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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

FILED: 10/29/2026 2:59 PM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Updating rules regarding CANS Screenings for children under 3 years of age.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/18/2026 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT:
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Filed By:
Ryan Schott
Rules Coordinator

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

DATE: 11/17/2026
TIME: 10:00 AM - 10:30 AM
OFFICER: Ryan Schott

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 1-971-277-2343
CONFERENCE ID: 833139333
SPECIAL INSTRUCTIONS:
Attendees will need to join the meeting by Microsoft Teams or phone. If you wish to provide comment, please be signed in or call in by no later than 15 minutes after the start time. Join by Microsoft Teams: Meeting ID: 219 086 431 126 167 2 Passcode: g2qR2HG6 or call in: +1-971-277-2343 Phone Conference ID: 833 139 333#
Everyone has a right to know about and use ODHS programs and services. ODHS provides assistance such as sign language and spoken language interpreters, written materials in other languages, braille, large print, audio and other formats. If you need assistance or have questions, please contact CW.PolicyUnit@odhsoha.oregon.gov at least 5 days

before the meeting.

NEED FOR THE RULE(S):

Child Welfare is updating their rule requirements for the initial automatic CANS screening. The amendment clarifies that automatic CANS screenings will exclude children under 3 years of age. A CANS screening may still be completed for a child under age 3 when specifically requested.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

There were no documents relied upon.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

This rule clarifies that automatic CANS screenings will no longer include children under 3 years of age, while still allowing a screening upon request. The change is not expected to negatively impact racial or ethnic groups, as families of all backgrounds retain the ability to request a screening when appropriate. The rule may reduce unnecessary assessments for young children, including those from racial and ethnic groups who are disproportionately represented in child welfare. No adverse racial equity impacts are anticipated.

FISCAL AND ECONOMIC IMPACT:

The Department anticipates a positive fiscal impact for state agencies due to reduced staff workload and decreased costs associated with contracted nurses who perform CANS screenings. Contracted nurses may experience a negative economic impact as they are expected to complete fewer screenings; however, this may allow them to shift focus toward more complex CANS assessments. The Department does not anticipate any fiscal or economic impact to clients or the general public.

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

(1) The Department estimates there will not be any cost of compliance to state agencies, units of local governments, or members of the public. (2) The Department estimates these rules will not have any effect on small business. (a) No small businesses are affected by this adoption; (b)The Department estimates there will not be any cost expected for reporting, record keeping, or administrative activities or cost to comply with the rules. (c) There is no cost of professional services, equipment supplies, labor and increased administration required for small businesses to comply with the rule(s).

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

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

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 413-020-0230

RULE SUMMARY: This rule updates requirements for the initial automatic CANS screening. The amendment clarifies that automatic CANS screenings will exclude children under 3 years of age. A CANS screening may still be completed for a child under age 3 when specifically requested.

CHANGES TO RULE:

413-020-0230
Referral for and Review of the CANS Screening ¶

(1) The Department must complete a CANS screening referral for a child ~~or young adult~~age 3 or older in its legal custody:¶
(a) Within the first 21 days of a child's initial placement in substitute care with a certified family;¶
(b) When the child ~~or young adult~~ has continuously lived with a certified family, ten months from the date of the most recent CANS screening and annually thereafter, and the certified family has received a level of care payment; unless section (2) of this rule applies; or¶
(c) Unless section (2) of this rule applies, five business days after a child ~~or young adult,~~ whose initial placement in substitute care was a BRS placement, moves to the home of a certified family.¶
(2) The caseworker of the child ~~or young adult~~ must consult with the Adoption Assistance and Guardianship Assistance Unit prior to submitting a CANS screening referral when a child's permanency plan is adoption or guardianship and the caseworker has submitted an adoption assistance application or a guardianship assistance application.¶
(3) The caseworker of the child ~~or young adult~~ may, after consultation with and approval by a supervisor, complete and submit to the Level of Care Manager or designee, a CANS screening referral when a child ~~or young adult~~ returns to a placement with a certified family after a BRS placement of six months or longer, unless section (2) of this rule applies.¶
(4) If the caseworker of the child ~~or young adult~~ determines that a CANS rescreen is necessary, the caseworker may, after consultation with and approval by a supervisor, complete and submit to the Level of Care Manager or designee, a CANS rescreen referral.¶
(5) An adoption assistance coordinator or guardianship assistance coordinator may complete and submit a CANS screening referral to the Level of Care Manager or designee under the following circumstances:¶
(a) Written documentation of the current behavior and functioning of the child ~~or young adult~~ has been submitted to the adoption assistance or guardianship assistance coordinator by one of the following individuals:¶
(A) An adoptive family of the child ~~or young adult~~, regardless of whether there has been a previous CANS screening;¶
(B) A child's pre-adoptive family when the child is not in the legal custody of the Department;¶
(C) A guardian of the child ~~or young adult,~~ regardless of whether there has been a previous CANS screening; or¶
(D) A potential guardian of the child ~~or young adult~~ who has been approved by a participating tribe.¶
(b) The written documentation submitted under subsection (a) of this section demonstrates ongoing behaviors and functioning which have not improved with recommended behavioral interventions, counseling or other professional services and one of the following apply:¶
(A) A CANS screening has never been completed;¶
(B) A CANS screening has not been completed within the past twelve months; or¶
(C) The child ~~or young adult~~ exhibits a significant, ongoing change in behavior or functioning since the CANS screening that was completed within the last 12-month period; and¶
(c) The adoptive family or guardian has requested a renegotiation of the adoption assistance or guardianship assistance payment.¶
(6) The Level of Care Manager, or designee, within five business days of receipt of a CANS screening referral submitted under section (3) or (4) of this rule:¶
(a) May approve a CANS screening after reviewing the referral, if the child ~~or young adult~~'s behavior and functioning, as described in the referral, indicate a CANS screening is needed to assess the need for enhanced supervision and a level of care payment;¶
(b) Must notify the individual who submitted the CANS screening referral whether a CANS screening has been approved or denied and the basis for the decision; and¶
(c) If the referral is approved, must send the approved CANS screening referral to a CANS screener.¶
(7) A CANS screener, upon receipt of the CANS screening referral submitted under section (1), (2) or (3) of this rule must:¶
(a) Review the referral information;¶
(b) Contact the caseworker, when the child is in substitute care, to gather information about the child ~~or young adult~~'s strengths and needs;¶
(c) Contact the certified family, pre-adoptive family, adoptive family, potential guardian identified by a participating tribe, or guardian of the child ~~or young adult~~ and gather information about the child ~~or young adult~~'s strengths and needs;¶
(d) Contact the child ~~or young adult~~ and other individuals who provide services to the child ~~or young adult~~ as

appropriate and gather sufficient information to understand the child~~ or young adult~~'s strengths and needs to complete the CANS screening; and¶
(e) When a child ~~or young adult~~ has current suicidal ideation or intent:~~¶~~
~~(A)~~ N. notify the child~~ or young adult~~'s caseworker or adoption or guardianship assistance coordinator and, if applicable, notify the pre-adoptive family, adoptive family, potential guardian, or guardian~~; and¶~~
~~(B) Immediately develop a supervision plan with the certified family when the child or young adult is in substitute care with a certified family.~~¶
(8) After the CANS screener has gathered information regarding the child~~ or young adult~~'s strengths and needs, as described in subsections (6)(a)-(d), the CANS screener rates each element of a child~~ or young adult~~'s behavior and functioning on a scale of zero to three, in a manner consistent with the principles of the Child and Adolescent Needs and Strengths Comprehensive Screening Tool appropriate for the child~~ or young adult~~'s age. The CANS screener documents the appropriate rating for each element and provides written explanation for any rating of either two or three on an element that is a need and any rating of zero or one on an element that is a strength.¶
(a) When the child is five years old or younger, the CANS screener rates the child using the DHS 9601 - Child and Adolescent Needs and Strengths Comprehensive Screening Tool Ages Birth through Five, dated November 2017, which by reference is incorporated in OAR 413-090-0010(2)(f)(A).¶
(b) When the child ~~or young adult~~ is six years old or older, the CANS screener rates the child ~~or young adult~~ using the DHS 9602 - Child and Adolescent Needs and Strengths Comprehensive Screening Tool ages Six through Twenty dated November 2017, which by reference is incorporated in OAR 413-090-0010(2)(f)(B).¶
(c) The Department maintains these documents on the Department's website. Printed copies of these documents may be obtained by contacting the Department of Human Services, Child Welfare, ATTN: Level of Care Manager, 500 Summer Street NE, E-~~93~~77, Salem, OR 97301.¶
(9) The CANS screener must complete the activities in sections (6) and (7) and submit the CANS screening results to the Level of Care Manager or designee within 15 business days following the receipt of the referral.¶
(10) Within 10 business days of the receipt of the CANS screening results, the Level of Care Manager or designee:¶
(a) Reviews the CANS screening results;¶
(b) Contacts the CANS screener when results appear inconsistent with the referral information or documentation of a child~~ or young adult~~'s strengths and needs and may instruct the CANS screener to:¶
(A) Gather additional information;¶
(B) Reapply the CANS ratings; and¶
(C) Resubmit the CANS screening results.¶
(c) Approves the CANS screening results unless subsection (b) applies; and¶
(d) Applies the CANS algorithm which by reference is incorporated in OAR 413-090-0010(2)(f)(C) to the approved CANS screening results to determine whether:¶
(A) The child ~~or young adult~~ living with a certified family is eligible for a level of care payment and requires enhanced supervision; or¶
(B) The child ~~or young adult~~ eligible for adoption assistance or guardianship assistance qualifies for a level of care payment for the purpose of negotiating or renegotiating an adoption assistance or guardianship assistance payment.¶
(11) The Level of Care Manager or designee may approve a revision of the ratings of an approved CANS screening when new or different information relevant to the correct application of the CANS screening has been presented:¶
(a) In preparation for a contested case hearing requested under OAR 413-010-0500(2)(a)-(c):¶
(b) During an informal conference under OAR 413-010-0520; or¶
(c) During the renegotiation of an adoption assistance agreement under OAR 413-130-0075 or a guardianship assistance agreement under OAR 413-070-0969.¶
(12) The Level of Care Manager or designee sends the CANS screening results to the following individuals:¶
(a) The child~~ or young adult~~'s caseworker and the certified family, with whom the child ~~or young adult~~ is living, on behalf of the child~~ or young adult~~; or¶
(b) The adoption assistance and guardianship assistance coordinator and child~~ or young adult~~'s pre-adoptive family, adoptive family, guardian or the potential guardian identified by a participating tribe.¶
(13) When the caseworker and certifier receives a child~~ or young adult~~'s CANS screening results, the caseworker and certifier must:¶
(a) Contact the certified family to review the CANS screening results;¶
(b) Incorporate the needs and strengths identified in the CANS screening into the case plan;¶
(c) Determine whether a supervision plan must be developed, modified, or terminated under OAR 413-020-0233 and 413-020-0236; and¶
(d) When the CANS screening results indicated the child~~ or young adult~~ currently has suicidal ideation or intent, cr~~eview the~~ate a supervision plan~~ developed during the CANS screening~~/review the current supervision plan no later than one business day after the receipt of the CANS screening results to determine whether the plan

continues to be appropriate;¶
~~(c) Incorporate the needs and strengths identified in the CANS screening into the case plan; and¶~~
~~(d) Determine whether a supervision plan must be developed, modified, or terminated under OAR 413-020-0233 and 413-020-0236~~.
Statutory/Other Authority: ORS 418.340, ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.340, ORS 418.005, ORS 418.330, ORS 418.335