required by ORS 419B.026 (1).
- (2) Requirement to Determine Disposition of the *CPS assessment*. The *CPS worker* must determine if there is reasonable cause to believe that *abuse* occurred and explain the basis for that determination.
  - (a) The requirements for determining dispositions on a *report of abuse* as defined in ORS 419B.005 are described in OAR 413-015-1015(1).
  - (b) The requirements for determining dispositions on a *report of abuse* as defined in ORS 418.257 involving a resource family or respite provider certified by Child Welfare are described in OAR 413-015-1015(2).
- (3) When a disposition is *founded* or substantiated for *abuse*, the *CPS worker* must refer all victims three years old and under to Early Intervention as outlined in the Child Welfare Procedure Manual.
- (4) Documentation. The *CPS worker* must document that determination and explain the basis for the determination in the disposition narrative section of the Child Welfare electronic information system prior to completing the *CPS assessment*.

Stat. Auth.: ORS 418.005, 419B.026, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0445**

### **Make Child Safety Decision and Determine Whether to Open a Case**

*(Amended 11/01/2023)*

- (1) After all the necessary information is gathered for the *CPS assessment* and the disposition has been determined, the *CPS worker* must determine if the *child* is *safe* or *unsafe* at the

conclusion of the *CPS assessment*. To make a *child* safety decision at the conclusion of a *CPS assessment*, the *CPS worker* must again determine if an *impending danger safety threat* is present as outlined in OAR 413-015-0425.

- (2) When at the conclusion of the *CPS assessment* the *CPS worker* determines one or more impending danger safety threats are present, including a previously identified threat that has not been eliminated, the *CPS worker* must conclude the *child* is *unsafe*. When the *CPS worker* concludes the *child* is *unsafe* at the conclusion of the *CPS assessment*, the *CPS worker* must:
  - (a) Determine how the *impending danger safety threat* is occurring to support the development of an *ongoing safety plan* as outlined in OAR 413-015-0428;
  - (b) Develop an *ongoing safety plan* as outlined in OAR 413-015-0450;
  - (c) Complete the *CPS assessment*; and
  - (d) Open a case.
- (3) When at the conclusion of the *CPS assessment* the *CPS worker* determines no impending danger safety threats are present and any threat identified previously has been eliminated, the *CPS worker* must conclude the *child* is *safe*. When the *CPS worker* concludes the *child* is *safe* at the conclusion of the *CPS assessment*, the *CPS worker* must comply with all of the following subsections:
  - (a) Dismiss the *protective action plan* or *initial safety plan* if one is in place.
  - (b) Determine if the family has *moderate to high needs* unless completing a *CPS assessment* involving a resource family or respite provider certified by Child Welfare.
    - (A) If the family does not have *moderate to high needs* the *CPS worker* must complete and close the *CPS assessment*.
    - (B) If the family does have *moderate to high needs* the *CPS worker* must:
      - (i) Offer the family referrals to relevant services as available; and
      - (ii) If the family accepts the offer for referrals to services, the *CPS worker* must refer the family to relevant services as available.
  - (c) Complete the *CPS assessment*.
  - (d) Close the *CPS assessment* without opening a case.

- (4) Documentation of the Child Safety Decision. The *CPS worker* must document in the Child Welfare electronic information system the child safety decision including all of the following subsections as applicable:
- (a) If the *child* is *safe* and the assessment will be closed or the *child* is *unsafe* and the case will be opened.
  - (b) If the *child* is *safe*:
    - (A) Whether the family was identified as having *moderate to high needs*; and
    - (B) If applicable, whether the family accepted the offer for service referrals.
  - (c) The basis for the determination in subsection (a) of this section.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0450**

### **Develop an Ongoing Safety Plan**

*(Amended 11/01/2023)*

- (1) At the completion of the CPS assessment when the *CPS worker* determines, through an analysis of the safety related information, that a *child* is *unsafe*, the *CPS worker* and permanency worker must develop and document an *ongoing safety plan* unless completing a *CPS assessment* involving a resource family or respite provider certified by Child Welfare. The purpose of the *ongoing safety plan* is to control the impending danger safety threats as they are uniquely occurring within a particular family.
- (2) Requirements for an Ongoing Safety Plan. When developing an *ongoing safety plan*, the *CPS worker* and permanency worker must assure all requirements in OAR 413-015-0432, "Develop Safety Plans," are met and:
  - (a) Use a *Family Engagement Meeting* unless a supervisor approved an exception;
  - (b) Include *conditions for return* when an out-of-home *ongoing safety plan* is developed; and
  - (c) Re-evaluate the *initial safety plan*, if one is in place, to determine if it is appropriate and sufficient as an *ongoing safety plan* and re-confirm all commitments with all safety service providers identified in the *initial safety plan* if it is to become an *ongoing safety plan*.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## 413-015-0455

### Juvenile Court Action and Protective Custody

(Amended 02/01/2024)

- (1) When juvenile court intervention is necessary to assure the *child* is *safe* and the *child* and family receive appropriate services, the *CPS worker* must make arrangements for a juvenile court petition to be filed, as provided in ORS 419B.809. The *CPS worker*, in consultation with the *CPS supervisor*, must consider whether *protective custody* is necessary to manage *child* safety prior to the shelter hearing.
- (2) A *CPS worker* may take a *child* into *protective custody* with a court order when the *department* believes *protective custody* of the *child* is necessary and the least restrictive means available to:
  - (a) Protect the *child* from *abuse*;
  - (b) Prevent the *child* from inflicting harm on self or others;
  - (c) Ensure the *child* remains within the reach of the juvenile court to protect the *child* from *abuse* or prevent the *child* from inflicting harm on self or others; or
  - (d) Prevent imminent physical damage or harm to the *child* if there is reason to know the *child* is an Indian *child*; or
  - (e) Ensure suspicious injuries were photographed and a medical assessment was conducted in accordance with ORS 419B.023(2).
- (3) Except as provided in section (4) of this rule, a *CPS worker* may take a *child* into *protective custody* without a court order in the following circumstances:
  - (a) When there is *reasonable cause* to believe that:
    - (A) There is an imminent threat of severe harm to a *child*;
    - (B) The *child* poses an imminent threat of *severe harm* to self or others; or
    - (C) There is an imminent threat that the *child's parent* or *guardian* will cause the *child* to be beyond the reach of the juvenile court before the court can order the *child* to be taken into *protective custody*.
  - (b) When the *CPS worker* observes a *child* who has suffered *suspicious physical*



*injury* and the *CPS worker* is certain or there is a *reasonable suspicion* the injury is or may be the result of *abuse*, only for the period of time necessary to ensure compliance with the requirements of ORS 419B.023 and OAR 413-015-0415(9)(b) and (10)(b).

- (4) If there is reason to know that the *child* is an *Indian child*, the *child* may be taken into *protective custody* without a court order only when it is necessary to prevent imminent physical damage or harm to the *child*.
- (5) If there is any resistance or threatened resistance to taking the *child* into *protective custody*, which creates a substantial risk of physical injury to any person, the *CPS worker* may not take the *child* into custody, but must wait for law enforcement assistance or obtain an order of *protective custody* from the juvenile court.
- (6) When a CPS worker takes a child into protective custody, with or without a court order, the CPS worker:
  - (a) Must promptly complete a protective custody report. A protective custody report is required even if the child is released to a parent or other responsible person prior to a shelter care hearing. The report must be completed and sent to the juvenile court the day the child is taken into custody or no later than the morning of the next business day.
  - (b) If the child is not released to a parent or other responsible person, but is retained in protective custody, must schedule a shelter hearing as required by ORS 419B.183.
  - (c) Must notify, in writing, the child's parents, non- custodial parent, Indian custodian, caregivers, and if the CPS worker knows or has reason to know the child is an Indian child, the child's tribe. If the CPS worker knows or has reason to know the child is an Indian child, the worker must also comply with OAR chapter 413, division 115.
  - (d) Must immediately ensure diligent efforts are made to identify the child's legal parents and any putative fathers. Information about putative fathers must be recorded on form CF 418, "Father(s) Questionnaire" and filed in the case record.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, 419B.171, 419B.183, 419B.809

## **413-015-0460**

### **Visitation**

(SMC Amended 05/16/2023)

- (1) If an out-of-home *ongoing safety plan* is developed, the *CPS worker* must arrange for visitation between the *child* and the *child's* family.
- (2) The *CPS worker* must refer to "Visits and Other Types of Child and Family Contact", OAR 413-070-0800 to 413-070-0880.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## 413-015-0465

### Required Assessments and Screenings for all Children Entering Substitute Care

(SMC Amended 05/16/2023)

- (1) Each *child* placed in *substitute care* must receive the following:
  - (a) An intake nursing assessment by a DHS contracted nurse, shortly after entering care;
  - (b) A comprehensive health assessment by the *child's* primary healthcare provider, within 30 calendar days of entering care;
  - (c) A dental assessment for *children* age 1 and older, within 30 calendar days of entering care;
  - (d) A Child and Adolescent Needs and Strengths (CANS) screening, within 60 calendar days of entering care;
  - (e) A mental-health assessment for *children* age 3 and older, within 60 calendar days of entering care; and
  - (f) An Early Intervention Screening for *children* ages 0-2, within 60 calendar days of entering care. (See CPS Early Intervention Referral form CF323.)
- (2) The *caseworker* of a *child* who is placed in *substitute care* must ensure that the *child* receives:
  - (a) All required assessments and screenings as described in section (1) of this rule; and
  - (b) All treatment and services that are recommended in the required assessments and screenings that are covered by either Oregon Health Plan (OHP) or the *child's* private health insurance.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## 413-015-0470

### Notifications at Conclusion of CPS Assessment

(Amended 02/01/2024)

- (1) Requirements for Providing Notifications. The *CPS worker* must:
  - (a) Unless Child Welfare determines disclosure is not permitted under ORS 419B.035, notify the *reporter*, if the *reporter* provided Child Welfare with contact information, whether contact was made, whether Child Welfare determined *abuse* occurred, and whether services will be provided.
  - (b) Provide verbal notification to the alleged victim's parents, including a non-

custodial legal parent, and caregivers of all CPS assessment dispositions (unfounded or unsubstantiated, unable to determine or inconclusive, or founded or substantiated) and whether Child Welfare will provide services as a result of the CPS assessment. If the verbal notification of the CPS assessment disposition and service provision may make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide the notification based on documentation supporting that conclusion. When the child's parent is the perpetrator, the notice under subsection (c) of this section must be provided.

- (c) Provide written notification to perpetrators of founded or substantiated dispositions and the disposition review process as outlined in OAR 413-010-0700 to 413-010-0750. If the notification could make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide notification to the perpetrator based on documentation that supports this conclusion.
  - (A) If the notification could make an adult unsafe, a CPS worker must consult with a CPS supervisor and discuss ways to partner with the impacted person to promote their safety.
  - (B) If the notification could make a child unsafe, the CPS worker must consult with a CPS supervisor to discuss ways to partner with the child's legal parent, guardian, Indian custodian, or attorney to ensure the child's safety.
  - (C) The Child Safety Program manager may approve an exception to delivery of written notification, as provided in OAR 413-010-0715.
- (d) If Child Welfare has reason to know the perpetrator has an attorney, the local Child Welfare office must provide a copy of the written notification described in (c) to the perpetrator's attorney, if applicable, unless the Child Safety Program Manager has approved an exception to delivery, as provided in OAR 413-010-0715.
- (e) Provide the Teacher Standards and Practices Commission (TSPC) notification of the completed CPS assessment when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. Regardless of the disposition, a copy of the completed CPS assessment must be sent to TSPC after information related to the reporter's identity and other confidential information is removed.
- (f) Provide the Office of Developmental Disabilities Services (ODDS) notification of the completed *CPS assessment* when a *CPS assessment* involves a home certified by ODDS. Regardless of the disposition, a copy of the completed *CPS assessment* must be sent to ODDS after information related to the reporter's identity and other confidential information is removed.
- (g) Provide Oregon Youth Authority (OYA) notification of the completed *CPS assessment* when a *CPS assessment* involves a home certified by OYA. Regardless of the disposition, a copy of the completed *CPS assessment* must be sent to OYA after information related to the reporter's identity and other confidential information is removed.
- (h) Provide Disability Rights Oregon notification of the completed *CPS assessment*

when a *report of abuse* was alleged to have occurred at a school or in an educational setting and the *report* involves a child with a disability. Regardless of the disposition, a copy of the completed *CPS assessment* must be sent to Disability Rights Oregon after information related to the reporter's identity and other confidential information is removed.

- (2) Documentation of notifications. The *CPS worker* must document the notifications as described in this rule in the Child Welfare electronic information system and the documentation must include:
  - (a) Who made the notification.
  - (b) To whom the notification was made.
  - (c) The date the notification was made.
  - (d) That the notifications have been attempted or made within the following timelines:
    - (A) Prior to completing the *CPS assessment* for a notification provided under subsection (1)(a) of this rule.
    - (B) Within five business days of supervisory approval of the *CPS assessment* for a notification provided under subsection (1)(b) through (1)(d) of this rule.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, 418.205 – 418.327,

## **413-015-0475**

### **CPS Assessment Documentation, Completion, and Supervisory Review Requirements**

*(Amended 02/01/2024)*

- (1) The *CPS worker* must record assessment activities and information gathered during the CPS assessment process. This includes ensuring materials and records obtained during the CPS assessment are uploaded in the to the Child Welfare electronic information system.
- (2) The *CPS worker* must complete the *CPS assessment* and electronically submit the *CPS assessment* for review by a *CPS supervisor*, within 60 calendar days of the day that the information alleging *abuse* is received by the *screeener*, except as provided in OAR 413-015-0480, "CPS Assessment Extensions."
- (3) The completion of the *CPS assessment* must not interfere with the timely development of the initial case plan as required in OAR 413-040-0010 when Child Welfare is granted temporary custody of the *child* during the *CPS assessment*.
- (4) A *CPS supervisor* or designee must review and approve a completed *CPS assessment* within five business days of the electronic submission of the assessment by the *CPS*

*worker*. After the assessment is reviewed by a *CPS supervisor*, if the alleged perpetrator is an employee of any program, office or division of the Department or OYA, the *CPS Supervisor* must inform the Department's Office of Human Resources of the disposition. If the disposition is founded or substantiated, the *CPS supervisor* must also inform the Department's Office of Human Resources of the type of *abuse*. The *CPS supervisor* must document the notification in the Child Welfare electronic information system.

- (5) Each local Child Welfare office may designate an individual to electronically enter into the Child Welfare electronic information system the verification of the completed review and approval of a *CPS assessment* by a *CPS supervisor* or designee.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0480**

### **CPS Assessment Extensions**

*(SMC Amended 05/16/2023)*

Unless Child Welfare is granted temporary custody of the *child* during the *CPS assessment*, the Child Welfare Program Manager may approve a one-time extension to the time line outlined in OAR 413-015-0475 of an additional 30 calendar days for completion of the *CPS assessment* if critical information (information necessary to determine safety or disposition) is outstanding and the ability to obtain the critical information is beyond the reasonable control of the *CPS worker*.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0485**

### **Confidentiality**

*(SMC Amended 05/16/2023)*

Information gathered and records and reports compiled during a *CPS assessment* are confidential and may be disclosed only as provided in ORS 419B.035. The identity of the person reporting *abuse* may not be disclosed.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

# **Child Welfare Responsibilities When a Report Involves a Resource Family or Respite Provider Certified by Child Welfare**

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## **413-015-0601**

### **Purpose**

*(Amended 06/29/2023)*

The purpose of these rules (OAR 413-015-0601 to 413-015-0608) is to describe Child Welfare responsibilities during the screening and assessment of a report of abuse that involves a resource family or respite provider certified by Child Welfare.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020, 418.205 – 418.327

## **413-015-0604**

### **Additional Screening Activities When a Report Involves a Resource Family or Respite Provider Certified by Child Welfare**

*(Amended 06/29/2023)*

#### **(1) Screener Actions When a Report is Received.**

- (a) When a screener receives information that involves a resource family or respite provider certified by Child Welfare, the screener must:
  - (A) Comply with screening requirements in OAR 413-015-0200 to 413-015-0225 to gather and share information. When the alleged victim in the report is a young adult, references in OAR 413-015-0200 to 413-015-0225 to "child" include a young adult unless the context indicates otherwise.
  - (B) Determine if information received:
    - (i) Meets the definition of abuse in OAR 413-015-0115(1)(a) of a child; or
    - (ii) Meets the definition of abuse in OAR 413-015-0115(1)(b) of a child or young adult, unless the abuse alleged is familial.
  - (C) Notify the following of all information received:

- (i) The assigned caseworker(s) of each child or young adult placed with the resource family or receiving services from the respite provider and the caseworker(s)'s supervisor(s);
    - (ii) The assigned Child Welfare certifier for the resource family and their supervisor; and
    - (iii) The assigned Child Welfare certifier for the respite provider and their supervisor (if applicable).
  - (D) If the information is closed at screening as described in OAR 413-015-0210(4), notify the individuals listed in paragraph (C) of this subsection that the information was closed at screening.
  - (E) Notify law enforcement immediately when a crime is suspected to have occurred even if unrelated to a report of abuse of a child or young adult living in a home certified by Child Welfare, or at a home certified by Child Welfare.
- (b) When a screener receives information alleging abuse of a young adult living in a home certified by Child Welfare, the screener must:
- (A) Provide the information to the Department's Aging and People with Disabilities Division local office, Community Developmental Disabilities Program, or Community Mental Health Program when the young adult is an individual with a diagnosed physical, developmental, or mental disability, respectively; or
  - (B) Provide the information to law enforcement.
- (2) Child Welfare Certifier Actions When a Report is Closed at Screening. When the assigned certifier is notified by a screener that information involving a resource family or respite provider certified by Child Welfare was closed at screening, the certifier must examine the information received and follow OAR 413-200-0270 to 413-200-0298 for certified resource families or OAR 413-205-0000 to 413-205-0085 for certified respite providers.
- (3) Assigned Caseworker Actions When a Report is Closed at Screening.
- (a) When the assigned caseworker is notified by a screener that information involving a child or young adult on an open case was closed at screening, the assigned caseworker must comply with OAR 413-080-0051.
  - (b) When a caseworker has not yet been assigned, the CPS worker is responsible for requirements in OAR 413-080-0051.



Statutory/Other Authority: ORS 418.005 & ORS 409.050

Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.015, ORS 419B.020 & ORS 418.205 -418.327

## **413-015-0606**

### **Additional CPS Assessment Activities for a Report Involving a Resource Family or Respite Provider Certified by Child Welfare**

*(Amended 06/29/2023)*

#### **(1) CPS Worker and CPS Supervisor Actions.**

- (a) If the report involving a resource family or respite provider certified by Child Welfare is referred for a CPS assessment, the assigned CPS worker must convene a staffing before making initial contact unless the timing of the staffing will compromise child or young adult safety. The purpose of the staffing is:
  - (A) To determine and coordinate the response to the referral;
  - (B) To notify those listed in OAR 413-015-0604(1)(a)(C) of the referral; and
  - (C) To share information regarding the resource family or respite provider, the children or young adults placed in the home or receiving services from the respite provider, any caregivers, and any other individuals living in the home of the resource family or respite provider.
- (b) The CPS worker must ensure that the people listed in OAR 413-015-0604(1)(a)(C) and those identified in subsection (c)(B) are invited to the staffing.
- (c) The CPS supervisor or their designee must:
  - (A) Ensure that the staffing discussed in subsection (a) of this section occurs prior to the initial contact unless the timing of the staffing will compromise child or young adult safety;
  - (B) Determine whether the Child Welfare Program Manager, CPS Consultant, Foster Care Coordinator, Respite Care Coordinator, or any other appropriate personnel should be invited to the staffing; and
  - (C) If the staffing does not occur prior to the initial contact, ensure the staffing described in subsection (a) occurs the next business day and all the individuals identified in subsection (b) are invited.
- (d) The CPS worker must complete the following activities during the CPS assessment:



- (A) Comply with CPS assessment requirements in OAR 413-015-0400 to 413-015-0485. When the alleged victim in the referral is a young adult, references in OAR 413-015-0400 to 413-015-0485 to "child" include a young adult unless the context indicates otherwise.
- (B) At initial contact, provide the resource family or the respite provider with the appropriate "What you need to know about a Child Protective Service Assessment" pamphlet.
- (C) Prior to conducting an interview with a child or young adult the CPS worker must inform the child or young adult:
  - (i) When the child or young adult is not in the custody of Child Welfare, that they may have their parent or caregiver or attorney present.
  - (ii) When the child or young adult is in the custody of Child Welfare, that they may have their attorney present.
- (D) Notify and interview the parent or caregiver of any child or young adult residing in the home of a resource family or respite provider certified by Child Welfare who is not in the legal custody of Child Welfare and gain permission to interview the child or young adult. If the CPS worker is denied permission to interview, but such interviews are needed to complete the assessment, the CPS worker should consult with a supervisor and seek the assistance of an assistant attorney general.
- (E) Consult with a CPS supervisor before making the decision to remove any child or young adult from the resource family.
- (F) Provide ongoing information to the assigned Child Welfare certifiers and to the caseworkers identified in OAR 413-015-0604(1)(a)(C).
- (G) Notify law enforcement immediately when a crime is suspected to have occurred even if unrelated to a report of abuse:
  - (i) To a child or young adult living with a resource family certified by Child Welfare; or
  - (ii) At the home of a resource family or respite provider certified by Child Welfare.
- (H) Determine and document the basis for the determination of whether there is reasonable cause to believe that abuse occurred as outlined in OAR 413-015-1015.
- (I) Complete the CPS assessment.

- (2) Child Welfare Certifier and Certification Supervisor Actions. When the assigned certifier is notified that information received by a screener involving a resource family or respite provider certified by Child Welfare is referred for a CPS assessment:
- (a) Within one business day after the CPS worker has made initial contact, the certifier must contact and notify the resource family or respite provider and provide them with the following information:
    - (A) The certifier is available to answer questions related to certification but will not discuss the specifics of the CPS assessment;
    - (B) The resource family or respite provider is immediately placed on inactive referral status pending the completion of the CPS assessment;
    - (C) The resource family or respite provider has the option of having another resource parent or relative resource parent available for support during the assessment; and
    - (D) The names of resource families who have agreed to be available for support.
  - (b) Within one business day, the certifier must document the initiation of a CPS assessment and the placement of the resource family or respite provider on inactive referral status in provider case notes in the Child Welfare electronic information system.
  - (c) Within one business day, the certifier must notify Child Welfare staff responsible for placement that the resource family or the respite provider is on inactive referral status.
  - (d) Within 14 calendar days of the notification required in paragraph (2)(a)(B) of this rule, Child Welfare must provide written notification to the resource family or respite provider that the home has been placed on inactive referral status and place a copy of the written notification in the certification file.
  - (e) The certifier must provide ongoing information regarding the resource family or respite provider and any individuals living in the home to the assigned CPS worker and the caseworkers of each child or young adult placed in the home.
  - (f) The certification supervisor must ensure that the actions required in subsections (a) through (e) of this section are completed if the certifier is unavailable.
- (3) Assigned Caseworker Actions.
- (a) When the assigned caseworker is notified that a report of abuse involving a child or young adult on an open case has been referred for a CPS assessment, the assigned caseworker must comply with OAR 413-080-0051.

- (b) When a caseworker has not yet been assigned, the CPS worker is responsible for requirements in OAR 413-080-0051.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020

## **413-015-0608**

### **Additional Activities at the Conclusion of the CPS Assessment on a Resource Family or Respite Provider Certified by Child Welfare**

*(Amended 06/29/2023)*

#### **(1) CPS Worker and Supervisor Actions.**

- (a) In addition to the actions required in OAR 413-015-0400 to 413-015-0485, the CPS worker must convene a staffing within five business days of the completion of the CPS assessment to:
  - (A) Share information gathered during the CPS assessment, and the results of the CPS assessment;
  - (B) Discuss and determine whether any additional actions described in OAR 413-015-0400 to 413-015-0485 are appropriate;
  - (C) Determine who needs to be notified of the disposition of the CPS assessment and determine which staff will be responsible for providing notification as outlined in this rule and in OAR 413-015-0470;
  - (D) Discuss certification actions that have been taken and whether any additional actions described in OAR 413-200-0270 to 413-200-0298 for resource families or OAR 413-205-0000 to 413-205-0085 for certified respite providers are appropriate.
- (b) The CPS worker must ensure their supervisor and the individuals identified in OAR 413-015-0604(1)(a)(C) and subsection (c)(B) are invited to the staffing.
- (c) The CPS supervisor or their designee:
  - (A) Must ensure that the staffing, discussed in subsection (a) of this section occurs;
  - (B) Must determine whether the Child Welfare Program Manager, CPS Consultant, Foster Care Coordinator, Respite Care Coordinator, or other appropriate personnel should be invited to the staffing; and

- (C) When the CPS assessment disposition is founded or substantiated and involves a resource family or respite provider certified by Child Welfare, ODDS, or OYA, the CPS supervisor or designee must complete a DHS 150 Sensitive Issue Report.
  - (D) At the conclusion of any CPS assessment, regardless of the disposition, must immediately notify the assigned caseworkers, the certifier(s), the CPS Consultant, the Foster Care Coordinator, and the Respite Care Coordinator (if applicable), that the CPS assessment has been completed and approved.
- (2) When the disposition involves a child or young adult on an open case, the assigned caseworker must comply with the requirements in OAR 413-080-0051.
- (3) Child Welfare Certifier and Certification Supervisor Actions at the conclusion of a CPS assessment involving a resource family certified by Child Welfare.
  - (a) At the conclusion of a CPS assessment involving a resource family certified by Child Welfare, during or within five business days of the meeting required in subsection (1)(a) of this rule, the certifier and certification supervisor must:
    - (A) Staff the case and review all the information in the CPS assessment;
    - (B) Determine whether the information indicates certification actions described in OAR 413-200-0270 to 413-200- 0298 should be taken; and
    - (C) Ensure documentation of the results of the staffing in provider case notes in the Child Welfare electronic information system.
  - (b) After completing the staffing required in subsection (1)(a) of this rule, if Child Welfare determines:
    - (A) The Certificate of Approval for the resource family should be revoked, the assigned certifier must initiate revocation of the Certificate of Approval as described in OAR 413-200-0296.
    - (B) The inactive referral status should continue because one or more of the conditions in OAR 413-200-0294 are present, the assigned certifier must summarize the outcome of the assessment and the reasons for continuing inactive referral status in a letter delivered to the certified family within 10 calendar days of the completed CPS assessment. The certifier must retain a copy of the letter in the certification file.
    - (C) The certificate will not be revoked after a founded or substantiated or unable to determine or inconclusive disposition, the assigned certifier must:

- (i) Submit written documentation supporting the continued certification to the District Manager or Child Welfare Program Manager for approval;
  - (ii) Upon receiving approval for continued certification from the District Manager or Child Welfare Program Manager, remove the resource family from inactive referral status;
  - (iii) Within ten business days of receiving approval from the District Manager or Child Welfare Program Manager, send written notification to the resource family that the home is no longer on inactive referral status and retain a copy of the written notification in the certification file; and
  - (iv) Notify Child Welfare staff responsible for placement that the resource family is no longer on inactive referral status.
- (4) Child Welfare Certifier and Certification Supervisor actions at the conclusion of a CPS assessment involving a respite provider certified by Child Welfare.
  - (a) During or within five business days of the meeting required in subsection (1)(a) of this rule, the certifier and certification supervisor must:
    - (A) Staff the case and review all the information in the CPS assessment;
    - (B) Determine whether the information indicates certification actions described in OAR 413-205-0000 to 413-205- 0085 should be taken; and
    - (C) Ensure documentation of the results of the staffing in provider case notes in the Child Welfare electronic information system.
  - (b) After completing the staffing required in subsection (1)(a) of this rule, if Child Welfare determines the Respite Certificate of Approval for the respite provider:
    - (A) Must be revoked after a founded or substantiated disposition, the assigned certifier must initiate revocation of the certificate unless the respite provider voluntarily terminates their certificate as described in OAR 413-205-0025.
    - (B) Will not be revoked after an unable to determine or inconclusive disposition, the assigned certifier must:
      - (i) Submit written documentation supporting the continued certification to the District Manager or Child Welfare Program Manager for approval;

- (ii) Upon receiving approval for continued certification from the District Manager or Child Welfare Program Manager, remove the respite provider from inactive referral status;
  - (iii) Within ten business days of receiving approval from the District Manager or Child Welfare Program Manager, send written notification to the respite provider they are no longer on inactive referral status and retain a copy of the written notification in the certification file; and
  - (iv) Notify Child Welfare staff responsible for placement the respite provider is no longer on inactive referral status.
- (5) The CPS worker or supervisor, and the Child Welfare certifier or supervisor must meet with the resource family or respite provider within ten business days of the completion of the CPS assessment to explain the disposition and any certification actions that will be taken unless the resource family or respite provider declines the opportunity for a meeting.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.015, 419B.020

# Third Party CPS Assessments

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## 413-015-0801

### **Purpose and Overview of Third Party CPS Assessment Rules**

*(Amended 03/28/2022)*

These rules, OAR 413-015-0800 to 413-015-0885, describe the activities required to sufficiently complete a *third party CPS assessment* when the *referral* contains reports of *third party abuse* only.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## 413-015-0803

### **Assignment of Third Party CPS Assessment**

*(Amended 02/01/2024)*

- (1) A *third party CPS assessment* may only be assigned to a Child Welfare employee whose current position is a *CPS worker*, a *CPS supervisor*, or an employee who meets the definition of *CPS worker*.
- (2) Whenever possible, separate *CPS workers* must be assigned to complete the assessments of allegations when a *parent* is a child, an *alleged perpetrator* and *alleged victim*.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## 413-015-0804

### **Receipt of New Information on an Open Third Party CPS Assessment**

*(Amended 03/28/2022)*

When a *CPS worker* receives notification from a screener that a closed at screening or new referral was created on an open *third party CPS assessment*, the *CPS worker* must review the new information, in consultation with the CPS supervisor, on the same day the *CPS worker* received notification of the new information.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## 413-015-0805

### Third Party CPS Assessment Response Timelines

(Amended 03/28/2022)

- (1) The timeline for the response refers to the amount of time from the receipt of a *report* at *screening* to the time when the *CPS worker* is required to make an *initial contact*.
- (2) Every *third party CPS assessment* must be assigned one of the following response timelines by a *screener* pursuant to OAR 413-015-0210 and the *CPS worker* must make an *initial contact* within the assigned response timeline:
  - (a) Within 24 hours.
  - (b) Within 72 hours.
  - (c) Within 10 business days.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.800, 419B.005 to 419B.050

## 413-015-0809

### Exceptions to Completing a Third Party CPS Assessment

(Amended 02/01/2024)

- (1) Exception to Completing a *third party CPS assessment*.
  - (a) The only exception to completing a *third party CPS assessment* required by these rules (OAR 413-015-0800 to 413-015-0885) on an assigned *referral* is when a *CPS worker*, in consultation with a *CPS supervisor* or designee, determines that the *referral* does not require a *third party CPS assessment* because:
    - (A) The *referral* was opened in error; or
    - (B) There is no longer an allegation of *abuse*. The *CPS worker* received information after being assigned the *referral* and that information in combination with the corresponding *screening* report no longer constitutes a *report* of *abuse* as defined in ORS 419B.005 or, when applicable, ORS 418.205 – 418.327. This exception may be used only when the *CPS worker* and the *CPS supervisor* or designee determine the information:
      - (i) Is not from the *alleged perpetrator* or the *alleged perpetrator's* *parent* or *caregiver* if the *alleged perpetrator* is a *child*;
      - (ii) Relates directly to and specifically negates all allegations in the *screening* report; and



- (iii) Is considered on the basis of the objectivity of the individual providing the information and the quality of the information.
  - (b) The exception in section (1) of this rule is not permitted and a *third party CPS assessment* must be completed when the *CPS worker* has already made contact with the *parent* or *caregiver of the alleged victim*, the *alleged victim*, the *alleged perpetrator*, or the *parent* or *caregiver of the alleged perpetrator* if the *alleged perpetrator* is a *child*, unless they are the original *reporter*.
    - (A) The parent, caregiver, or alleged victim, is the original reporter;
    - (B) The report was documented under the wrong case and corrected report is created;
    - (C) The alleged victim never existed; or
    - (D) The alleged victim is no longer a child;
  - (c) If contact was made as described in subsection (b), the contact must be documented in the CPS assessment, even if the exception in subsection (a) is granted.
  - (d) If the exception in section (1) of this rule is granted, the local Child Welfare office is responsible for sending written notice to the alleged perpetrator that a criminal records check was conducted, as described in OAR 413- 015-1120, using the form provided by the Department, unless the notification is completed by the Oregon Child Abuse Hotline.
- (2) The *CPS worker* must document any exceptions granted under this rule in the Child Welfare electronic information system and explain the basis for the exception.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, ORS 419B. 026

## **413-015-0815**

### **Third Party CPS Assessment Activities**

*(Amended 02/01/2024)*

*Third party CPS assessment* activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is determined by the specific circumstances in a given *referral*.

- (1) Review records.
  - (a) The assigned *CPS worker* must:
    - (A) Thoroughly review the documentation in the *referral*;
    - (B) Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the *alleged perpetrator* and the

*alleged victim* that may be useful in completing the *third party CPS assessment*;

- (C) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the *CPS worker* has information that another state may have information relevant to their *third party CPS assessment*.
- (b) The *CPS worker* must review the documents to identify information related to:
  - (A) The current *third party CPS assessment*;
  - (B) History or a pattern of *abuse*;
  - (C) The *alleged victim's* safety and functioning;
  - (D) The *alleged perpetrator's* functioning; and
  - (E) Worker safety.
- (2) Address unassessed allegations. If there are allegations of *abuse* of the *alleged victim* by the *alleged perpetrator* identified in the current *referral* which were not assessed previously because Child Welfare was unable to locate the *alleged victim* or the *alleged perpetrator*, the *CPS worker* must:
  - (a) Discuss the prior unassessed allegations during interviews;
  - (b) Consider all information about prior unassessed allegations when determining child safety; and
  - (c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.
- (3) Contact collateral sources.
  - (a) The *CPS worker* must contact collateral sources who can clarify or supplement the information in the *referral* and in records already reviewed. The *CPS worker* may contact collateral sources including, but not limited to:
    - (A) Individuals who may have information related to the *third party CPS assessment*;
    - (B) Individuals who have regular contact with the *alleged victim* or the *alleged perpetrator*;
    - (C) Doctors or others who have evaluated or maintain records on the *alleged victim*;
    - (D) People who are in an established personal or professional relationship with the *alleged victim and alleged perpetrator* and who can judge the quality and nature of the *alleged victim and alleged perpetrator's* behavior and functioning; and
    - (E) People who have records or information about the *alleged victim and the*

*alleged perpetrator* as a result of their involvement with, or exposure to, the *alleged victim and alleged perpetrator*.

- (b) The *CPS worker* must gather information from collateral sources throughout the *third party CPS assessment*.
  - (c) The *CPS worker* must consult with the assistant attorney general for advice on accessing records from a collateral source if the source is unable or unwilling to share information with Child Welfare.
  - (d) The Director of Human Services may, by subpoena, compel the production of documents and records, including audio records, video records, photographs, and student records, that the director deems relevant or material to a CPS assessment.
- (4) Consult with a CPS supervisor.
- (a) The *CPS worker* must consult with a *CPS supervisor* or designee:
    - (A) When the *CPS worker* has reasonable cause to believe the *alleged perpetrator* is an employee of any program, office, or division of the Department or OYA;
    - (B) When a *referral* involves a resource family or respite provider certified by Child Welfare,
    - (C) When a *referral* involves:
      - (i) A *child care*;
      - (ii) A *child-caring agency*;
      - (iii) A *child-caring agency* certified *proctor foster home*;
      - (iv) An *educational provider*;
      - (v) An ODDS licensed group or host home; or
      - (vi) An ODDS or OYA certified foster home.
    - (E) When a *CPS worker* receives notification from a *screener* that a closed at *screening* or new *referral* was created on an open *third party CPS assessment*;
    - (F) When the *referral* involves a *child* fatality;
    - (G) When making a disposition in a complicated or sensitive situation or case;  
or
    - (H) When closing a *third party CPS assessment* with the disposition of "unable to locate."
  - (b) The *CPS worker* must consult with a *CPS supervisor* or designee and refer to OAR 413-015-0850 if at any point during a *third party CPS assessment*:

- (A) The *CPS worker* has information the *alleged victim*, or a *child* identified as an *alleged perpetrator* may be unsafe or at risk of being harmed;
  - (B) The *CPS worker* is unable to conduct the activities required during a third party CPS assessment because an *alleged victim*, parent or caregiver, or *alleged perpetrator* will not allow those activities to occur;
  - (C) If a *CPS worker* is unable to contact the *alleged victim's parent* or *caregiver*, or the *alleged perpetrator's parent* or *caregiver* if the *alleged perpetrator* is a *child*, to notify them of the intent to interview;
  - (D) If a *CPS worker* has information indicating notification of an *alleged victim's parent* or *caregiver*, or the *alleged perpetrator's parent* or *caregiver* if the *alleged perpetrator* is a *child*, of the intent to interview may make a *child* or an adult unsafe; or
  - (E) The *CPS worker* determines a *child* is in present danger and the *parent* or *caregiver* is unable to protect the *child*, and consultation does not delay the safety intervention.
- (c) Subject to the discretion of the *CPS supervisor*, the *CPS worker* will consult with a *CPS supervisor* or designee at additional key points during the *third party CPS assessment*, such as:
- (A) Before making *initial contacts*; or
  - (B) When a *referral* indicates potential danger to the worker.
- (5) Contact and work with other entities. The *CPS worker* may need to work with representatives of other entities to gather and analyze safety-related information to complete the *third party CPS assessment*.
- (a) The *CPS worker* may, as appropriate, notify or consult with other Department programs or other agencies including, but not limited to, the Office of Vocational Rehabilitation Services and Animal Control.
  - (b) The *CPS worker* must report to or contact and work with other entities as follows:
    - (A) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The *CPS worker* must make a *report* to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the *CPS worker* has reasonable cause to believe:
      - (i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the *CPS worker* comes into contact has suffered *abuse*.

- (ii) That any person with whom the *CPS worker* comes into contact has *abused* a person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.
- (B) Law enforcement.
  - (i) If the *screener* did not cross report, the *CPS worker* must contact one or more law enforcement agencies (LEA) in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310.
  - (ii) When there is a joint response involving a *CPS worker* and LEA staff, the *CPS worker* is still responsible for all of the activities necessary to complete a *third party CPS assessment*, which are summarized in OAR 413-015-0800 to 413-015-0885. The *CPS worker* must, in consultation with a *CPS supervisor*, determine whether to coordinate assessment activities with LEA in the following situations:
    - (I) Present danger. When the *CPS worker* has information that indicates that the *alleged victim* is *unsafe* right now.
    - (II) *Parent* or *caregiver* cooperation. When the *CPS worker* has information the parent or caregiver may not allow the *CPS worker* to observe or interview the *alleged victim*.
    - (III) *Alleged perpetrator* cooperation. When the *CPS worker* has information the *alleged perpetrator* may refuse, or has refused to be interviewed by the *CPS Worker*.
    - (IV) *Child* interview. When the *CPS worker* and the LEA officer must each interview a *child*, it is preferable to coordinate the interviews to reduce the number of interactions with the *child*.
    - (V) Worker safety. When the *CPS worker* has information that indicates contact with individuals involved in the *third party CPS assessment* could pose a danger to the *CPS worker*.
    - (VI) Crime committed. When the *CPS worker* suspects or receives a *report* that a crime may have been committed.
- (C) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse, as

necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.

- (D) Nine Tribes of Oregon. If the CPS worker knows or has reason to know the alleged victim or a child identified as an alleged perpetrator is an Indian child due to their affiliation with an Oregon Tribe, the CPS worker must notify the Oregon Tribe of the third party CPS assessment within 24 hours unless the screener documented completion of this notification in the referral (see OAR 413-115-0040).
- (E) Office of Child Care. The CPS worker must notify and coordinate with the Compliance Unit of the Office of Child Care when a report involves a child care, as required by ORS 419B.020(1).
- (F) Office of Developmental Disabilities Services (ODDS). The CPS worker must notify and coordinate with ODDS when a report involves a home certified by ODDS or a child or young adult receiving services from ODDS.
- (G) Office of Training, Investigations, and Safety (OTIS). The CPS worker must notify and coordinate with the OTIS when a report involves a setting the OTIS is responsible for investigating as listed in OAR 413-015-0215.
- (H) Oregon Youth Authority (OYA). The CPS worker must notify and coordinate with OYA when a report involves a home certified by OYA or a child in the legal custody of OYA.
- (I) Probation and parole. The CPS worker must contact probation and parole when the allegation involves an alleged victim or an alleged perpetrator who is supervised by probation or parole.¶
- (J) Public or private schools.
  - (i) The *CPS worker* may request school records, including documents and other materials which the *education provider* must immediately provide as described in ORS 339.388.
  - (ii) The *CPS worker* may interview an *alleged victim* at school if the *alleged victim's parent* or *caregiver* has been notified of the *third party CPS assessment* and is in agreement that the school is the best environment in which to interview the *alleged victim*.
  - (iii) ORS 419B.045 provides requirements for *third party CPS assessments* that are conducted on school premises. The *CPS worker* must do the following:
    - (I) Notify the *school administrator* that a *third party CPS assessment* must be conducted. If the *school administrator* is a subject of the *third party CPS assessment*, then notification is not required.

- (II) Report to the school office, provide identification, inform school personnel of the *third party CPS assessment*, and provide the name of the *alleged victim* to be interviewed.
  - (III) Request information from school personnel regarding the disabilities of the *alleged victim*, if any, prior to an interview with the *alleged victim*.
  - (IV) Interview the *alleged victim* out of the presence of other persons unless the *CPS worker* believes the presence of a school employee or other person would facilitate the interview. If the *CPS worker* believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker may confer with the *CPS supervisor* for assistance in handling the situation.
  - (V) Discuss further actions with the *alleged victim* at the conclusion of the interview.
  - (VI) Inform school personnel when the interview has been completed.
  - (VII) Inform school personnel if the *alleged victim* is taken into *protective custody*.
  - (VIII) Inform school personnel that the *CPS worker* has notified parents of the interview.
  - (IX) Contact the *CPS supervisor* if school officials refuse to allow the *third party CPS assessment* to take place on school property.
- (iv) The CPS worker may not interview a *child* identified as an *alleged perpetrator* at school
- (6) Obtain interpreters and translation. The *CPS worker* must obtain the services of a competent interpreter and competent written translation service for individuals interviewed during the *third party CPS assessment*, including hearing-impaired individuals, who have limited or no means of communicating in or reading English.
  - (7) Take photographs. The *CPS worker* must, during the *third party CPS assessment*, take photographs and document, as necessary, *abuse* and the *observable* nature of any concerns for the *alleged victim's* safety. Prior to taking photographs, the CPS worker must request parental consent.
    - (a) As provided in ORS 419B.028, a law enforcement officer or the *CPS worker* may take photographs for the purpose of documenting the *child's* condition at the time of the *third party CPS assessment*.
    - (b) As provided in ORS 419B.028, if the *CPS worker* conducting a *third party CPS assessment* observes a *child* who has suffered *suspicious physical injury* and the *CPS worker* is certain or has a *reasonable suspicion* that the injury is or may be



the result of *abuse*, the *CPS worker*, in accordance with the protocols and procedures of the county *multi-disciplinary team* described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the *child* has previously been photographed or assessed during a *third party CPS assessment*, the *CPS worker* will photograph or cause to be photographed any suspicious injuries if the *CPS worker* is certain or has a *reasonable suspicion* the suspicious injuries are the result of *abuse*:

- (A) During the *third party CPS assessment* of a new allegation of *abuse*; and
  - (B) Each time, during the *third party CPS assessment*, an injury is observed that was not previously observed by the assigned *CPS worker*.
- (c) When a *child* is photographed pursuant to subsection (b) of this section:
- (A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:
    - (i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the *designated medical professional*; and
    - (ii) Place photographs in the Child Welfare record labeled with the case name, case number, *child's* name, and date taken.
  - (B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the *child's* case.
- (d) If the *alleged victim* or the *alleged victim's* parent or caregiver refuses to allow the CPS worker to take photographs in accordance with ORS 419B.023, immediately consult with a CPS supervisor and refer to OAR 413-015-0850.
- (e) The *CPS worker* must document injuries, hazardous environments, and the *observable* nature of any concerns for the *alleged victim's* safety in the *third party CPS assessment* narrative by use of photographs, written description, or illustrations.
- (f) Photographs of the anal or genital region may be taken only by medical personnel.
- (8) Obtain medical assessment. The *CPS worker* must, during the *third party CPS assessment* as required in this section, facilitate a medical assessment of the *alleged victim* and obtain medical history when necessary to determine a disposition or analyze safety-related information.
- (a) When the *CPS worker* determines that a medical assessment is needed as part of a *third party CPS assessment*, the *CPS worker* must consult with a *CPS supervisor* as soon as possible, but not at the expense of delaying medical treatment.
  - (b) If a person conducting an *third party CPS assessment* under ORS 419B.020 observes a *child* who has suffered *suspicious physical injury* as defined in ORS 419B.023 and the person is certain or has a *reasonable suspicion* that the injury is



or may be the result of *abuse*, the person must, in accordance with the protocols and procedures of the county *multi-disciplinary team* described in ORS 418.747, ensure that:

- (A) A *designated medical professional* conducts a medical assessment within 48 hours of the observation of the *suspicious physical injury*, or sooner if dictated by the *child's* medical needs; or
  - (B) An available physician, physician assistant, or nurse practitioner conducts a medical assessment if, after reasonable efforts to locate a *designated medical professional*, a *designated medical professional* is not available to conduct a medical assessment within 48 hours. The *CPS worker* is required to document in the Child Welfare electronic information system efforts to locate the *designated medical professional* when an available physician, physician assistant, or nurse practitioner is used.
- (c) The *CPS worker* must facilitate an assessment by a medical professional if the alleged *abuse* involves injury to the anal or genital region.
- (d) To make arrangements for the medical examination, the *CPS worker* must do the following, unless completing the action would delay medical treatment or result in *severe harm*:
- (A) Discuss with the *parent* or *caregiver* the need for medical examination or treatment and request their consent.
  - (B) Ask the *parent* or *caregiver* to take the *child* or *young adult* to a medical facility for a medical examination or treatment.
  - (C) Request that the *parent* sign a form DHS 2099, "Authorization for Use and Disclosure of Information."
  - (D) If the *alleged victim's parent* or *caregiver* does not consent to the medical assessment pursuant to subsection (b) of this section or actions outlined in subsection (d) of this section, as required by ORS 419B.023, the *CPS worker* must immediately consult with a CPS supervisor and refer to OAR 413-015-0850.
  - (E) Immediately seek medical care and consultation when there may be a life-threatening condition, or a deteriorating condition that may become life-threatening.
  - (F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to test for chemical exposure to harmful substances when there is reason to believe an *alleged victim* has been exposed to dangerous chemicals such as those found in a chemical drug lab.
- (e) When there are indications of severe physical trauma, the *CPS worker* must make arrangements to immediately transport to a medical facility, which may include calling 911. The *CPS worker* must also make arrangements for medical examination for mild or moderate physical trauma.

- (g) When a *report* of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for *third party CPS assessment*, the assigned *CPS worker* must comply with OAR 413-020-0600 to 413-020-0650.
  - (h) When it is medically indicated to subject a *child* in the custody of the Child Welfare to HIV testing, the *CPS worker* must comply with OAR 413-040-0400 to 413-040-0450.
  - (i) As provided in ORS 147.425, a *child* who is the victim of a person crime and is at least 15 years of age at the time of the *abuse* may have a *personal representative* present during a medical examination. If a *CPS worker* believes that a *personal representative* would compromise the *third party CPS assessment*, a *CPS worker* may prohibit a *personal representative* from being present during the medical examination.
  - (j) When the *CPS worker* is assessing medical neglect, the *CPS worker* must consult with a health care professional as part of the *third party CPS assessment*.
- (9) Obtain psychological and psychiatric evaluations.
- (a) The *CPS worker* must obtain consent of the *parent* or *caregiver* prior to making a *referral* for a psychological or psychiatric evaluation of the *alleged victim*.
  - (b) The *CPS worker* must make a *referral* for a psychological or psychiatric evaluation of the *alleged victim* by a mental health professional if the evaluation is necessary to determine a disposition or analyze safety-related information during the *third party CPS assessment*.
- (10) Make efforts to locate. When the *alleged victim* is a *child* or *young adult* in *substitute care* who is missing, the *CPS worker* must collaborate with the assigned caseworker in attempting to locate the *alleged victim*.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050, ORS 418.205-418.327

## **413-015-0820**

### **Make Initial Contact on a Third Party CPS Assessment**

*(Amended 03/28/2022)*

- (1) The *CPS worker* must make an *initial contact*, within the assigned response timeline, unless:
  - (a) A *CPS worker* determines delaying contact will not compromise *child* safety or the gathering of time-sensitive information; and
  - (b) The CPS supervisor approves delaying initial contact because additional time is required to:
    - (A) Collaborate with law enforcement;

- (B) Schedule forensic interviews; or
  - (C) Ensure a trauma-informed response.
- (2) The *CPS worker* must provide advanced notification to the *Indian tribe* of any intent to make contact with an individual on a *reservation* (as defined in OAR 413-115-0000).
- (3) The following outlines contacts the *CPS worker* is required to attempt and, when possible, complete at *initial contact*. The *CPS worker* must:
- (a) Have *face-to-face* contact with and interview the *alleged victim*. The purpose of the *face-to-face* contact and interview with the *alleged victim* is to gather information regarding possible *abuse*, gather information about *the alleged victim's* functioning and vulnerability, and assess immediate safety.
- (A) Interview and observe the *alleged victim* as follows:
- (i) The *CPS worker* must make diligent efforts to notify *alleged victim's parent* or *caregiver* of the *third party CPS assessment* and request to interview the *alleged victim*.
  - (ii) If the *CPS worker* is unsuccessful, the *CPS worker* must document in the Child Welfare electronic information system all attempted contacts and the dates of those attempted contacts.
  - (iii) When the *CPS worker* makes contact at home and the *parent* or *caregiver* is not present the *CPS worker* must wait until the *parent* or *caregiver* is present and allows the interview.
  - (iv) When the *CPS worker* is denied access to the *alleged victim*, the *CPS worker* must, if there is reason to believe the *alleged victim* may be *unsafe*, consult with a *CPS supervisor* and refer to OAR 413-015-0850 as any identified safety concerns must be addressed on a familial case. If the *referral* indicates that the *alleged victim* is presently *safe*, the *CPS worker* must consider the following:
    - (I) Attempting to contact other persons who may have relevant information regarding the *referral*;
    - (II) Persisting in attempts to gain cooperation from the *parents* or *caregivers*, depending on the known safety information;
    - (III) Consult with the *CPS supervisor*.
  - (v) The *CPS worker* must conduct interviews in a manner that assures privacy.
  - (vi) If the *parent* or *caregiver* might impede the interview, the *CPS worker* must attempt to interview outside the presence of their *parents* or *caregivers*.
  - (vii) A *CPS worker* must allow a *child* who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at

the time of the *abuse* to have a *personal representative* be present during an interview. If a *CPS worker* believes that the *personal representative* would compromise the *third party CPS assessment*, the *CPS worker* may prohibit a *personal representative* from being present during the interview.

- (viii) The *CPS worker* must observe injuries or signs of *abuse*. The *CPS worker* may need to remove the *alleged victim's* clothing to make adequate observations. In that event, the *CPS worker* must:
  - (I) Use discretion and make the *alleged victim* as comfortable as possible.
  - (II) Seek a *parent* or *caregiver's* consent. Request their assistance when possible and appropriate.
  - (III) Consider requesting a worker or other support person be present to serve as a witness and provide comfort.
- (ix) The *CPS worker* may observe injuries to the anal or genital region if the *alleged victim* is not school aged and if the injury can be observed without the *CPS worker* touching the anal or genital region.
- (B) The *CPS worker* must notify the *parents* or *caregivers* the same day the interview occurred. If notification could make a *child* or adult *unsafe*, immediately consult with a *CPS supervisor* and refer to OAR 413-015-0850.
- (b) Interview the *parent* or *caregiver*. The purpose of this interview is to find out what the *parent* or *caregiver* knows about the alleged *abuse*, gather safety related information, and gather information to determine if the *parent* or *caregiver* is willing and able to protect the *alleged victim* from the *alleged perpetrator*. In order to gather sufficient information to make those determinations, *face-to-face* contact with the *parent* or *caregiver* may be required.
  - (A) Whenever practicable, the *CPS worker* must interview all parents and *caregivers* as outlined in OAR 413-015-0822.
  - (B) The *CPS worker* must provide each *parent* or *caregiver* with a "What you need to know about a Child Protective Services Third Party CPS Assessment" pamphlet, which includes written information regarding the *third party CPS assessment* process, and the rights of the *parent* and/or *caregiver*.
  - (C) The *CPS worker* must interview the non-custodial legal *parent* during the *third party CPS assessment*. This is not required during the *initial contact* but must be completed as part of the assessment process because the non-custodial *parent* may have essential information. If the interview of the non-custodial legal *parent* may make a *child* or adult *unsafe*, a *CPS supervisor* may authorize an exception to this requirement based on written documentation that supports the conclusion that an interview with a non-custodial legal *parent* should not be conducted.

- (c) Interview the *alleged perpetrator*. The purpose of this interview is to evaluate the *alleged perpetrator's* reaction to allegations of *abuse* as well as to the *alleged victim* and their condition, and to gather further information about the *alleged perpetrator* in relation to the safety of the *alleged victim*. In order to gather sufficient information, *face-to-face* contact with the *alleged perpetrator* may be required.
  - (A) When interviewing the *alleged perpetrator*, the *CPS worker* must:
    - (i) Coordinate the interviews of the *alleged perpetrator* with LEA when law enforcement is conducting an investigation;
    - (ii) Consult with a *CPS supervisor* if an interview with the *alleged perpetrator* could make a *child* or adult *unsafe* and refer to OAR 413-015-0850;
    - (iii) Provide the *alleged perpetrator* with a written notice that a criminal records check may be conducted on them; and
    - (iv) Make inquiries about the employment status of the *alleged perpetrator*. If the *CPS worker* has reasonable cause to believe the *alleged perpetrator* is an employee of any program, office, or division of the Department of Human Services (DHS) or OYA, the *CPS worker* must notify a *CPS supervisor*. The *CPS supervisor* must notify the DHS Office of Human Resources at the time of the assessment and at the time the assessment is reviewed as required in OAR 413-015-0475. The *CPS supervisor* must document the notifications in the Child Welfare electronic information system.
  - (B) In addition to subsection (A), if a *child* has been identified as an *alleged perpetrator*, the *CPS worker* must also:
    - (i) Make diligent efforts to notify the *child's parent* or *caregiver* of the *third party CPS assessment* and request to interview the *child*.
    - (ii) Ask the *child* identified as an *alleged perpetrator* questions to determine if the *child* is *alleged victim* of *abuse*. If it is determined there is *report* of *abuse*, the information must be reported to a *screeener*.
- (4) Gather safety related information through interviews and observation. The *CPS worker* must begin to gather safety related information through interviews and observation as outlined in OAR 413-015-0822.
- (5) Determine if there is a present danger safety threat. During the *initial contact* with the *alleged victim*, the *CPS worker* must determine, based on the information obtained at that time, if there is a *present danger safety threat*. If there is reason to believe a *child* is *unsafe*, refer to OAR 413-015-0850.

- (6) Documentation of the Initial Contact. The *CPS worker* must document the dates of attempted and successful contacts in the *Child Welfare* electronic information system. If it was not possible during the *initial contact* for the *CPS worker* to successfully complete a required contact, the *CPS worker* must document why contact was not made and must complete the *face-to-face* contact and interview as soon as possible.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 147.425, 409.185, 418.005, 418.015, 418.747, 418.785, 419B.005 to 419B.050

## **413-015-0822**

### **Gather Safety Related Information through Interview and Observation on a Third Party CPS Assessment**

*(Amended 02/01/2024)*

- (1) The *CPS worker* must gather relevant information and facts necessary to complete all parts of the *third party CPS assessment*. The *CPS worker* must gather information through interview and observation about the following:
  - (a) The extent of the *abuse*;
  - (b) The circumstances surrounding the *abuse*;
  - (c) *Child* functioning as it relates to the *alleged victim* and, if applicable, a child identified as an *alleged perpetrator*; and
  - (d) Adult functioning as it relates to an *alleged perpetrator*.
- (2) Interview.
  - (a) Except as outlined in subsection (b) of this section, interview each person in a manner that considers each person's privacy and safety and assures effective communication. Use information gathered from one interview to assist in the next interview.
  - (b) When *domestic violence* is alleged:
    - (A) And a survivor is not an *alleged perpetrator*, consider interviewing the survivor first; and
    - (B) Ask questions about *domestic violence* in separate interviews only.
  - (c) The *CPS worker* must, to the extent possible, do the following during interviews:
    - (A) Present identification at the beginning of the interview and provide a business card or other document containing the *CPS worker's* name and contact information;

- (B) Clearly state the reason for the interview, provide statutory authority to assess reports of *abuse*, and give an explanation of the alleged *abuse*;
- (C) Allow the *alleged perpetrator* interviewed to respond to each allegation;
- (D) Assure the privacy of the persons being interviewed;
- (E) Focus the interview on gathering safety related information, and information to determine if the *parent* or *caregiver* is willing and able to protect the *alleged victim* from the *alleged perpetrator*;
- (F) Assess whether there are elements of power and control or coercive tactics consistent with *domestic violence* present in the information gathered;
- (G) When there is an infant in the household, provide educational material about safe sleep practices;
- (H) Summarize and discuss the initial impressions and intentions resulting from the interview with the *parents* or *caregivers*;
- (I) Obtain from the *parents* or *caregivers* the names of persons who can provide additional information in making a safety determination and completing the *third party CPS assessment*;
- (J) Ask the *parents* or *caregivers* to sign an authorization to release information to enable *Child Welfare* to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers, if applicable;
- (K) Ask the *parents* or *caregivers* to give *Child Welfare* permission to have the *alleged victim* medically examined and photographed, if necessary; and
- (L) Inform the parents, *caregivers*, and *alleged perpetrators* or the *parents* or *caregivers* of the *alleged perpetrator* about the *Child Welfare* grievance procedure.

(3) Observation.

- (a) The *CPS worker* must observe the *alleged victim* to assess:
  - (A) Physical condition of the *alleged victim*, including any *observable* effects of *abuse*; and
  - (B) Emotional state of the *alleged victim*, including mannerisms, signs of fear, and developmental status;



- (b) The *CPS worker* must make diligent efforts to have *face to face* contact with the *parents* or *caregiver* if *face to face* observation is necessary to gather sufficient information to make a disposition or determine whether the *parents* or *caregivers* can protect the child from the *alleged perpetrator*.
  - (c) The *CPS worker* must make diligent efforts to observe the home environment of the *alleged victim* and/or the *alleged perpetrator* if necessary to gather sufficient information to make a disposition.
- (4) When information is gathered or observations made that indicate a *child* may be a victim of *sex trafficking*, the *CPS worker* must determine whether a *child* is, or is at risk of being, a victim of *sex trafficking*.
- (a) If a determination is made that a *child* is a victim of *sex trafficking* the CPS worker must:
    - (A) Report to a screener the identification of a *child* as a *sex trafficking* victim;
    - (B) Identify and refer to appropriate services; and
    - (C) Document the *child* is a *sex trafficking* victim in the Child Welfare electronic information system.
  - (b) If a determination is made that a *child* is at risk of being a victim of *sex trafficking*, the CPS worker must identify and refer to appropriate services.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 419B.005 to 419B.050

## **413-015-0825**

### **Determine if there is a Present Danger Safety Threat on a Third Party CPS Assessment**

(Amended 03/28/2022)

- (1) At *initial contact* and at any time during the *third party CPS assessment* the *CPS worker* must determine if a *present danger safety threat* is occurring. To determine there is a *present danger safety threat*, the *CPS worker* must conclude the danger is immediate, significant, and clearly *observable*.
- (2) If the *CPS worker* determines there is a *present danger safety threat*, the *CPS worker* must work cooperatively with the *alleged victim's parent* or *caregiver* to manage child safety. If no *parent* or *caregiver* is willing or able to protect the *alleged victim*, the *CPS worker* must:
  - (a) Immediately consult with a *CPS supervisor* unless doing so would compromise child safety;



- (b) Establish a *protective action plan* as outlined in OAR 413-015-0432 “Develop a Safety Plan” and OAR 413-015-0435, “Develop a Protective Action Plan”;
- (c) Refer to OAR 413-015-0850 as safety concerns must be addressed under a familial case; and
- (d) Continue the activities required to sufficiently complete the *third party CPS assessment*.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0840**

### **Determine Disposition of the Third Party CPS Assessment**

*(Amended 11/01/2023)*

- (1) The CPS worker must determine a disposition for all *third party CPS assessments* completed by Child Welfare as required by ORS 419B.026 (1).
- (2) Requirement to Determine Disposition of the *third party CPS Assessment*. The *CPS worker* must determine if there is reasonable cause to believe that *abuse* occurred and explain the basis for that determination as described in OAR 413-015-1010.
  - (a) The requirements for determining dispositions on a *report of abuse* as defined in ORS 419B.005 are described in OAR 413-015-1015(1).
  - (b) The requirements for determining dispositions on a *report of abuse* as defined in ORS 418.257 involving a resource family or respite provider certified by Child Welfare are described in OAR 413-015-1015(2).
- (3) When a disposition is *founded* or substantiated for *abuse*, the *CPS worker* must refer all victims three years old and under to Early Intervention as outlined in the Child Welfare Procedure Manual.
- (4) Documentation. The *CPS worker* must document that determination and explain the basis for the determination in the disposition narrative section of the Child Welfare electronic information system prior to completing the *third party CPS assessment*.

Stat. Auth.: ORS 418.005, 419B.026, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0845**

### **Make Child Safety Decision on a Third Party CPS Assessment**

*(Amended 03/28/2022)*

- (1) After all the necessary information is gathered for the *third party CPS assessment* and the disposition has been determined, the *CPS worker* must determine if the *alleged victim's parent* or *caregiver* is able to protect the *alleged victim* from the *alleged perpetrator*, if necessary.
- (2) The *CPS worker* must document the basis for that determination in the *Child Welfare* electronic information system and:
  - (a) Conclude the *alleged victim* is *safe* under the *third party CPS assessment*;
  - (b) Complete the *third party CPS assessment*.
- (3) If at the conclusion of the *third party CPS assessment* the *CPS worker* determines the *alleged victim's parent* or *caregiver* is unable to protect the *alleged victim* from the *alleged perpetrator*, the *CPS worker* must consult with a *CPS supervisor* and cause a report to be made with the Oregon Child Abuse Hotline.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0850**

### **Third Party and CPS Assessment Crossover**

*(Amended 03/28/2022)*

If at any point during a *third party CPS assessment* the *CPS worker*:

- (1) Has information a *child* is *unsafe* or was abused by a different *alleged perpetrator*, the *CPS worker* must immediately cause a *report* to be made with the Oregon Child Abuse Hotline.
- (2) Has a reason to believe any of the activities required to complete the *third party CPS assessment*, as described in OAR 413-015-0815 through 0822, may make a *child unsafe*, the *CPS worker* must staff with a *CPS supervisor* to determine if:
  - (a) There are other ways to safely complete the required *third party CPS assessment* activity;
  - (b) There are exceptions to completing the *third party CPS assessment* activity; and
  - (c) Legal intervention is necessary to ensure *child* safety.
- (3) Is unable to conduct the activities required to complete the *third party CPS assessment*, as described in OAR 413-015-0815 through 0822, because an *alleged victim*, a *parent* or

*caregiver*, or an *alleged perpetrator* will not allow those activities to occur, the *CPS worker* must staff with a *CPS supervisor* to determine if:

- (a) There are other ways to effectively engage with the *alleged victim*, the *parent* or *caregiver*, or the *alleged perpetrator* to complete the required *third party CPS assessment* activity;
  - (b) There are other ways to gather the information required to complete the *third party CPS assessment*;
  - (c) There are exceptions to completing the *third party CPS assessment* activity; and
  - (d) Legal intervention is necessary to ensure the Department's compliance with its statutory responsibilities.
- (4) Determines legal intervention is necessary, the *CPS worker* must immediately call the Oregon Child Abuse Hotline to initiate a familial case.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

#### **413-015-0870**

#### **Notifications at Conclusion of Third Party CPS Assessment**

*(Amended 02/01/2024)*

- (1) Requirements for Providing Notifications. The *CPS worker* must:
- (a) Unless *Child Welfare* determines disclosure is not permitted under ORS 419B.035, notify the *reporter*, if the *reporter* provided *Child Welfare* with contact information, whether contact was made, whether *Child Welfare* determined *abuse* occurred, and whether services will be provided.
  - (b) Provide verbal notification to the *alleged victim's parents*, including a non-custodial legal *parent*, and *caregivers* of all *third party CPS assessment* dispositions (unfounded, unable to determine, or founded) and whether *Child Welfare* will provide services as a result of the *third party CPS assessment*. If the verbal notification of the *third party CPS assessment* disposition and service provision may make a *child* or adult unsafe, the *CPS worker* must consult with a *CPS supervisor* and refer to OAR 413-015-0850. A *CPS supervisor* may authorize an exception to the requirement to provide the notification based on documentation supporting the conclusion that notification may make a child or adult unsafe.
  - (c) Provide written notification to perpetrators of founded dispositions and the disposition review process as outlined in OAR 413-010-0700 to 413-010-0750. If the notification of the *third party CPS assessment* disposition a may make a *child*

or adult unsafe, the *CPS worker* must consult with a *CPS supervisor* and refer to OAR 413-015-0850.

- (A) If the notification of the third party CPS assessment disposition may make an adult unsafe, the CPS worker must consult with a CPS supervisor and discuss ways to partner with the impacted person to promote their safety.
  - (B) If the notification could make a child unsafe, the CPS worker must consult with a CPS supervisor to discuss ways to partner with the child's legal parent, guardian, Indian custodian, or attorney to ensure the child's safety.
  - (C) The Child Safety Program manager may approve an exception to delivery of written notification, as provided in OAR 413-010-0715.
- (d) If Child Welfare has reason to know the perpetrator has an attorney, the local Child Welfare office must provide a copy of the written notification described in (c) to the perpetrator's attorney, if applicable, unless the Child Safety Program Manager has approved an exception to delivery, as provided in OAR 413-010-0715.
  - (e) Provide the Teacher Standards and Practices Commission (TSPC) notification of the completed *third party CPS assessment* when a *teacher* or *school administrator*, as defined in OAR 413-015-0115, is identified as an *alleged perpetrator* in a *report*. Regardless of the disposition, a copy of the completed *third party CPS assessment* must be sent to TSPC after information related to the reporter's identity and other confidential information is removed.
  - (f) Provide the Office of Developmental Disabilities Services (ODDS) notification of the completed *third party CPS assessment* when a *third party CPS assessment* involves a home certified by ODDS. Regardless of the disposition, a copy of the completed *third party CPS assessment* must be sent to ODDS after information related to the reporter's identity and other confidential information is removed.
  - (g) Provide Oregon Youth Authority (OYA) notification of the completed *third party CPS assessment* when a *third party CPS assessment* involves a home certified by OYA. Regardless of the disposition, a copy of the completed *third party CPS assessment* must be sent to OYA after information related to the reporter's identity and other confidential information is removed.
  - (h) Provide Disability Rights Oregon notification of the completed *third party CPS assessment* when a *report of abuse* was alleged to have occurred at a school or in an educational setting and the *report* involves a child with a disability. Regardless of the disposition, a copy of the completed *third party CPS assessment* must be sent to Disability Rights Oregon after information related to the reporter's identity and other confidential information is removed.
- (2) Documentation of notifications. The *CPS worker* must document the notifications as described in this rule in the *Child Welfare* electronic information system and the documentation must include:
    - (a) Who made the notification.

- (b) To whom the notification was made.
- (c) The date the notification was made.
- (d) That the notifications have been attempted or made within the following timelines:
  - (A) Prior to completing the *third party CPS assessment* for a notification provided under subsection (1)(a) of this rule.
  - (B) Within five business days of supervisory approval of the *third party CPS assessment* for a notification provided under subsection (1)(b) through (1)(d) of this rule.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050, 418.205 – 418.327

### **413-015-0875**

#### **Third Party CPS Assessment Documentation, Completion, and Supervisory Review Requirements**

*(Amended 02/01/2024)*

- (1) The *CPS worker* must record assessment activities and information gathered during the *third party CPS assessment* process. This includes ensuring materials and records obtained during the CPS assessment are uploaded in the Child Welfare electronic information system.
- (2) The *CPS worker* must complete the *third party CPS assessment* and electronically submit the *third party CPS assessment* for review by a *CPS supervisor*, within 60 calendar days of the day that the information alleging *abuse* is received by the *screener*, except as provided in OAR 413-015-0880, "Third Party CPS Assessment Extensions."
- (3) A *CPS supervisor* or designee must review and approve a completed *third party CPS assessment* within five business days of the electronic submission of the assessment by the *CPS worker*. After the assessment is reviewed by a *CPS supervisor*, if the *alleged perpetrator* is an employee of any program, office or division of the *Department* or OYA, the *CPS Supervisor* must inform the *Department's* Office of Human Resources of the disposition. If the disposition is founded or substantiated, the *CPS supervisor* must also inform the *Department's* Office of Human Resources of the type of *abuse*. The *CPS supervisor* must document the notification in the *Child Welfare* electronic information system.
- (4) Each local *Child Welfare* office may designate an individual to electronically enter into the *Child Welfare* electronic information system the verification of the completed review and approval of a *third party CPS assessment* by a *CPS supervisor* or designee.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

### **413-015-0880**

#### **Third Party CPS Assessment Extensions**

*(Amended 03/28/2022)*

The *Child Welfare* Program Manager may approve a one-time extension to the time line outlined in OAR 413-015-0875 of an additional 30 calendar days for completion of the *third party CPS assessment* if critical information (information necessary to determine safety or disposition) is outstanding and the ability to obtain the critical information is beyond the reasonable control of the *CPS worker*.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

## **413-015-0885**

### **Confidentiality**

*(Amended 03/28/2022)*

Information gathered and records and reports compiled during a *third party CPS assessment* are confidential and may be disclosed only as provided in ORS 419B.035. The identity of the person reporting *abuse* may not be disclosed.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 409.185, 418.005, 418.015, 419B.005 to 419B.050

# The CPS Assessment Dispositions

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## 413-015-1005

### Purpose of the CPS Assessment Dispositions

(Amended 02/01/2024)

The purpose of OAR 413-015-1005 to 413-015-1015 is to describe Child Welfare responsibilities when determining *CPS assessment* dispositions for:

- (1) Reports of *abuse* as defined in OAR 413-015-0115(1)(a) of a *child*; and
- (2) Reports of *abuse* as defined in OAR 413-015-0115(1)(b) of a *child* or *young adult* living with a *resource family* or receiving services from a *respite provider* certified by Child Welfare.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 419B.005 to 419B.050, 418.205 – 418.327

## 413-015-1010

### Standard of Proof and Possible CPS Assessment Dispositions

(SMC Amended 05/16/2023)

- (1) The standard for determining *CPS assessment* dispositions is reasonable cause to believe.
- (2) The possible *CPS assessment* dispositions are:
  - (a) "Founded," which means there is reasonable cause to believe the *abuse* occurred. "Founded" is synonymous with "substantiated" as defined in ORS 418.205 – 418.327.
  - (b) "Unfounded," which means there is no evidence the *abuse* occurred. "Unfounded" is synonymous with "unsubstantiated" as defined in ORS 418.205 – 418.327.
  - (c) "Unable to determine," which means there is some indication the *abuse* occurred, but there is insufficient evidence to conclude that there is reasonable cause to believe the *abuse* occurred. "Unable to determine" is synonymous with "inconclusive as defined in ORS 418.205 -418.327and may only be used in the following circumstances:
    - (A) After extensive efforts have been made, the *CPS worker* is unable to locate the family; or
    - (B) After completing a *CPS assessment*, there is insufficient information to support any other disposition and:
      - (i) The alleged victim is unable or unwilling to provide consistent information; or

- (ii) There is conflicting or inconsistent information from collateral contacts or family.

Stat. Auth.: ORS 409.050, 418.005

Stats. Implemented: ORS 409.185, 418.015, 419B.005 to 419B.050, ORS 418.205 -418.327

## **413-015-1015**

### **Making the CPS Assessment Disposition Determination**

*(Amended 02/28/2024)*

- (1) Except as provide section (3) of this rule, abuse of a child, for the purpose of determining the CPS assessment disposition, includes, among others, the behavior, conditions, and circumstances described in this section.
  - (a) Abandonment, including parental behavior showing an intent to permanently give up all rights and claims to the child.
  - (b) Child selling, including the selling of a child that consists of buying, selling, bartering, trading, or offering to buy or sell the legal or physical custody of a child.
  - (c) Mental injury (psychological maltreatment), includes only cruel or unconscionable acts or statements made, or threatened to be made, to a *child* if the acts, statements or threats result in severe harm to the *child's* psychological, cognitive, emotional, or social well-being and functioning.
  - (d) Neglect, including failure, through action or omission, to provide and maintain adequate food, clothing, shelter, medical care, supervision, protection, or nurturing. Chronic neglect is a persistent pattern of family functioning in which the parent or caregiver does not sustain or meet the basic needs of a child resulting in an accumulation of harm that can have long term effect on the child's overall physical, mental, or emotional development. Neglect includes each of the following:
    - (A) Physical neglect, which includes each of the following:
      - (i) Failing to provide for the child's basic physical needs including adequate shelter, food, and clothing.
      - (ii) Permitting a child to enter or remain in or upon premises where methamphetamines are being manufactured.
      - (iii) Unlawful exposure of a child to a substance that subjects a child to severe harm to the child's health or safety. When the CPS worker is making a determination of physical neglect based on severe harm



to the child's health due to unlawful exposure to a substance, this determination must be consistent with medical findings.

- (B) Medical neglect is a refusal or failure to seek, obtain, or maintain necessary medical, dental, or mental health care. Medical neglect includes withholding medically indicated treatment from infants who have disabilities and life-threatening conditions. However, failure to provide the child with immunizations or routine well-child care alone does not constitute medical neglect. When the CPS worker is making a determination of medical neglect, this determination must be consistent with medical findings.
  - (C) Lack of supervision and protection, including failure to provide supervision and protection appropriate to the child's age, mental ability, and physical condition.
  - (D) Desertion, which includes the parent or caregiver leaving the child with another person and failing to reclaim the child, or parent or caregiver failure to provide information about their whereabouts, providing false information about their whereabouts, or failing to establish a legal guardian or custodian for the child.
  - (E) Psychological neglect, which includes serious inattention to the child's need for affection, support, nurturing, or emotional development. The parent or caregiver behavior must be related to the observable and severe harm of the child's psychological, cognitive, emotional, or social well-being and functioning.
- (e) Physical abuse, including an injury to a child that is inflicted or allowed to be inflicted by non-accidental means that results in harm. Physical abuse may include injury that could not reasonably be the result of the explanation given. Physical abuse may also include injury that is a result of discipline or punishment. Examples of injuries that may result from physical abuse include:
- (A) Head injuries;
  - (B) Bruises, cuts, punctures, lacerations;
  - (C) Internal injuries;
  - (D) Burns or scalds;
  - (E) Injuries to bone, muscle, cartilage, and ligaments;
  - (F) Poisoning;
  - (G) Electrical shock;

- (H) Substantial pain, physical impairment; and
  - (I) Death.
- (f) Sexual abuse, which includes:
- (A) A person's use or attempted use of a child for the person's own sexual gratification, the sexual gratification of another person, or the sexual gratification of the child. Sexual abuse includes incest, rape, sodomy, sexual penetration, fondling, and voyeurism.
  - (B) Sexual exploitation.
  - (C) Sex trafficking.
- (g) Threat of harm, including all activities, conditions, and circumstances that place the child at threat of severe harm of physical abuse, sexual abuse, neglect, mental injury, or other child abuse.
- (2) Except as provided in section (3) of this rule or when the abuse is familial or third party abuse, abuse of a child or young adult when the child or young adult lives with a *resource family* or receives services from a *respite provider* certified by Child Welfare includes, among others, the behavior, conditions, and circumstances described in this section.
- (a) Abandonment, including desertion or willful forsaking of a child or young adult, or the withdrawal or neglect of duties and obligations owed a child or young adult by a *resource parent or respite provider* certified by Child Welfare, a caregiver, or other person.
  - (b) Financial exploitation.
    - (A) Financial exploitation includes:
      - (i) Wrongfully taking the assets, funds, or property belonging to or intended for the use of a child or young adult.
      - (ii) Alarming a child or young adult by conveying a threat to wrongfully take or appropriate moneys or property of the child or young adult if the child or young adult would reasonably believe that the threat conveyed would be carried out.
      - (iii) Misappropriating, misusing, or transferring without authorization any moneys from any account held jointly or singly by a child or young adult.
      - (iv) Failing to use the income or assets of a child or young adult effectively for the support and maintenance of the child or young adult.
    - (B) Financial exploitation does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of, privileges.

- (C) Involuntary seclusion. Involuntary seclusion means confinement of a child or young adult alone in a room or an enclosed space from which the child or young adult is prevented from leaving by any means. A resource parent or respite provider certified by Child Welfare may not put a child or young adult into involuntary seclusion.
  - (i) Involuntary seclusion includes:
    - (I) Involuntary seclusion of a child or young adult for the convenience of a resource parent or respite provider certified by Child Welfare.
    - (II) Involuntary seclusion of a child or young adult to discipline the child or young adult.
    - (IV) Involuntary seclusion of a child or young adult as a form of punishment.
    - (V) Involuntary seclusion of a child or young adult done in retaliation.
  - (ii) Involuntary seclusion does not include age-appropriate discipline, including, but not limited to, a time-out if the timeout is in a setting from which the child or young adult is not prevented from leaving by any means.
- (c) Neglect, which includes:
  - (A) Failure to provide the care, supervision, or services necessary to maintain the physical and mental health of a child or young adult; or
  - (B) The failure of a resource parent or respite provider certified by Child Welfare, a caregiver, or other person to make a Page 49 of 50 reasonable effort to protect a child or young adult from abuse.
- (d) Physical abuse, which includes:
  - (A) Any physical injury to a child or young adult caused by other than accidental means, or that appears to conflict with the explanation given of the injury; or
  - (B) Willful infliction of physical pain or injury upon a child or young adult.
- (e) Sexual abuse, which includes:
  - (A) Sexual harassment.
  - (B) Sexual exploitation.
  - (C) Exposing a child or young adult to sexually explicit material or language that does not serve a legitimate medical, scientific, or educational purpose. This also includes any exposure to sexually explicit conduct involving a child.
  - (D) Sexual contact with a child or young adult, including, but not limited to:
    - (i) Any sexual contact between a child or young adult and a resource parent or respite provider certified by Child Welfare, a caregiver, or other person

responsible for the provision of care or services to a child or young adult;

- (ii) Any sexual contact between a person and a child or young adult that is unlawful under ORS chapter 163 and not subject to a defense under that chapter, including, but not limited to:
    - (I) Rape (ORS 163.355, 163.365, 163.375);
    - (II) Sodomy (ORS 163.385, 163.395, 163.405);
    - (III) Unlawful sexual penetration (ORS 163.408, 163.411);
    - (IV) Sexual abuse (ORS 163.415, 163.425, 163.427); or
    - (V) Incest (ORS 163.525).
  - (iii) Any sexual contact that is achieved through force, trickery, threat, or coercion.
- (E) Private indecency (ORS 163.467).
  - (F) Public indecency (ORS 163.465).
  - (G) Sex trafficking.
- (f) Verbal abuse.
- (A) Verbal abuse includes threatening severe harm, either physical or emotional, to a child or young adult through the use of:
    - (i) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule; or
    - (ii) Harassment, coercion, threats, compelling or deterring conduct by threats, humiliation, mental cruelty, or inappropriate sexual comments.
  - (B) Verbal abuse does not include age-appropriate discipline that may involve the threat to withhold privileges.
- (g) Wrongful use of restraint. A resource parent or respite provider certified by the Child Welfare or a caregiver may not use a restraint on a child or young adult.
- (A) Wrongful restraints do not include:
    - (i) Holding the child or young adult's hand or arm to escort the child or young adult safely and without the use of force from one area to another; or
    - (ii) Assisting the child or young adult to complete a task if the child or young adult does not resist the physical contact.
  - (B) A resource parent or respite provider certified by Child Welfare may use a physical intervention if:

- (i) The intervention is necessary to break up a physical fight or to effectively protect a person from an assault, serious bodily injury or sexual contact;
- (ii) The physical intervention uses the least amount of physical force and contact possible; and
- (iii) The physical intervention is not a prohibited restraint described in ORS 418.519 and 418.523.

Statutory/Other Authority: ORS 409.050 & ORS 418.005

Statutes/Other Implemented: ORS 409.185, ORS 419B.005 - 419B.050, ORS 418.205 - 418.327  
& ORS 418.519 - 418.523

# Access to Law Enforcement Data System (LEDS) in Local Child Welfare Offices

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## 413-015-1100

### Access to Law Enforcement Data System Information (LEDS)

(Amended 07/01/2022)

- (1) ORS 418.005 provides that, in order to establish, extend, and strengthen welfare services for the protection and care of dependent or neglected children, the Department may make all necessary rules and regulations for administering child welfare services. Among other duties outlined by ORS 409.010, Child Welfare is responsible for the delivery and administration of programs and services relating to children and families, including *child protective services* and foster care. ORS 419B.020 provides that, upon receipt of a *report* of child *abuse*, Child Welfare or a law enforcement agency is required to immediately cause an investigation to be made to determine the nature and cause of the *abuse*. In addition, ORS 418.640 requires Child Welfare to adopt rules it deems necessary or advisable to protect the best interests of children in foster homes. Finally, ORS 181.537 authorizes Child Welfare to conduct criminal records checks on subject individuals, as defined by Child Welfare, if deemed necessary by Child Welfare.
- (2) Child Welfare has determined that, in order to protect children from *abuse* and to protect the best interests of children in foster homes, it is necessary for Child Welfare to perform criminal records checks on subject individuals when Child Welfare is conducting a *child protective services* assessment, has an open child welfare case, or determines that emergency resource home certification decisions must be made.

Stat. Auth.: ORS 181.537, 409.050, 418.005, 419B.020

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

## 413-015-1105

### Purpose

(Amended 07/01/2022)

- (1) The primary purposes of LEDS access is to assist staff in making decisions about safety, specifically related to child protective services, assessing safety service providers, and emergency certification as outlined in these rules (OAR 413-015-1100 to 413-015-1125).

Criminal history information obtained from LEDs will be considered, along with other safety-related information, to:

- (a) Identify present danger safety threats and impending danger safety threats; or
  - (b) Determine if behavior that is revealed by criminal history is inconsistent with providing care to children or having access to children.
- (2) These rules do not address criminal records checks for non-emergency certification or adoption approval. Criminal records checks for non-emergency certification or adoption approval are governed by OAR 413-120-0400 to 413-120-0470.

Stat. Auth.: ORS 181.537, 409.050, 418.005

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

## **413-015-1115**

### **Requirements**

*(Amended 07/01/2022)*

- (1) LEDs representatives must train and certify designated LEDs operators as outlined in OAR 257-015-0050.
- (2) Child Welfare will complete background checks on all LEDs representatives and LEDs operators as provided in OAR 257-015-0050(6).
- (3) Child Welfare will implement information security measures as provided in OAR 257-015-0000 to 257-015-0100.

Stat. Auth.: ORS 181.537, 409.010, 418.005, 419B.020, ORS 409.050

Stats. Implemented: ORS 181.537, 409.010, 418.005, 419B.020

## **413-015-1120**

### **LEDs Use for Child Protective Service Purposes**

*(Amended 07/01/2022)*

- (1) Child Welfare may conduct criminal records checks on a subject individual using the LEDs system available and use LEDs information pertaining to a subject individual for

the purpose of making decisions about safety specifically related to Child Protective Services when:

- (a) An allegation of abuse is being assessed; or
  - (b) A Child Welfare case is open.
- (2) When conducting criminal records checks for a Child Protective Services purpose under this rule, a subject individual is defined as a person:
- (a) Alleged to be the perpetrator of abuse when the allegation is being assessed by Child Protective Services;
  - (b) Residing in or frequenting a household where the alleged victim of abuse resides on a full- or part-time basis;
  - (c) Being assessed as a safety service provider; or
  - (d) In the household to which a child is being returned.
- (3) Time lines for providing LEDS notice to a subject individual when a criminal records check is conducted for a Child Protective Services purpose:
- (a) Prior to the conclusion of a CPS assessment: LEDS notice as defined at OAR 413-015-0115 must be provided to:
    - (A) The subject individual defined in subsection (2)(a), (b), or (d) of this rule no later than seven business days after the date the check was conducted.
    - (B) The subject individual defined in subsection (2)(c) of this rule before the check is conducted.
  - (b) After the conclusion of a CPS assessment and while a Child Welfare case is still open: LEDS notice must be provided to the subject individual before the check is conducted.

Stat. Auth.: ORS 181.537, 409.050, 418.005

Stats. Implemented: ORS 181.537, 181.557, 409.010, 418.005, 419B.020

## **413-015-1125**

### **LEDS Use for Certification Purposes in Emergency Situations**

*(Amended 07/01/2022)*

- (1) Child Welfare may perform criminal records checks using the LEDS system available and use LEDS information pertaining to a subject individual for the purpose of making decisions about child safety, specifically related to emergency certification when:
- (a) The subject individual has consented to Child Welfare conducting a criminal record check by signing form DHS 1011F, "Consent For Criminal Records & Fingerprint Check";
  - (b) There is an emergent need to place a child or maintain a placement of a child, and



the Department Background Check Unit is unable to complete the check in time;

- (c) Staff refer to and comply with OAR 413-120-0400 to 413-120-0475; and
  - (d) An allegation of abuse is being assessed or there is an open child welfare case.
- (2) When conducting criminal records checks for emergency certification purposes under this rule, a subject individual is defined as:
- (a) An adult who resides in or plans to reside in a household that is being certified for placement of a child;
  - (b) An adult who resides in or plans to reside in a household that is being re-certified to place or maintain a child in the household;
  - (c) A person assisting in the household to enrich the care provided to children placed in the household by tutoring or providing recreation, relief care, or other services such as household chores, whether paid or unpaid; or
  - (d) A member of the household under 18 years of age if there is reason to believe that member may pose a risk to children placed in the household.
- (3) Staff in local Child Welfare offices who access LEDS information for emergency certification purposes as outlined in these rules must:
- (a) Refer to and comply with OAR 413-120-0400 to 413-120-0475; and
  - (b) Forward fingerprints and consent forms to the Department Background Check Unit for processing if:
    - (A) LEDS information reveals an arrest or conviction of any kind;
    - (B) The subject individual discloses an arrest or conviction of any kind; or
    - (C) It is known that the subject individual has lived outside of Oregon within the last five years.

Statutory/Other Authority: ORS 181.537, ORS 418.005, ORS 419B.020, ORS 409.050 & ORS 419B.020

Statutes/Other Implemented: ORS 181.537, ORS 409.010, ORS 418.005, ORS 419B.020, ORS 181.537 & ORS 419B.020

## 413-015-1200

### Purpose

(SMC Amended 05/16/2023)

- (1) The purpose of these rules, OAR 413-015-1200 to 413-015-1230, is to describe Child Welfare's responsibility to assess an individual for consideration as a *safety service provider* and to determine whether the individual is suitable as a *safety service provider*.
- (2) An individual employed by an agency providing services to a family through a current contract with Child Welfare is not covered under these rules.
- (3) Requirements for the assessment of an individual for the purpose of ongoing connection and support with a *child* or certification as a resource parent or respite provider are not covered under these rules.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005

## 413-015-1220

### Assessment of an Individual's Involvement in Safety Management

(SMC Amended 05/16/2023)

- (1) To assess an individual as a *safety service provider* for a specific family in a *protective action plan, initial safety plan, or an ongoing safety plan*, the *CPS worker or caseworker* must take all of the following actions:
  - (a) Identify and contact an individual who is a prospective *safety service provider*.
  - (b) Gather information from the individual regarding his or her:
    - (A) Relationship with the *child* and the child's family; and
    - (B) Willingness and ability to fulfill the specific role and responsibilities of a *safety service provider* for the identified family.
  - (c) Provide the individual with information regarding the specific role and responsibility of the individual to assist in managing the child's safety.
  - (d) Search the Child Welfare electronic information system and review any historic information regarding the individual that may be useful in assessing the individual's ability to be a *safety service provider*.
  - (e) If in an individual's role as a *safety service provider* the individual will have contact with the *child*, conduct a criminal records check on the individual using LEDS, provide *LEDS notice* as described in "Access to Law Enforcement Data System in Local Child Welfare Offices" OAR 413-015-1100 to 413-015-1125, and review the individual's criminal history to assess the individual's ability to be a *safety service provider*.
- (2) After the *CPS worker or caseworker* has considered all the information gathered pursuant to section (1) of this rule, the *CPS worker or caseworker* must determine the individual's suitability as a *safety service provider*. In making this determination, the worker must

consider whether the individual is willing and able to:

- (a) Assist in managing the safety of the *child*;
  - (b) Cooperate with any restrictions on contact between the *child* and others;
  - (c) Support, verbally and through actions, the *protective action plan*, *initial safety plan*, and *ongoing safety plan*; and
  - (d) Fulfill the identified role and responsibilities required of the individual in a *protective action plan*, *initial safety plan*, or an *ongoing safety plan*.
- (3) The *CPS worker* or *caseworker* must consult with and receive approval from a supervisor prior to engaging an individual as a *safety service provider* whenever the individual's past behaviors, conditions, or circumstances include one of the items listed in the subsections of this section so long as those behaviors, conditions, or circumstances do not impact negatively the individual's ability to fulfill the specific role and responsibilities in managing the child's safety:
- (a) A record of *abuse*;
  - (b) A criminal history; or
  - (c) A history of drug or alcohol *abuse*.
- (4) The *CPS worker* or *caseworker* must document in the Child Welfare electronic information system:
- (a) The basis for the determination regarding whether an individual is suitable as a *safety service provider*; and
  - (b) The supervisor who provided the approval required in section (3) of this rule.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005

## **413-015-1230**

### **Safety Service Provider Approval**

(SMC Amended 05/16/2023)

- (1) The *CPS worker* or *caseworker* must inform an individual who has been considered and selected as a *safety service provider* that the individual has been approved as a *safety service provider*. The *CPS worker* or *caseworker* must further inform an approved *safety service provider* that the role of a *safety service provider*:
- (a) Is temporary; and
  - (b) The role or responsibilities may change if Child Welfare obtains new information that changes the determination that the individual is suitable to manage a child's safety, prevents the individual from fulfilling the role identified in assisting to manage a child's safety, or the threat to child safety changes, is eliminated, or can be managed by a child's *parent* or *guardian*.

- (2) The *CPS worker* or *caseworker* must inform an individual who has been considered but has not been selected as a *safety service provider* that the individual has not been approved to be a *safety service provider*.
- (3) When an individual has been informed that the individual is approved or not approved as a *safety service provider* or the determination that an individual is approved changes, if the status change results in a change in the *protective action plan*, *initial safety plan*, or *ongoing safety plan*, the *CPS worker* or *caseworker* must refer to OAR 413-015-0435 and OAR 413-015-0450.

Stat. Auth.: ORS 418.005, 409.050

Stats. Implemented: ORS 418.005