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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

CWP 22-2019

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Temporarily amending screening-related CPS rules

EFFECTIVE DATE: 04/08/2019 THROUGH 10/01/2019

AGENCY APPROVED DATE: 04/02/2019

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NEED FOR THE RULE(S):

The date for implementation of centralized screening is April 8, 2019. These rules must be filed temporary to ensure they are effective on this date. 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.

JUSTIFICATION OF TEMPORARY FILING:

The failure to have updated rules in place at the time of centralization can result in the improper handling of reports of abuse.

The Department finds that failure to act promptly by amending the rule will result in serious prejudice to the public interest and children served by the Department. The Department needs to proceed by filing a temporary rule because the public, the Department, will immediately benefit when the Department's rule reflects the obligations of the Department.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None.

RULES:

413-015-0115, 413-015-0200, 413-015-0205, 413-015-0211, 413-015-0212, 413-015-0213, 413-015-0214, 413-015-0215, 413-015-0220, 413-015-0225, 413-015-0230, 413-015-0310, 413-015-0404, 413-015-0405, 413-015-0432, 413-015-0435

AMEND: 413-015-0115

RULE SUMMARY: Definitions modified:

Replaced definition of abuse with a reference to the applicable statutes

Protective Action plan is modified to remove the 10 day limit. This will be addressed in procedure to allow for Safe

Families.

Screener modified

Screening modified

Screening supervisor. This is new. No longer referring to screening supervisor as CPS supervisor.

CHANGES TO RULE:

413-015-0115

Definitions ¶¶

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. Any mental injury to a child, which includes only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.¶¶

(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, including, but not limited to:¶¶

(I) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any other conduct which 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; and¶¶

(II) 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.¶¶

(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.¶¶

(b) For purposes of screening a report of abuse of a child or young adult living in a home certified by Child Welfare or ODDS, unless the abuse alleged is familial, "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 a home certified by Child Welfare or ODDS, 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 from which the child or young adult is physically prevented from leaving.¶¶

(i) Involuntary seclusion includes:¶¶

(I) Involuntary seclusion of a child or young adult for the convenience of a home certified by Child Welfare or ODDS or a caregiver;¶¶

(II) Involuntary seclusion of a child or young adult to discipline the child or young adult;¶¶

(ii) Involuntary seclusion does not include age-appropriate discipline, including but not limited to a time-out.¶¶

(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 home certified by Child Welfare or ODDS, 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 an employee of a home certified by Child Welfare or ODDS, 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. Wrongful use of a physical or chemical restraint of a child or young adult, excluding an act of restraint prescribed by a physician licensed under ORS chapter 677 and any treatment activities that are consistent with an approved treatment plan or in connection with a court order.¶¶

(i) "Physical restraint" means the act of restricting a child or young adult's voluntary movement as an emergency

measure in order to manage and protect the child or young adult or others from injury when no alternate actions are sufficient to manage the child or young adult's behavior. "Physical restraint" does not include temporarily holding a child or young adult to assist him or her or assure his or her safety, such as preventing a child or young adult from running onto a busy street.¶¶

(ii) "Chemical restraint" means the administration of medication for the management of uncontrolled behavior, means "abuse" as defined in ORS 419B.005.¶¶

(b) For purposes of screening a report of abuse of a child or young adult living in a home certified by Child Welfare or ODDS, unless the abuse alleged is familial, means "abuse" as defined in 418.257.¶¶

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

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

(4) "Child" means a person who:¶¶

(a) Is under 18 years of age; or¶¶

(b) Is under 21 years of age and residing in or receiving care or services at a child-caring agency or proctor foster home.¶¶

(5) "Child-caring agency" is defined in Oregon Laws 2017, chapter 244 and means a "child-caring agency" that is not owned, operated, or administered by a governmental agency or unit.¶¶

(6) "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.¶¶

(7) "CPS assessment" means an investigation into a report of abuse pursuant to ORS 419B.020 or Oregon Laws 2017, chapter 733 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe abuse occurred, and ~~as~~ ensure safety through protective action plans, initial safety plans, or ongoing safety planning.¶¶

(8) "CPS supervisor" means an employee of Child Welfare trained in child protective services and designated as a supervisor.¶¶

(9) "CPS worker" means an employee of Child Welfare who has completed the mandatory Child Welfare training for CPS workers.¶¶

(10) "Child Safety Meeting" means a meeting held at the conclusion of a CPS assessment for the purpose of developing an ongoing safety plan.¶¶

(11) "Child Welfare" means the Oregon Department of Human Services, Child Welfare.¶¶

(12) "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.¶¶

(13) "County-operated agency" means an agency that otherwise meets the definition of a child-caring agency in SB 245 (2017), except that it is owned, operated, or administered by a governmental agency or unit.¶¶

(14) "Day 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 Listed Facility, 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.¶¶

(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) "Face-to-face" means an in-person interaction between individuals.¶
- (19) "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.¶
- (20) "Guardian" means an individual who has been granted guardianship of a child or young adult through a judgment of the court.¶
- (21) "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.¶
- (22) "ICWA" means the Indian Child Welfare Act.¶
- (23) "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.¶
- (24) "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.¶
- (25) "Initial contact" means 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, his or her 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.¶
- (26) "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.¶
- (27) "LEDS" means Law Enforcement Data System, the computerized criminal history information system maintained by the Oregon State Police.¶
- (28) "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.¶
- (29) "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.¶
- (30) "LEDS notice" means a written statement hand-delivered to the subject individual or sent via U.S. mail to his or her 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 his or her LEDS record and challenge the accuracy of the information in the record through the Oregon State Police procedures outlined in OAR 257-010-0035.¶
- (31) "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. The potential negative impact is not judged to be severe. 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.¶
- (32) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.¶

- (33) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.¶
- (34) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.¶
- (35) "ODDS" means the Office of Developmental Disabilities Services within the Department.¶
- (36) "ODDS licensed group home" means a 24-hour residential program and setting for children and adults with intellectual or developmental disabilities.¶
- (37) "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.¶
- (38) "OTIS" means the Office of Training, Investigations and Safety within the Department.¶
- (39) "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.¶
- (40) "OYA" means the Oregon Youth Authority.¶
- (41) "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), "parent" means any biological parent of an Indian child, or any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include an unwed biological father where paternity has not been acknowledged or established. "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.¶
- (42) "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.¶
- (43) "Plan of care" means a written plan for a substance-affected infant and the infant's family, focused on meeting health needs and substance disorder treatment needs and developed in collaboration with the family, the healthcare provider, community agencies and Child Welfare when appropriate.¶
- (44) "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.¶
- (45) "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.¶
- (46) "Proctor foster home" means a foster home certified by a child-caring agency that is not subject to ORS 418.625 to 418.470.¶
- (47) "Protective action plan" means an immediate, same day, short-term plan, ~~lasting a maximum of ten calendar days~~, sufficient to protect from a present danger safety threat.¶
- (48) "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.¶
- (49) "Protective custody" means custody authorized by ORS 419B.150.¶
- (50) "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.¶¶

(51) "Referral" means a report that has been assigned for the purpose of CPS assessment.¶¶

(52) "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, Oregon Laws 2017, chapter 733.¶¶

(53) "Reporter" means an individual who makes a report.¶¶

(54) "Safe" means there is an absence of present danger safety threats and impending danger safety threats.¶¶

(55) "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.¶¶

(56) "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.¶¶

(57) "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.¶¶

(58) "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.¶¶

(59) "Screener" means a Child Welfare employee with training required to provide screening services.¶¶

~~(60) "Screening" means the process used by a screener to determine the response to information received~~
receives information and requests at the Oregon Child Abuse Hotline and assesses the information and requests to determine Child Welfare's response.¶¶

(60) "Screening" means the process of determining Child Welfare's response to information and requests received by the Oregon Child Abuse Hotline.¶¶

(61) "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.¶¶

~~(612)~~ "Severe harm" means:¶¶

(a) Significant or acute injury to an alleged victim's physical, sexual, psychological, cognitive, or behavioral development or functioning;¶¶

(b) Immobilizing impairment; or¶¶

(c) Life threatening damage.¶¶

~~(623)~~ "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.¶¶

~~(634)~~ "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.¶¶

~~(645)~~ "Substance affected infant" means an infant, regardless of whether abuse is suspected, for whom prenatal substance exposure is indicated at birth and subsequent assessment by a health care provider identifies signs of substance withdrawal, a Fetal Alcohol Spectrum Disorder diagnosis, or detectable physical, developmental, cognitive, or emotional delay or harm that is associated with prenatal substance exposure. Prenatal substance exposure is determined by a positive toxicology screen from the infant or the mother at delivery or credible information the mother had an active untreated substance use disorder, during the pregnancy or at the time of birth.¶¶

~~(656)~~ "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.¶¶

(~~667~~) "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.¶

(~~678~~) "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.¶

(~~689~~) "Third party abuse" means abuse by a person who is not the alleged victim's parent, caregiver, or other member of the alleged victim's household, and not a person responsible for the alleged victim's care, custody, and control. Examples of persons who could be considered as a third-party under this definition include school personnel, coaches, and church personnel.¶

(~~6970~~) "Unsafe" means the presence of a present danger safety threat or an impending danger safety threat.¶

(~~701~~) "Vulnerable child or young adult" means a child or, when applicable, young adult who is unable to protect him or herself. 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 he or she is 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.¶

(~~712~~) "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, Or Laws 2016, ch 106

Statutes/Other Implemented: ORS 409.185, ORS 418.005, ORS 418.747, Or Laws 2016, ch 106, ORS 147.425, ORS 418.015, ORS 419B.005 - 419B.050, Or Laws 2017, ch 733

AMEND: 413-015-0200

RULE SUMMARY: Changes are minor or grammatical in nature.

CHANGES TO RULE:

413-015-0200

Purpose of Screening Rules

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

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

AMEND: 413-015-0205

RULE SUMMARY: The screening activities rule is being simplified to cover the information that must be reviewed by a screener.

CHANGES TO RULE:

413-015-0205

Screening Activities Information Received

The screener must complete the following activities:

(1) Gather information. When gathering information, the screener must do both of the following:

(a) Accept reports of abuse regardless of where the child resides or where the alleged abuse may have occurred. If the report is about a child, or when applicable young adult, that does not reside in the county where the report is received, the screener must forward the completed screening report form to the local child welfare office in the county or state where the child resides. The screener must forward the screening report form on the same day the report is received and confirm that it has been successfully forwarded.

(b) Accept and handle anonymous reports of abuse in the same manner as other reports, gather the same information from the anonymous reporter as the screener would from any other reporter, and encourage the reporter to provide identifying information.

(2) If appropriate, refer the person to community services and resources.

(3) Determine the type of information received, Child Protective Services or Family Support Services, and where and when to document the information received.

(a) Child Protective Services. This type of information is related to reports of alleged abuse.

(A) Child Protective Services information is documented in the Child Welfare electronic information system.

(B) The time line for screeners to complete and document their actions, and document information gathered, unless a CPS supervisor grants the screener an extension as provided in OAR 413-015-0220, is:

(i) Immediately when a "within 24 hours" response time line is assigned;

(ii) Within the same day when a "within five calendar days" response time line is assigned; or

(iii) No later than the next business day after the screening determination is made when the report is closed at screening.

(b) Family Support Services. This type of information is not a report of alleged abuse, and it does not include information that indicates a child is unsafe.

(A) This information is documented in the Child Welfare electronic information system using a screening report form.

(B) The time line for screeners to complete and document their actions, and document information gathered is within two calendar days of receiving the request for services.

(C) Family Support Services information falls within one of the categories described below All information received at screening must be reviewed by a screener to determine the type of information:

(i) Request for Placement. Information falls within this category when:

(I) A parent or guardian requests out-of-home placement of their child due solely to obtain services for the emotional, behavioral, or mental disorder or developmental or physical disability of the child;

(II) The parent or guardian requests Child Welfare take legal custody of their child; or

(III) The court has ordered a pre-adjudicated delinquent into the care of Child Welfare.

(ii) Request for Independent Living Program Services. Information falls within this category when a former foster child qualifies for Independent Living Program (ILP) services, is not a participant on an open case, and requests to enroll in the Child Welfare ILP.

(iii) Request for Post Legal Adoption and Post Guardianship Services. Information falls within this category when a family requests post legal adoption or post guardianship services, if the adoption or guardianship occurred through Child Welfare.

(iv) Request for Voluntary Services. Information falls within this category when it does not meet the criteria in

subparagraphs (i), (ii), or (iii) of this paragraph, a parent or caregiver requests assistance with a child in the home, and all of the following apply:¶¶

(I) Other community resources have been utilized and determined to be ineffective.¶¶

(II) Members of the extended family and other responsible adults who are well known to the child have been explored or utilized and determined to be unsafe, unavailable, unwilling, or ineffective as support for the family.¶¶

(III) The parent or caregiver is temporarily or will be temporarily unable to fulfill parental responsibilities due to a diagnosed medical condition or a mental health diagnosis.¶¶

(IV) The parent's or caregiver's inability to fulfill parental responsibilities is temporary and immediate, and will be alleviated with short term services or short-term services will transition the family to community services.¶¶

(V) A Child Welfare program manager approves the request for voluntary services.¶¶

(4) When the screener receives Child Protective Services information, the screener must complete the screening activities described below, except as described in subsection (c) of this section.¶¶

(a) The screener must gather the following information, which is critical to effectively identify if there is a report of abuse as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733 and if the information alleges that behaviors, conditions, or circumstances could result in harm:¶¶

(A) The type of alleged abuse and the circumstances surrounding the report;¶¶

(B) How the alleged abuse or the surrounding circumstances are reported to affect safety;¶¶

(C) Information that identifies how the alleged victim is vulnerable; and¶¶

(D) Reported parent or caregiver functioning and behavior.¶¶

(b) When information gathered indicates present danger or alleges a current suspicious physical injury immediately:¶¶

(A) Cross report to law enforcement; and¶¶

(B) Notify OTIS when the report involves any setting in subsection (c)(A) of this section.¶¶

(c) After gathering and documenting information required in subsection (a) of this subsection, the screener must determine if OTIS is required to respond to the report.¶¶

(A) Unless the abuse alleged is familial, OTIS determines the response to reports that involve any of the following settings:¶¶

(i) Child-caring agency;¶¶

(ii) Proctor foster home;¶¶

(iii) County-operated agency;¶¶

(iv) Young adults in transition program; or¶¶

(v) ODDS licensed group home.¶¶

(B) When a screener determines OTIS is required to respond to the report:¶¶

(i) The screener must immediately pend the screening report of abuse;¶¶

(2) Request for family support services;¶¶

(3) Notification;¶¶

(4) Information to the OTIS screener's workload.¶¶

(ii) The screener must immediately send an e-mail to the OTIS to let the OTIS know that a screening report has been assigned to the OTIS screener's workload.¶¶

(iii) Additional screening requirements in these rules, except subsection (a) and (b) of this subsection, do not apply.¶¶

(d) Gather information from individuals who can provide firsthand information necessary to determine the appropriate response. This may include individuals who have regular contact with the alleged victim, doctors, teachers, or others who have evaluated or maintain records on the alleged victim, 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 those who have records or reason to know things about the parent or caregiver as a result of their involvement with or exposure to the parent or caregiver.¶¶

(e) Research Child Welfare history of the alleged victim, every identified child or young adult, parent, caregiver, and household member for information about current or previous Child Welfare involvement relevant to the

current abuse report. If the research reveals an "unable to locate" disposition that has not been assessed, the screener must reference that assessment, the date the assessment was completed, and those allegations not able to be assessed in the current report summary.¶¶

(f) Inquire regarding possible Indian or Alaskan Native heritage (for further direction see OAR 413-115-0040(1)).¶¶

(g) Request relevant information when available and appropriate from law enforcement agencies (LEA), including domestic disturbance calls, arrests, warrants, convictions, restraining orders, probation status, and parole status.¶¶

(h) Determine the location and corresponding law enforcement jurisdiction of the family's residence and the site where the alleged abuse may have occurred.¶¶

(i) Immediately comply with OAR 413-015-0600 to 413-015-0615 when information involves a home certified by Child Welfare, ODDS, or OYA.¶¶

(j) Immediately comply with the Child Welfare "Fatality Protocol" when information is related to the death of a child.¶¶

(5) Explain to reporters the information in all of the following subsections:¶¶

(a) Child Welfare will not disclose the identity of the reporter unless disclosure is to an LEA for purposes of investigating the report, disclosure is required because the reporter may need to testify as a witness in court, or the court orders Child Welfare to disclose the identity of the reporter.¶¶

(b) That anyone making a report of abuse in good faith, who has reasonable grounds to make the report, is immune from liability in respect to making the report and the contents of the report.¶¶

(c) The decisions about paragraphs (A) to (C) of this subsection. If the decisions have not been made when the report is completed, the screener must notify the reporter that, if contact information is provided, diligent efforts will be made to contact him or her at a later date and inform him or her of the decisions:¶¶

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

(B) Whether abuse occurred; and¶¶

(C) Whether services will be provided.¶¶

(d) If applicable, that the information reported does not meet the screening criteria to be documented and retained in the Child Welfare electronic information system.¶¶

(e) That mandatory reporters should consider maintaining a record of their report to document compliance with mandatory reporting laws is responsible for screening:¶¶

(5) Case management related information; or¶¶

(6) Information or referral.

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

Statutes/Other Implemented: ORS 418.005, Or Laws 2016, ch 106, ORS 419B.020, Or Laws 2017, ch 733

AMEND: 413-015-0211

RULE SUMMARY: This rule now covers information the screener must gather from the reporter. It explains any additional efforts the screener should make to gather additional information; that the screener must review Child Welfare history, if any; that the screener must determine to assign a report for CPS assessment, close the report at screening, or delete the report; the rule further directs the screener to determine an appropriate response timeline; what a screener should do when duplicate information is received; how a screener should refer reports that meet criteria to assign; and it covers external notification requirements. Further, the rule provides direction on approval for not documenting and it provides timeline requirements for review of all closed at screening reports.

Certain sections of this rule are under review for their procedural nature and may be removed upon filing permanent.

CHANGES TO RULE:

413-015-0211

Additional Screening Activities Report of Abuse ¶

~~In the specific circumstances described below, the screener must complete additional activities to complete the screening process.~~ (1) The screener must gather the following relevant information to the extent it is known by the reporter: ¶

~~(1a) The screener receives information on an open CPS assessment.~~ extent of the alleged abuse; ¶

~~(b) The circumstances surrounding the alleged abuse; ¶~~

~~(c) Child functioning; ¶~~

~~(ad) When a screener receives duplicate inform~~ Adult functioning; ¶

~~(e) Parenting practices; ¶~~

~~(f) Disciplinary practices; ¶~~

~~(g) The location (same alleged victim, same alleged perpetrator, same allegation of abuse, and same incident dates) on an open CPS assessment, the screener must: ¶~~

~~(A) Inform the reporter that a new screening report will not be documented because the information has already been received; ¶~~

~~(B) Provide the reporter with the assigned caseworker's name and phone number of the family's residence and where the alleged abuse may have occurred; and ¶~~

~~(h) Whether the child has or may have Indian or Alaskan 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 or close the report at screening and: ¶~~

~~(a) The information gathered from the reporter is concerning; and ¶~~

~~(Cb) Provide The collateral contact information about the reporter and any or law enforcement data is likely to supplement the report with sufficient information to make the screener received to the assigned caseworker in decision. ¶~~

~~(b3) W~~ When a screener receives information that constitutes a new report of abuse as defined in ORS 419B.005 or, when applicable, Oregon Laws 2017, chapter 733 on an open CPS assessment, the screener must: 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 determine whether to assign a report for CPS assessment, close the report at screening or delete the report. ¶~~

~~(A5) Document the information in a new screening report form; and ¶~~

~~(B) Notify the assigned CPS worker and their supervisor of all new information received on the same day the information is received, and docum~~ 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. This timeline must be assigned when the report indicates present danger.
- (b) Within 72 hours. This timeline must be assigned when this notification in the Child Welfare electronic information system report indicates impending danger.
- (c) Within 10 business days. This timeline must be assigned when the report indicates no present or impending danger.
- (e) When a screener receives duplicate information that constitutes a closed at screening on an open CPS assessment (same alleged victim, same alleged perpetrator, same allegation of abuse, and same incident dates), the screener must:
 - (A) Document the information in a new screening report form; and
 - (B) Notify the assigned CPS worker and their supervisor of all new information received on the same day the information is received; and document this notification in the Child Welfare electronic information system.
- (b) Provide the reporter with the assigned caseworker's name and phone number.
- (2) The screener receives new information on an open Child Welfare case.
 - (a) When a screener receives new information on an open Child Welfare case, the screener must:
 - (A) Consult with a CPS supervisor;
 - (B) Notify each assigned case worker and their respective supervisors of all new information received on the same day the information is received, and document this notification in the Child Welfare electronic information system's case notes; and
 - (C) Complete notification on the same day the information is received.
 - (b) 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), 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 occurred in a foster home or a day care, the screener must refer the CPS assessment to the local office assigned to then a screener receives a new report of abuse, as defined in ORS 419B.005 or, when applicable, Oregon Laws 2016, chapter 106, section 36, but there is no open CPS assessment, address where the alleged abuse occurred, and that local office is responsible for completing the CPS assessment.
 - (c) Any exception to (a) or (b) of the screener must document the information in a new screening report form.
- (c) The information received by a screener on an open Child Welfare case that will not be documented in a new screening report form but must be documented in the Child Welfare electronic information system's case notes includes:
 - (A) Additional information on an open Child Welfare case that does not meet the criteria to assign for CPS assessment or be closed at screening;
 - (B) When an in-home protective action plan, initial safety plan, or ongoing safety plan is violated, but the violation is not a new incident of abuse;
 - (C) Reports of an ongoing concern in an open case, which Child Welfare is currently addressing;
 - (D) This section must be made in consultation with the Child Welfare program managers in the affected local offices.
- (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 reports of a missing abuse.
 - (i) To a child or young adult; and

(E) Any requests for case information received by the screener.¶¶

(3) When a screener receives information related to a home certified by Child Welfare, ODDS, or OYA, the screener must notify and document that the screener has notified each assigned case worker, assigned Child Welfare, living in a home certified by Child Welfare, ODDS, or OYA; or¶¶

(ii) At a home certified by Child Welfare, ODDS, or OYA.¶¶

(b) Notification of Office of Child Care, Department of Education, Early Learning Division when a report involves a day care, as required by ORS 419B.020(1). ¶¶

(c) Notification of Office of Developmental Disabilities Services (ODDS) when a report involves a home certified by ODDS; or OYA certifier, and their respective supervisors of all information received (see also OAR 413-015-0604.).¶¶

(4a) child or young adult receiving services from ODDS. ¶¶

(d) Notification of Teacher Standards and Practices Commission (TSPC) When a screener receives information related to a minor parent teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator:¶¶

(a) The screener must gather information to determine if there is a report of abuse with the m in a report. A copy of the report must be sent to the TSPC after information related to the reporter's identity and other confidential information as an alleged victim is removed. ¶¶

(e) Notification:¶¶

(b) If the screener determines there is a report of abuse of the child of the minor parent with the minor parent as an alleged perpetrator is alleged to have occurred at a school or in an educational setting and another report with the minor parent as an alleged victim, the screener involves a child with a disability. A copy of the report must document the information in the following manner to determine when to use the mother or father's name as be sent to Disability Rights Oregon after information related to the reporter's identity and other confidential information is removed. ¶¶

(A) The allegation with the minor parent as an alleged perpetrator must be documented with the mother or father of the alleged victim as the case name (the mother or father being a minor does not preclude them from being the case name); and¶¶

(B) The allegation with the m Notification of Indian 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.¶¶

(g) Notification of the reporter. ¶¶

(5A) When a screener receives information related to a missing child or young adult on an open CPS assessment or open Child Welfare case, the screener must:¶¶

(a) If the child or young adult is in substitute care and the report will be assigned, the screener must notify the reporter that if contact information is provided, efforts will be made by the CPS worker is the caregiver to inform the reporter he or she must report information about the missing child or young adult to law enforcement and the National Center for Missing and Exploited Children 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 for Missing and Exploited Children;¶¶

(b) Notify the assigned caseworker, the assigned certifier, and determine a report will be closed at screening, the screener must notify their respective supervisors of all information received; and reporter of the following:¶¶

(c) Document the information received, and the notifications made in the Child Welfare electronic information system's case notes.¶¶

(6) When a screener receives information from a caseworker that a child or young adult on an Contact with the alleged victim will not be made:¶¶

(ii) An abuse determination will not be made; and¶¶

(iii) Whether services will be provided.¶¶

(h) Notification of Community Mental Health Program, Community Development-CPS assessment or a child or

young adult on an open Child Welfare case is identified as a sex trafficking victim, the screener must: ¶¶

- (a) Determine if the information meets the criteria to assign for CPS assessment or be closed at screening; and ¶¶
- (b) Notify law enforcement as outlined in OAR 413-015-0215, "Notifications and Reports to Specific Agencies or Entities." ¶¶

(7) When a screener receives a report that a child is identified as a substance affected infant whether the report is closed at screening or assigned, the screener must: ¶¶

- (a) Ask the reporter whether a plan of care has been developed; ¶¶
- (b) Ask the reporter whether the substance affected infant and family tal 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 screener comes into contact has suffered abuse; or ¶¶

(B) That any person with whom the screener comes into contact has abused a person 18 years of age or older with a mental illness, developmental disability, or physical disability, or any wperere referred to services; and ¶¶

- (c) Document the responses to (a) and (b) of this paragraph in the Child Welfare electronic information system. ¶¶
- (8)son 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) WWhen a screener receives a report of a chiling supervisor or designee must review all closed fatality, the screener must: ¶¶

- (a) Consult with a CPS supervisor; and ¶¶
- (b) Refer to the Child Welfare "Fatality Protocol." screening reports no later than 12 hours from the date and time the report was received by the Oregon Child Abuse Hotline.

Statutory/Other Authority: ORS 418.005, Or Laws 2016, ch 106, Or Laws 2017, ch 469

Statutes/Other Implemented: ORS 418.005, Or Laws 2016, ch 106, Or Laws 2017, ch 469, Or Laws 2017, Ch 733, Or Laws 2017, ch 469

AMEND: 413-015-0212

RULE SUMMARY: The rule has been reworked to direct screeners when they receive a report that a child is a substance affected infant; when they receive a report on a missing child or young adult; and when they receive reports of a fatality.

CHANGES TO RULE:

413-015-0212

~~Screener Consultation with a CPS Supervisor ¶¶~~

Additional Screening Requirements

~~Screeners may consult with a CPS supervisor about any screening determination. Screeners must consult with a CPS supervisor or designee in each of the following situations. (1) When a screener receives a report that a child is identified as a substance affected infant, the screener must: ¶¶~~

~~(1a) A report of abuse involving a child, parent, caregiver, or perpetrator who was a child, parent, caregiver, or perpetrator in a CPS assessment that resulted in a founded or substantiated disposition in the preceding six months. sk the reporter whether a plan of care has been developed; and ¶¶~~

~~(2b) A review of Child Welfare records on a family that is the subject of sk the reporter whether the substance affected infant abuse report finds multiple consecutive reports were closed and family were referred to Services. ¶¶~~

~~(2) When at screening, and the information received in the current report, in combination with the prior reports regarding the same family, may meet the criteria to refer the report for a CPS assessment. ¶¶~~

~~(3) A new report involving a family that has an open Child Welfare case. ¶¶~~

~~(4) A report involving a home certified by Child Welfare, ODDS, or OYA. ¶¶~~

~~(5) A report involving a proctor foster home. ¶¶~~

~~(6) A report involving a day care. ¶¶~~

~~(7) A report of a child fatality. ¶¶~~

~~(8) A decision not to refer for assessment a report of a newborn child who is born with substances in his or her system. ¶¶~~

~~(9) A report of abuse in which a community partner or an employee of any program, office, or division of the Department or the OYA is the alleged perpetrator. ¶¶~~

~~(10) A report of abuse that is expected to receive media attention or that already is being reported by the media. ¶¶~~

~~(11) A decision that an additional screening report form is needed because the reported information alleges a threat of harm to additional children in other families. ¶¶~~

~~(12) A review of Child Welfare history reveals a prior allegation that has not been assessed because Child Welfare was unable to locate the family. ¶¶~~
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.

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

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

AMEND: 413-015-0213

RULE SUMMARY: This rule now directs what categories a request for family support services apply and how screeners must assign such a request and the timeline involved.

CHANGES TO RULE:

413-015-0213

Determining the County to which the CPS Assessment will be ReferredRequest for Family Support Services ¶

~~(1) Except as described in section (2) of this rule, the screener must refer the CPS assessment to the local Child Welfare office in the county where the alleged victim resides, and that county is responsible for completing the CPS assessment.~~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¶

~~(2d) When the alleged abuse occurred in a foster home, the screener must refer the CPS assessment~~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 alleged abuse occurred, and that county is responsible for completing the CPS assessment.¶

~~(3) The District Managers in the affected counties must jointly approve any exception to sections (1) or (2) of this rule. When a joint decision cannot be made, the CPS Program Manager or designee must approve the exception.¶~~

~~(4) As a court primary custodial parent resides, unless the request is for Independent Living Program services, and to assist with the CPS assessment process, when the alleged victim resides in a different county than the county where the alleged abuse occurred, CPS workers may be assigned in the county of the alleged victim's residence and the county where the alleged abuse occurred. The county that is responsible for completing the CPS assessment is described in sections (1) and (2) of this rule~~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.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

AMEND: 413-015-0214

RULE SUMMARY: This rule now directs screeners on documenting information when notices are received.

CHANGES TO RULE:

413-015-0214

Assignment of the CPS Assessment Notifications Received ¶

Whenever possible, separate CPS work the screener receives one of the following notifications, the screeners must be assigned to complete the assessments of allegations when a minor parent is an alleged perpetrator and alleged victim document the information in a screening report form as a notification unless the information reported constitutes a report of abuse:¶

(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 a substance affected infant.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

AMEND: 413-015-0215

RULE SUMMARY: This rule now covers what information OTIS is responsible for screening.

CHANGES TO RULE:

413-015-0215

Notifications and Information the OTIS is Resports to Specific Agencies or Entitiesnsible for Screening ¶

~~(1) Law Enforcement Agency (LEA). The screener must:¶~~

~~(a) Cross report to LEA as required by OAR 413-015-0305(1); and¶~~

~~(b) Notify law enforcement 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.¶~~

~~(2) Office of Child Care, Department of Education, Early Learning Division. The screener must notify the Office of Child Care when a report involves a day care, as required by ORS 419B.020(1). If the report is closed at screen When the screener receives information involving any of the following settings, a copy of the completed screening report form must be sent to the Compliance Unit of the Office of Child Care after information related to the reporter's identity is removed.¶~~

~~(3) Office of Developmental Disabilities Services (ODDS). The screener must notify the ODDS when a report involves a home certified by ODDS or a child or young adult receiving services from ODDS.¶~~

~~(4) Indian tribes. If the screener knows or has reason to know that the child is an Indian child, the screener must comply with OAR 413-115-0040(1).¶~~

~~(5) Teacher Standards and Practices Commission (TSPC). The screener must notify the TSPC when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. A copy of the report must be sent to the TSPC after information related to the reporter's identity and other confidential information is removthe screener must immediately forward the information to the OTIS and notify the OTIS the information was forwarded.:¶~~

~~(6) Disability Rights Oregon. The screener must notify Disability Rights Oregon when a report of abuse is alleged to have occurred at a school or in an educational setting and the report involves a child with a disability. A copy of the report must be sent to Disability Rights Oregon after information related to the reporter's identity and other confidential information is removed.Child-caring agency;¶~~

~~(7) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The screener must make a report to the Community Mental Health Program,Proctor foster home;¶~~

~~(3) Community Developmental Disabilities Program, or the local Adult Protective Service 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 screener comes into contact has suffered abuse_operated agency; or¶~~

~~(b) That any person with whom the screener 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 olderODDS licensed group home.~~

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

Statutes/Other Implemented: Or Laws 2017, ch 733, Or Laws, Chapter 377, ORS 418.005, ORS 419B.017, ORS 419B.015

AMEND: 413-015-0220

RULE SUMMARY: This rule now covers when certain types of information are received, how the screener must document it and who to notify.

CHANGES TO RULE:

413-015-0220

Screening ExtensCase Management Related Informations ¶¶

~~(1) Except as provided in section (2) of this rule, the CPS supervisor may grant an extension to the deadline in OAR 413-015-0205 if the screener is unable to complete all required screening activities the same day that the report alleging abuse is received because critical information, such as the alleged victim's location, is still needed to determine the response. The screener must document in the~~When any information on an open CPS assessment, open case or a Child Welfare certified foster parent is received at screening, Oregon Child Abuse Hotline staff must document the information in Child Welfare's electronic information system ~~the reason for the extension, including the critical information that remains to be collected, and the CPS supervisor's approval.¶¶~~

~~(a) The CPS supervisor may grant a one business day extension up to two times; and¶¶~~

~~(b) Screening activities may not exceed two business days beyond the day the report alleging abuse is received by Child Welfare.¶¶~~

~~(2) If the screener has the critical information needed to determine the response or has information that indicates the alleged victim is unsafe, no extension to the deadline in OAR 413-015-0205 may be allowed~~and notify the assigned CPS worker, permanency worker, adoption worker, certifier and their respective supervisors, if applicable.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

AMEND: 413-015-0225

RULE SUMMARY: This rule now directs Oregon Child Abuse Hotline staff in providing or directing information to sources.

CHANGES TO RULE:

413-015-0225

SupervisInformationory Reviewferral ¶

~~The CPS supervisor or designee must review all closed at screening reports within five calendar days of the completion of screening activities and electronic submission of the screening report forms for review~~Oregon Child Abuse Hotline staff may provide information or referrals or refer to relevant information and referral resources.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

ADOPT: 413-015-0230

RULE SUMMARY: This new rule directs screeners in contacting 911 if immediate threats to safety or health are perceived.

CHANGES TO RULE:

413-015-0230

Emergency Action

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

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005

AMEND: 413-015-0310

RULE SUMMARY: Changes to this rule reflect and support the recent changes to rule 0305 regarding cross reporting and reducing the number of reports going to law enforcement.

CHANGES TO RULE:

413-015-0310

~~Department~~ Documentation and Verification Requirements ¶

Documentation and Verification.¶

(1) If ~~Child Welfare~~ the Oregon Child Abuse Hotline cross reports a report of abuse on the same day the report is received, the screener or designee 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.

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

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

AMEND: 413-015-0404

RULE SUMMARY: Removed requirements around linking new reports as some flexibility needs to be put in and this type of direction is procedural.

CHANGES TO RULE:

413-015-0404

Receipt of New Information on an Open CPS Assessment

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:

- ~~(1) R~~ review the new information, in consultation with the CPS supervisor, on the same day the CPS worker received notification of the new information.
- ~~(2) Link a new referral to an open assessment only when the date the new referral was assigned is within 60 calendar days of the date the open assessment was assigned.~~
- ~~(3) Create a new assessment when a new referral was assigned more than 60 calendar days from the date the open assessment was assigned.~~

Statutory/Other Authority: ORS 418.005

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

AMEND: 413-015-0405

RULE SUMMARY: Modified response timelines to be consistent with screening; remove ability for CPS supervisor to change assigned timeline.

CHANGES TO RULE:

413-015-0405

CPS Assessment Response Time Lines ¶¶

(1) The time-line 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) ~~Except as provided in sections (3) and (4) of this rule, every CPS assessment must be assigned one of the following response time-lines by a screener pursuant to OAR 413-015-0210 and the CPS worker must make an initial contact within the assigned response time-line:¶¶~~

~~(a) Within 24 hours.¶¶~~

~~(b) Within five calendar days.¶¶~~

~~(3) A CPS supervisor may change the initial contact time lines established in section (2) of this rule as follows:¶¶~~

~~(a) The CPS supervisor may change the response time line from within five calendar days to within 24 hours.¶¶~~

~~(b) The CPS supervisor may change the response time line from within 24 hours to within five calendar days, but the supervisor must explain in writing why the time line was changed and how child safety was considered when the change was approved.¶¶~~

~~(4) If a screener was granted an extension to complete the screening process, the CPS supervisor may adjust the initial contact time lines as follows:¶¶~~

~~(a) Within 24 hours: The CPS worker must make an initial contact within 24 hours of the end date of either the last screening extension or the date the CPS assessment was assigned, whichever is earlier.¶¶~~

~~(b) Within five calendar days: The CPS worker must make an initial contact within five calendar days of the end date of either the last screening extension or the date the CPS assessment was assigned, whichever is earlier. 72 hours.¶¶~~

~~(c) Within 10 business days.~~

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ORS 418.005, ORS 418.800, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050

AMEND: 413-015-0432

RULE SUMMARY: Removed 10 day limit to protective actions. Address this in procedure moving forward so that flexibility can be built in to accommodate Safe Families.

CHANGES TO RULE:

413-015-0432

Develop Safety Plans ¶¶

(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) The home is calm enough to allow safety service providers access 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) 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.¶
 - (f) 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.¶
 - ~~(g) 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.¶~~
 - (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
- Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050

AMEND: 413-015-0435

RULE SUMMARY: Removed 10 day limit to protective actions. Address this in procedure moving forward so that flexibility can be built in to accommodate Safe Families.

CHANGES TO RULE:

413-015-0435

Develop a Protective Action Plan ¶

(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 ~~as~~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 ~~as~~ensure all requirements in OAR 413-015-0432, "~~Develop Safety Plans~~", 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.

Statutory/Other Authority: ORS 418.005

Statutes/Other Implemented: ~~ORS 409.185, 418.005, 18.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050~~