

	Department of Human Services CHILDREN, ADULTS & FAMILIES	NUMBER: I-B.2.2.3 OAR: 413-200-0404 thru 0424
	CLIENT SERVICES INDEX	SECTION: B. Case Management
	ISSUED BY: Office of Safety and Permanency for Children FINAL: 10-01-08	SUBSECTION: 2. Eligibility Services 2. Child Protective Services Assessment
SUBJECT: 3. Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster Parent or Relative Caregiver – OAR		

REFERENCES:

- Child Welfare Policy I-B.2.2.4, "Response to Assessment of Child Abuse Reports in Private Child-Caring Agencies and Private Residential Schools"
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b224.pdf
- Child Welfare Policy II-B.1, "Certification Standards"
http://www.dhs.state.or.us/policy/childwelfare/manual_2/ii-b1.pdf
- Child Welfare Policy III-A.1.2, "Sensitive Issues"
http://www.dhs.state.or.us/policy/childwelfare/manual_3/iii-a12.pdf
- Pam 1537, "What You Need to Know About a CPS Assessment"
<http://dhsforms.hr.state.or.us/Forms/Served/DE1537.pdf>

413-200-0404

Purpose

- (1) The purpose of these rules (OAR 413-200-0404 to 413-200-0424) is to describe Department responsibilities during the screening and assessment of a report of child abuse or neglect involving the home of a Department certified foster parent or relative caregiver. A report involves the home of a Department-certified foster parent or relative caregiver if the report alleges that someone in the home abused or neglected any child.
- (2) When a report is received involving the home of a Department-certified foster parent or relative caregiver, these rules, Child Welfare Policies I-AB.1 to I-AB.6, Child Protective Services (OAR 413-015-0100 to 413-015-1125), II-B.1, Certification Standards for Foster Parents, Relative Caregivers, and Pre-Adoptive Parents (OAR 413-200-0301 to 413-200-0396), II-B.1.1, Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents (OAR 413-200-0270 to 413-200-0296), and I-B.1, Monitoring Child Safety (OAR 413-080-0040 to 413-080-0067) apply.

Stat. Auth.: ORS 409.050, 418.005

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

413-200-0409**Definitions**

The following definitions apply to OAR 413-200-0404 to 413-200-0424:

- (1) "Certification supervisor" means an employee of the Department, designated as a supervisor, supervising staff responsible for certification, training, and monitoring homes certified by the Department.
- (2) "Certified family" means an individual or individuals who hold a Certificate of Approval from the Department to operate a home to provide care, in the home in which they reside, to a child or young adult in the care or custody of the Department.
- (3) "Certifier" means a Child Welfare employee who conducts assessments of applicants interested in providing relative or foster care to a child or young adult in the care or custody of the Department, determines whether or not to recommend approval of the operation of a relative care or foster home, and monitors the compliance of a relative care or foster care home with Child Welfare certification rules.
- (4) "Child" means a person under 18 years of age.
- (5) "Child protective services assessment (CPS assessment)" means activities and interventions that identify and analyze safety threats, determine if there is reasonable cause to believe child abuse or neglect occurred, and assure child safety through protective actions or ongoing safety planning.
- (6) "Child protective services supervisor (CPS supervisor)" means an employee of the Department trained in child protective services and designated as a supervisor.
- (7) "Child protective services worker (CPS worker)" means an employee of the Department who has completed the mandatory Department training for child protective service workers.
- (8) "Consulting foster parent or relative caregiver" means an individual who maintains or has held a Certificate of Approval to operate a foster or relative caregiver home, received Department approved training on the role of a consulting foster parent or relative caregiver, and agrees to serve in this role.
- (9) "Department" means the Department of Human Services, Child Welfare.
- (10) "Designee" means a person whom the designator directly and immediately supervises, or a person of equal or greater management responsibility than the designator.

- (11) "FACIS" means the Family and Child Information System.
- (12) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated child or young adult placed in the home by the Department.
- (13) "Inactive Referral Status" means a period of time, not to exceed 12 months, during which neither the Department nor any other agency will place an additional child or young adult with a certified family. The certified family or the Department may initiate the inactive referral status.
- (14) "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 child victim, his or her siblings, parent or caregiver, and other children and adults living in the home; accessing the home environment; identifying safety threats; and determining if a protective action is needed.
- (15) "Referral" means a report that has been assigned for the purpose of CPS assessment.
- (16) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related child or young adult placed in the home by the Department.
- (17) "Report" means an allegation of child abuse or neglect provided to Child Welfare that the screener evaluates to determine if it constitutes a report of child abuse or neglect as defined in ORS 419B.005.
- (18) "Screener" means a Department employee with training required to provide screening services.
- (19) "Young adult" means a person aged 18 through 20 years who remains in the care and custody of the Department, and lives in substitute care or lives independently through the Department's Independent Living Subsidy Program.

Stat. Auth.: ORS 409.050, 418.005

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

413-200-0414

Department Actions During Screening

- (1) Screener Actions.

- (a) When a screener receives information involving the home of a certified family, the screener must--
 - (A) Refer to and follow Child Welfare Policy I-AB.2, "Screening", OAR 413-015-0200 to 413-015-0225 to gather and share information;
 - (B) Consult with the CPS supervisor before determining the Department's response;
 - (C) Notify the assigned caseworker of each child or young adult placed in the home, each assigned caseworker's supervisor, the assigned certifier, and the certifier's supervisor of all information received; and
 - (D) If the information is closed at screening as described in Child Welfare Policy I-AB.2, "Screening", OAR 413-015-0210(4), document the information in FACIS provider case notes and notify the individuals listed in paragraph (C) of this subsection that the information was closed at screening.
- (b) When a screener receives information alleging abuse or neglect of a young adult living in the home of a certified family, the screener must report the information to the young adult's caseworker; and
 - (A) Report the information to DHS, Seniors and People with Disabilities Division when the young adult is an individual with a diagnosed disability; or
 - (B) Report the information to law enforcement.
- (2) **Certifier Actions.** When the assigned certifier is notified by a screener that information involving the home of a certified family was closed at screening, the certifier must examine the information received and follow Child Welfare Policy II-B.1.1., Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents (OAR 413-200-0270 to 413-200-0296).
- (3) **Assigned Caseworker Actions.**
 - (a) When a report of information alleging abuse or neglect of a young adult has been shared with Seniors and People with Disabilities Division because the young adult is an individual with a diagnosed disability, the young adult's caseworker must coordinate the Department's response with the Seniors and People with Disabilities Division.

- (b) When a report of information alleging abuse or neglect of a young adult has been shared with law enforcement, the young adult's caseworker must coordinate the Department's response with law enforcement.
- (c) When a report is received alleging that a child or young adult in substitute care in the home of a certified family may have been subjected to abuse or neglect, and the screener determines that the report constitutes a report of child abuse or neglect as defined in ORS 419B.005, within three business days of the Department's receipt of the report, the caseworker of the child or young adult in substitute care who is the alleged victim must notify the following individuals that a report was received:
 - (A) The attorney for the child or young adult;
 - (B) The court appointed special advocate (CASA) for the child or young adult;
 - (C) The child or young adult's parents;
 - (D) Any attorney representing the child or young adult's parents; and
 - (E) If the disclosure is authorized by ORS 419B.035, others who are involved in the case plan as necessary.
- (d) The notification of the child or young adult's parents and any attorney representing the child or young adult's parents in paragraphs (3)(c)(C) and (D) of this rule is not required if the notification may interfere with an investigation or assessment or jeopardize the child or young adult's safety. The CPS supervisor, or the supervisor of a young adult's caseworker may authorize an exception to the requirement to provide notification based on documentation that supports this conclusion.

Stat. Auth.: ORS 409.050, 418.005

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

413-200-0419

Department Actions During the CPS Assessment

- (1) CPS Worker and CPS Supervisor Actions.

- (a) If the report involving the home of a certified family 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 safety. The purpose of the staffing is:
 - (A) To determine and coordinate the response to the referral;
 - (B) To notify the certifier assigned to the home, the caseworkers assigned to each child or young adult placed in the home, and their respective supervisors of the referral; and
 - (C) To share information known by the Department regarding the children or young adults placed in the home and the certified family.
- (b) The CPS worker must ensure that the following people are invited to the staffing:
 - (A) The assigned certifier or the certification supervisor; and
 - (B) The assigned caseworker of each child or young adult in the home or each caseworker's supervisor.
- (c) The CPS supervisor or his or her 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 safety;
 - (B) Determine whether the Child Welfare Program Manager, CPS Consultant, and Foster Care Coordinator should be invited to the staffing; and
 - (C) If the staffing does not occur prior to the initial contact, ensure the staffing occurs the next business day and that all persons identified in subsection (b) of this section share information known by the Department regarding children or young adults placed in the home, the certified family, and any other individuals living in the home.
- (d) The CPS worker must complete the following activities during the CPS assessment:
 - (A) At initial contact, in addition to the requirements in Child Welfare Policy I-AB.4, "CPS Assessment", OAR 413-015-0400 to 413-015-0485, provide

the certified family with the appropriate "What you need to know about a Child Protective Service Assessment" pamphlet;

- (B) Consult with a CPS supervisor before making the decision to remove any child or young adult from the home;
- (C) Provide on-going information to the assigned certifier and to the caseworkers of each child or young adult placed in the home on the status of the CPS assessment; and
- (D) Complete the Out of Home Care Investigation report.

(2) Certifier and Certification Supervisor Actions. When the assigned certifier is notified that information received by a screener involving the home of a certified family 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 certified family 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 certified family is immediately placed on inactive referral status pending the completion of the CPS assessment;
 - (C) The certified family has the option of having a consulting foster parent or relative caregiver available for support during the assessment; and
 - (D) The names of foster parents and relative caregivers who have agreed to serve as a consulting foster parent or relative caregiver.
- (b) Within one business day, the certifier must document the initiation of a CPS assessment and the placement of the certified family on inactive referral status in FACIS provider notes.
- (c) Within one business day, the certifier must notify Department staff responsible for placement that the certified family's home is on inactive referral status.
- (d) Within 14 days of the notification required in paragraph (2)(a)(B) of this rule, the Department must provide written notification to the certified family 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 certified family 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.

Stat. Auth.: ORS 409.050, 418.005

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

413-200-0424

Department Actions at the Conclusion of the CPS Assessment

- (1) CPS Worker and Supervisor Actions.
 - (a) In addition to the actions required in Child Welfare Policy I-AB.4, "CPS Assessment", 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 acquired during the CPS assessment, and the results of the CPS assessment;
 - (B) Discuss and determine whether any additional actions described in Child Welfare Policy I-AB.4, "CPS Assessment", 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;
 - (D) Discuss certification actions that have been taken and whether any additional actions described in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0270 to 413-200-0296 are appropriate.
 - (b) The CPS worker must ensure that the following staff members are invited to the staffing:
 - (A) The CPS supervisor;

- (B) The assigned certifier or the certification supervisor; and
 - (C) The caseworkers assigned to each child or young adult placed in the home of the certified family or their respective supervisors.
- (c) The CPS supervisor or his or her designee must:
- (A) Ensure that the staffing, discussed in subsection (a) of this section occurs;
 - (B) Determine whether the Child Welfare Program Manager, CPS Consultant, and Foster Care Coordinator should be invited to the staffing; and
 - (C) Approve notification of the following individuals of the disposition of the CPS assessment:
 - (i) The attorney for the child;
 - (ii) The court appointed special advocate (CASA) for the child;
 - (iii) The child's parents;
 - (iv) Any attorney representing the child's parents; and
 - (v) If the disclosure is authorized by ORS 419B.035, others who are involved in the case plan as necessary.
 - (D) The supervisor may authorize an exception to the notification of a child's parents and any attorney representing a child's parents required in paragraph (C) of this subsection if the notification may interfere with an investigation or assessment or jeopardize the child's safety.
- (d) At the conclusion of any CPS assessment, regardless of the disposition, the CPS supervisor must immediately forward a copy of the Out of Home Care Investigation Report to the assigned caseworkers, the certifier, the CPS Consultant, and the Foster Care Coordinator.
- (2) Assigned Caseworker Actions.
- (a) Within ten business days of the Department determining the disposition of a CPS assessment involving the alleged abuse of a child placed in the home of a

certified family, the caseworker for the child must notify the individuals identified in paragraph (1)(c)(C) of this rule of the disposition unless an exception, described in paragraph (1)(c)(D) of this rule, is authorized by the CPS supervisor or his or her designee.

- (b) Within ten business days of the conclusion of a law enforcement determination involving the alleged abuse of a young adult placed in the home of a certified family, the caseworker for the young adult must notify the individuals identified in paragraph (1)(c)(C) of this rule of the disposition, unless notification may interfere with an investigation or assessment or jeopardize the young adult's safety is authorized by the caseworker's supervisor.

(3) Certifier and Certification Supervisor Actions.

- (a) At the conclusion of the CPS assessment, 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 gathered during the CPS assessment;
 - (B) Determine whether the information indicates certification actions described in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0270 to 413-200-0296 should be taken; and
 - (C) Assure documentation of the results of the staffing in FACIS provider's notes and in the certification file.
- (b) After completing the staffing required in subsection (1)(a) of this rule, if the Department determines --
 - (A) That the Certificate of Approval for the certified family should be revoked, the assigned certifier must initiate revocation of the Certificate of Approval as described in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", OAR 413-200-0296.
 - (B) That inactive referral status should continue because one or more of the conditions in Child Welfare Policy II-B.1.1, "Department Responsibilities for Certification and Supervision of Relative Caregivers, Foster Parents, and Pre-Adoptive Parents", 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 days of receiving the completed CPS assessment. The certifier must retain a copy of the letter in the certification file.

- (C) That the certificate will not be revoked after a founded or unable to determine disposition, the assigned certifier must:
- (i) Submit written documentation supporting the continued certification of the certified family to the District Manager, Assistant District Manager, or Child Welfare Program Manager for approval;
 - (ii) Upon receiving approval for continued certification from the District Manager, Assistant District Manager, or Child Welfare Program Manager, remove the certified family from inactive referral status;
 - (iii) Within ten business days of receiving approval from the District Manager, Assistant District Manager, or Child Welfare Program Manager, send written notification to the certified 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 Department staff responsible for placement that the certified family is no longer on inactive referral status.
- (4) The CPS worker or supervisor, and the certifier or supervisor must meet with the certified family 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 certified family 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