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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

FILED
04/08/2019 4:23 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amending rule 0210 to reflect recent screening changes

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/28/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Salem, OR 97301

Filed By:
Anne King
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 05/15/2019

TIME: 9:00 AM - 10:30 AM

OFFICER: Anne King/Deb Carnaghi

ADDRESS: Department of Human
Services

500 Summer St NE

Room 137A

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Attendees: If you wish to provide
comment, please be signed in or call in
by no later than 15 minutes after the
start time.

Call in: +1 (503) 934-1400,
94012784#

NEED FOR THE RULE(S):

The date for implementation of centralized screening is April 8, 2019. The modifications to the rules address the centralization of screening from multiple locations around the state to one location at the Oregon Child Abuse Hotline. In addition, the changes are an effort to remove procedure from the administrative rule. The procedural elements removed will be addressed in the Child Welfare Procedure Manual.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

FISCAL AND ECONOMIC IMPACT:

The Department estimates amending this rule will have no fiscal impact or a minor positive impact on other state agencies, clients, providers, the public, local government, or business, including small business.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is no expected cost of compliance for state agencies, local government or small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules, but they are invited to provide input during the comment period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 413-015-0210

RULE SUMMARY: This rule is altered in its entirety to reflect the change in process due to centralized screening, the Oregon Child Abuse Hotline. The rule now covers documentation requirements surrounding reports of abuse, request for services or information OTIS is responsible for. It also covers timelines for documentation.

CHANGES TO RULE:

413-015-0210

Determining the Response and Required Timelines for CPS Information documentation Requirements

~~(1) After the screener completes screening activities required by OAR 413-015-0205, and the screener determines the information received is CPS report of abuse, request for family support services and information, the screener must determine the response, either CPS assessment required or close at screening. If a CPS assessment is required, the screener must then determine the timeline for the response, either within 24 hours or within five calendar days.~~

~~(2) CPS assessment required. A CPS assessment is required if one of the following subsections applies:~~

~~(a) The screener determines that information received:~~

~~(A) Constitutes a report of abuse as defined in OAR 413-015-0115(1)(a) of a child; and~~

~~(B) The information indicates:~~

~~(i) The alleged perpetrator is a legal parent of the alleged victim;~~

~~(ii) The alleged perpetrator resides in the alleged victim's home;~~

~~(iii) The alleged perpetrator may have access to the alleged victim, and the parent or caregiver may not be able or willing to protect the alleged victim; or~~

~~(iv) The alleged abuse involves a day care or a home certified by OYA.~~

~~(b) The screener determines that information received:~~

~~(A) Constitutes a report of abuse of a child as defined in OAR 413-015-0115(a) or a report of abuse of a child or young adult as defined in OAR 413-015-0115(1)(b); and~~

~~(B) Involves a home certified by Child Welfare or ODDS.~~

~~(c) The screener determines the current report would be the fourth or greater consecutive report closed at screening regarding the same family 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 CPS program manager or designee.~~

~~(d) A tribe, LEA, or OTIS requests assistance from CPS with an investigation of abuse, and a CPS supervisor agrees~~

that assistance from CPS is appropriate. OTIS is responsible for screening must be documented in a screening report form within Child Welfare's electronic information system.¶

(2) Case management related information must be documented in Child Welfare's electronic information system case notes, or if applicable, provider case notes.¶

(3) Response timelines. If the screener determines that a CPS assessment is required, the screener must:¶

(a) Determine the CPS assessment response timeline. The timeline for the response refers to the amount of time between when the report is received at screening and when the CPS worker is required to make an initial contact. When determining the response time, the screener must take into account the location of the alleged victim, how long the alleged victim will be in that location, and access that others have to the alleged victim.¶

(A) Within 24 hours: This response timeline is required, unless paragraph (B) of this subsection applies, when the information received constitutes a report of abuse as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733. 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.¶

(Ba) Within five calendar days: This response timeline must only be used when the screener can clearly document how the information indicates the safety of the alleged victim will not be compromised by not responding within 24 hours and whether an intentional delay to allow for a planned response is less likely to compromise safety. Complete documentation immediately when:¶

(bA) Complete a screening report form immediately when a "within 24 hour" response timeline is assigned or the same day when a "within five calendar days" response time is assigned, unless a CPS supervisor grants an extension as provided in OAR 413-015-0220. A report of abuse is assigned a "within 24 hour" response timeline; or¶

(cB) Refer the CPS assessment to the appropriate county as described in OAR 413-015-0213.¶

(4) Close at screening: A report will be closed at screening if one of the following subsections applies: The OTIS is responsible for screening.¶

(ab) The screener determines that information received:¶

(A) Does not constitute a report of abuse, as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733, and the screener determines that the information describes behaviors, conditions, or circumstances that pose a risk to a child;¶

(B) Is third party abuse that does not require a CPS assessment because the alleged perpetrator does not have access to the alleged victim, and the parent or caregiver is willing and able to protect the alleged victim; or¶

(C) Is a report that there are no children in the home and:¶

(i) An expectant mother has an active substance use disorder or is misusing substances during her pregnancy;¶

(ii) An expectant mother must complete documentation no later than 10 hours from the date and time the report was received by the Oregon Child Abuse Hotline when:¶

(A) A report of a household member has had his or her parental rights to a child terminated; or¶

(iii) An expectant mother or a household member is known to have conditions or circumstances that would endanger a newborn child. buse is assigned a "within 72 hours" response timeline:¶

(DB) Is information from a caseworker that a child or young adult on an open Child Welfare case is identified as a sex trafficking victim and the report does not meet the criteria in OAR 413-015-0210 to assign.¶

(E) Is a report that a child is identified as a substance affected infant and the report does not meet the criteria in OAR 413-015-0210 to assign.¶

(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. A report of abuse is assigned a "within 10 business days" response timeline:¶

(5C) If a report is closed at screening, the screener must:¶

(a) Document the current information that supports the decision to close the report at screening.¶

(b) Decide whether other sA Family Support Services are appropriate and make service or resource referrals, as necessary. Document what service or resource referral request is are made, if any.¶

~~(c) Make diligent efforts to contact the reporter if contact information was provided and when the reporter was not informed of the following information prior to completing the screening report form:¶~~

~~(A) Whether contact with the alleged victim was made;¶~~

~~(B) Whether Child Welfare determined abuse occurred; and¶~~

~~(C) Whether services will be provided.¶~~

~~(d) Complete a screening report form no later than the next business day after the screening determination is made, unless a CPS supervisor grants an extension, as provided in OAR 413-015-0220ceived; or¶~~

~~(D) Case management related information is received.~~

Statutory/Other Authority: ORS 418.005, Or Laws 2016, ch 106

Statutes/Other Implemented: ORS 418.005, Or Laws 2016, ch 106, Or Laws 2017, ch 733