OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 413
DEPARTMENT OF HUMAN SERVICES
CHILD WELFARE PROGRAMS

FILED: 10/30/2026 11:56 AM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Rules updated for consistency, legal alignment, court compliance, and voluntary child safety case criteria.

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:
Eric Warner
971-332-0319
cw.policyunit@odhsoha.oregon.gov
500 Summer St NE, E-67
Salem, OR 97301

Filed By:
Eric Warner
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: 2:00 PM - 2:30 PM
OFFICER: Eric Warner

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 971-277-2343
CONFERENCE ID: 122754182
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: 288 894 789 514 065 0 Passcode: u8BQ7Kf3 or call in: +1-971-277-2343 Phone Conference ID: 122 754 182#

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):

Beginning in 2023, ODHS and Child Welfare received feedback that abuse definitions were being applied inconsistently, prompting extensive review through six workgroups in 2024 and 2025. These rule updates align abuse definitions used by OTIS, Child Welfare screening, and CPS with state and federal law, add a definition of trafficking in persons, incorporate changes required by a 2026 Oregon Court of Appeals decision that invalidated certain neglect-related rules, and clarify responsibilities between OTIS and Child Welfare. The revisions also update statutory references and terminology and formally establish criteria for voluntary, non-court-involved cases, reaffirming Child Welfare's practice of partnering with families to address safety concerns through supportive services without court intervention when appropriate, while respecting family choice, due process rights, and Tribal sovereignty.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1.) Some changes are being made to align with existing laws, some are minor updates from law changes that were not previously noted.
2.) Some changes are necessitated by the Oregon Court of Appeals opinion in Oregon Education Assn. v. Dept. of Human Services, 353 Or App 198 (2026).
3.) September 23, 2026, Oregon Court of Appeals Opinion A183962:
https://cdm17027.contentdm.oclc.org/digital/collection/p17027coll5/id/42860/rec/15
4.) 2025 EDITION, ORS 419B.005: https://www.oregonlegislature.gov/bills_laws/ors/ors419B.html
5.) 42 USC chapter 67, Child Abuse Prevention and Treatment and Adoption Reform:
https://www.govinfo.gov/content/pkg/USCODE-2024-title42/html/USCODE-2024-title42-chap67.htm
6.) Child Welfare Information Gateway. (2023). Human trafficking and child welfare: A guide for child welfare agencies. U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. https://www.childwelfare.gov/pubs/trafficking-agencies/

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

Adding labor trafficking as a defined abuse type may increase the identification and reporting of children and youth who have experienced exploitation. This change could have a greater impact on some communities that face higher risks of labor trafficking due to economic, language, immigration, or systemic barriers, including some Latinx youth. The update supports more consistent identification of abuse and helps ensure all children and families have equitable access to safety, services, and protections.

FISCAL AND ECONOMIC IMPACT:

The Department estimates that there will not be any fiscal impact to state agencies, clients, the public or businesses, including small businesses.

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. Although attention will be considered to secure transport providers and facilities offering child-care (with 50 or fewer employees). (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).

Overall, with regard to significant adverse fiscal impact there is not a concern with the cost of compliance for small businesses but this will continue to be monitored by the agency and small businesses will have an opportunity to provide their feedback to the above referenced cost of compliance and have their input reviewed by the program.

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

All Oregon small businesses are invited to share their feedback during our notice period.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:
413-015-0100, 413-015-0105, 413-015-0115, 413-015-0125, 413-015-0200, 413-015-0205, 413-015-0210, 413-015-0211, 413-015-0215, 413-015-0300, 413-015-0302, 413-015-0409, 413-015-0415, 413-015-0420, 413-015-0422, 413-015-0440, 413-015-0455, 413-015-0457, 413-015-0465, 413-015-0470, 413-015-0604, 413-015-0606, 413-015-0608, 413-015-0815, 413-015-0820, 413-015-0822, 413-015-0840, 413-015-0870, 413-015-1005, 413-015-1010, 413-015-1015, 413-015-1105

AMEND: 413-015-0100

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0100
Child Protective Service Authority and Responsibility ¶

Reports of alleged abuse, as defined in ORS 418.257 and 419B.005, are received by Child Welfare's child abuse hotline and screened tors determine the response. ~~The processes and timelines for responding are provided in d~~ Division 015 of this chapter~~,~~ and ~~in~~ OAR chapter 4~~07~~19, divisions 0~~45 and 046 for~~210, 220, 230, and 240 implement laws related to the Department's responsibilities to respond to reports of alleged abuse. Reports involving the settings listed in OAR 413-015-0215~~, which~~ are screened and investigated by the Office of Training, Investigations, and Safety (OTIS). Reports not involving those settings are screened and assessed by Child Welfare. The processes and timelines for Child Welfare's response are provided in division 015 of this chapter. The processes and timelines for OTIS' response are provided in OAR chapters 419, divisions 0210, 220, 230, and 240.
OAR 413-015-01~~00~~15 to 413-015-0125 provide an overview of division 015, which implements laws relating to ~~the Department~~Child Welfare's responsibilities to respond to reports of abuse.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 ~~to~~ - 419B.050, ORS 418.205~~-~~ - 418.327

AMEND: 413-015-0105

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0105
Purpose of Child Protective Services ¶

The purposes of Child Protective Services are to ~~identify unsafe children and to assure protection of children after a~~receive reports of abuse, as defined in ORS 418.257 and 419B.005, identify unsafe children, investigate reports of alleged abuse~~ is received by a screener~~, as described in OAR 413-015-0115, and assure the protection of children.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050

AMEND: 413-015-0115

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0115
Definitions
Unless the context indicates otherwise, the following terms apply to OAR Chapter 413, Division 015.¶
(1) "Abuse" that is not the responsibility of OTIS, as described in OAR 413-015-0215 means:¶
(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~~:¶
(A) Access or exposure to a controlled substance or manufacturing, which includes:¶
(i) Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.¶
(ii) 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 475C.009, that subjects a child to a substantial risk of harm to the child's health or safety.¶
(B) Buying or selling a person under 18 years of age, including buying, selling, bartering, trading, or offering to buy or sell the legal or physical custody of a person under 18 years of age as described in ORS 163.537.¶
(C) Mental ~~i~~injury. ~~I~~ includes only cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts, statements or threats result in severe harm to the child's psychological, cognitive, emotional, or social well-being and functioning. ¶
(~~B~~D) Neglect. ~~¶~~
~~(i) N~~ is the 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 prem□ises 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 475C.009, that~~ Neglect may include, but is not limited to the following:¶
(i) Failure to provide for the child's basic physical needs including adequate shelter, food, or clothing.¶
(ii) Failure to provide adequate medical care when a person responsible knows, or should reasonably be expected to know, that such actions are likely to endanger the health or welfare of the child. A determination of medical neglect, including a determination of medical neglect described in sub~~j~~sect~~s a child to a sub~~ion (1)(c)(A) of this rule, must be consis~~ta~~ent~~ial risk of harm to the child's health or safety~~ with medical findings.¶
(E) Physical abuse.¶
(~~C~~i) Physical ~~A~~abuse~~.~~. includes:¶
(I) Any assault, as defined in ORS Chapter 163, of a child ~~and a.~~¶
(II) Any physical inju□ry to a child ~~which has been~~ caused by other than accidental means, includ□ing any injury ~~which appears to be at variance with the explanation given for the injury.~~ that could not reasonably be the result of the explanation given for the injury.¶
(III) Medical abuse. Medical child abuse occurs when a child receives unnecessary and harmful medical care that results in substantial pain or impairment physical condition.¶
(ii) For the purposes of physical abuse, "physical injury" includes:¶
(I) Any injury that causes substantial pain or impairment of the physical condition (ORS 161.015); or¶
(II) A serious physical injury, as defined in ORS 419A.004.¶
(~~D~~F) Sexual ~~Abuse.~~abuse and other sexually abusive behaviors:¶
(i) Rape of a child, which includes, but is not limited to, rape, sodomy, unlawful sexual penetration and incest, as described in ORS chapter 163.¶
(ii) Sexual abuse, as described in ORS chapter 163.~~¶~~
~~(iii) Sexual exploitation.¶~~
~~(E) Threat of harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or~~

~~welfare.¶~~
~~(F) Restraint or seclusion of a child who is a student by personnel, contractors, or volunteers of a public education program, as defined in ORS 339.285, in violation of ORS 339.285, 339.288, 339.291, 339.303 or 339.308. ¶~~
~~(G) Infliction of corporal punishment on a child who is a student by a teacher, administrator, school employee, or school volunteer in violation of 339.250(9).~~, to include:¶
(I) Touching of the sexual or other intimate parts of a child, or causing a child to touch the sexual or other intimate parts of the other person for the purpose of arousing or gratifying the sexual desire of either party when the child is under age 18 or is a child in care aged 18-20 and does not consent or is forcibly compelled.¶
(II) Propelling blood, urine, semen, or feces at a child who is under 18, or is a child in care aged 18-20 who does not consent, for the purpose of arousing or gratifying the sexual desire of any person.¶
(III) Intentionally causing a child under 18 years old to touch or contact the mouth, anus, or sex organs of an animal for the purpose of arousing or gratifying the sexual desire of any person.¶
(iii) Sexual exploitation is conduct that uses a child in a sexual way for the gratification or benefit of the person, another person, or the child when the child is personally involved. Sexual exploitation includes, but is not limited to:¶
(I) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163.435.¶
(II) 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.¶
(III) Allowing, permitting, encouraging, or hiring a child to engage in, or offer to or agree to engage in sexual conduct or sexual contact for a fee (ORS 167.007) or for anything of value (ORS 163.266(3)), to purchase sex with a minor (ORS 163.413) or to pay, offer or agree to pay a child a fee to engage in sexual intercourse, sexual conduct or sexual contact (ORS 463.413 and ORS 167.008).¶
(IV) Public indecency directed towards a child, described in ORS 163.465 as performing an act of sexual, oral, or anal intercourse, masturbation, or exposing of genitals while in a public place or in view of a public place with the intent of arousing the sexual desires of the person or another person.¶
(~~b~~V) ~~For purposes of screening a report of abuse of a child in care living with a resource parent or receiving services from a respite provider certified by Child Welfare, unless the abuse alleged is familial or third party abuse, "abuse" is also defined a~~Private indecency directed toward a child, described in ORS 163.467 as exposing genitals with the intent of arousing the sexual desire of the actor or another person, in a place where the child has a reasonable expectation of privacy, in view of the child when the exposure would reasonably be expected to alarm or annoy the child, and the actor knows the child (under age 18) cannot consent or the child in care (aged 18-20) did not consent to the exposure.¶
(VI) Online sexual corruption of a child, described in ORS 163.432 and 163.433 as when a person aged 18 or older, uses an online communication to solicit a child, who the person reasonably believes to be under age 16 to engage in sexual contact or sexually explicit conduct, for the purpose of arousing the person or another person and offers or agrees to meet with the child or takes a substantial step towards physically meeting with or encountering the child.¶
(VII) Voyeurism, which includes a person secretly watching, photographing, or recording a child engaged in a private act for the purpose of the person's sexual desire or the sexual desire, arousal, or gratification of another.¶
(G) 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 a report of "abuse" of a child in care, as defined in ORS 418.257(3), subject to ORS 418.257, "abuse" also means:¶
(A) Abandonment, including desertion or willful forsaking of a child in care, or the withdrawal or neglect of duties and obligations owed to a child in care by a resource parent or respite provider certified by Child Welfare, a caregiver, or other person.¶
(B) Financial exploitation.~~¶~~
~~(i)~~ of a child in care. Financial exploitation ~~include~~does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of privileges. Financial exploitation means:¶
(~~I~~i) Wrongfully taking the assets, funds, or property belonging to or intended for the use of a child in care.¶
(~~II~~ii) Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the child in care would reasonably believe that the threat conveyed would be carried out.¶
(~~III~~iii) Misappropriating, misusing, or transferring without authorization any moneys from any account held jointly or singly by a child in care.¶
(~~IV~~iv) Failing to use the income or assets of a child in care effectively for the support and maintenance of the child in care.¶

(~~ii) Financial exploitation does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of privileges.¶~~
~~(C) Involuntary seclusion.~~C) Involuntary seclusion means confinement of a child in care alone in a room or an enclosed space from which the child in care is prevented from leaving by any means. A resource parent or respite provider certified by Child Welfare may not put a child in care into involuntary seclusion.¶
(i) Involuntary seclusion includes:¶
(I) Involuntary seclusion of a child in care ~~for the convenience of a resource par~~as a form of discipline, punishment, or re~~spite provider certified by Child Welfare~~taliation.¶
(II) Involuntary seclusion of a child in care ~~to discipline the child in care.¶~~
~~(III) Involuntary seclusion of a child in care as a form of punishment.¶~~
~~(IV) Involuntary seclusion of a c~~for the convenience of a resource parent or respite provider certified by Child ~~in care done in retaliation~~Welfare or their staff, contractors, or volunteers.¶
(ii) Involuntary seclusion does not include age-appropriate discipline, including, but not limited to, a time-out if the time-out is in a setting from which the child in care is not prevented from leaving by any means.¶
(D) Neglect, which includes:¶
(i) Failure to provide the care, supervision, or services necessary to maintain the physical and mental health of a child in care; or¶
(ii) The failure of a resource parent or respite provider certified by Child Welfare, a caregiver, or other person to make a reasonable effort to protect a child in care from abuse.¶
(E) Physical abuse, which includes:¶
(i) Any physical injury to a child in care 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 in care.¶
(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 in care and a resource parent or respite provider certified by Child Welfare, a caregiver, or other person responsible for the provision of care or services to a child in care;¶
(iii) Any sexual contact between a person and a child in care 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~~.~~; or¶
(v) An act that constitutes a crime under ORS ~~163.375, 163.405, 163.411~~Chapter 163, including:¶
(I) Incest (ORS 163.525).¶
(II) Private indecency (ORS 163.467).¶
(III) Public indecency (ORS 163.465).¶
(IV) Rape (ORS 163.355, 163.365, 163.375).¶
(V) Sodomy (ORS 163.385, 163.~~41~~395, 163.4~~25~~,05).¶
(VI) Sexual abuse (ORS 163.4~~27~~15, 163.4~~67, or 163.525.¶~~
~~(G) Verbal abuse~~25, 163.427).¶
(VII) Unlawful sexual penetration (ORS 163.408,163.411).¶
(~~i~~G) Verbal abuse ~~include~~means threatening s~~evere~~ignificant harm, either physical or emotional, to a child in care, through the use of:¶
(~~I~~i) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule; or¶
(~~II~~ii) Harassment, coercion, threats, compelling or deterring conduct by threats, humiliation, mental cruelty, or inappropriate sexual comments.¶
~~(ii) Verbal abuse does not include age-appropriate discipline that may involve the threat to withhold privileges.¶~~
(H) Wrongful use of restraint. A resource parent or respite provider certified by ~~the~~ Child Welfare or their staff, contractors, or volunteers may not use a restraint on a child in care.¶
(i) Wrongful restraints do not include:¶
(I) Holding the child in care's hand or arm to escort the child in care safely and without the use of force from one area to another; or¶
(II) Assisting the child in care to complete a task if the child in care does not resist the physical contact;¶
(ii) A resource parent or respite provider certified by Child Welfare may use a physical intervention if:¶
(I) The intervention is necessary to break up a physical fight or to effectively protect a person from an assault, serious bodily injury or sexual contact;¶
(II) The physical intervention uses the least amount of physical force and contact possible; and¶
(III) The physical intervention is not a prohibited restraint, as described in ORS 418.519 and 418.523.¶
~~(2) "Alleged perpetrator" means the person alleged to be responsible for the abuse of a child. ¶~~
~~(3~~c) For the purpose of "abuse" of a child in alignment with the federal definition of abuse in the Child Abuse

Prevention and Treatment Act (42 USC §§ 5101 note (2); 5106a(b)(2); 5106g), "abuse" also means:¶
(A) Medical neglect by withholding medically indicated treatment from an infant who has a disability and a life-threatening condition. Medical neglect is further described in subsection (1)(a)(D)(vi) of this rule.¶
(B) Trafficking in persons. Trafficking in persons means any of the acts described in ORS 163.266 and includes:¶
(i) Labor trafficking, which occurs when:¶
(I) A person knowingly recruits, entices, harbors, transports, provides, or obtains by any means, or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, a child and the person is aware that, or recklessly disregards awareness that the child will be subjected to involuntary servitude as described in ORS 163.263 or 163.264. ¶
(II) A person knowingly benefits financially or receives something of value for participating in a venture that involves the acts in subsection (i) of this sub-paragraph.¶
(ii) Sex trafficking, which occurs when a person knowingly recruits, entices, harbors, transports, provides, obtains, patronizes, or solicits by any means or attempts to recruit, entice, harbor, transport, provide, or obtain by any means, a child and the person is aware that, or recklessly disregards awareness that:¶
(I) A child under age 18 will be used in a commercial sex act; or¶
(II) Force, fraud, or coercion will be used to cause a child over age 18 to engage in a commercial sex act.¶
(2) "Alleged genetic parent" means an individual who is alleged to be, or alleges that the individual is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. It does not include a presumed parent, an individual whose parentage rights have been terminated or declared not to exist, an individual whose non-parentage of the child has been adjudicated or a donor. Presumed parent and donor are given the meanings provided in ORS 109.002.¶
(3) "Alleged perpetrator" means the person alleged to be responsible for the abuse of a child.¶
(4) "Alleged victim" means the child alleged to have been abused by the alleged perpetrator.¶
(45) "Caregiver" means a guardian, legal custodian, Indian custodian, or other person acting in loco parentis, who exercises significant authority over and responsibility for a child ~~or young adult~~. Caregiver also includes a "caretaker" as that term is used in ORS 418.257.¶
(56) "Caseworker" means a Child Welfare employee assigned primary responsibility for a child served by Child Welfare.¶
(67) "Child" means a person who:¶
(a) Is a person under 18 years of age; or¶
(b) Is a child in care, as defined in ORS 418.257 as a person under 21 years of age residing in or receiving care or services from:¶
(A) A child-caring agency or proctor foster home;¶
(B) A foster home certified by the Department; or¶
(C) A developmental disabilities residential facility; unless¶
(D) The care is being provided to the child by the child's parent (ORS 418.257).¶
(78) "Child care~~" means each of the following:¶~~
~~(a) A Registered Family C~~ facility", as defined in ORS 329A.250 means any facility that provides child ~~C~~care ~~Home, which is the residence of a provider who has a current Family C~~to children, including a day nursery, nursery school, child ~~C~~care ~~Registration at that address and who provides care in the family living quarters.¶~~
~~(b) A Certifi~~center, outdoor child care program, certified or registered ~~F~~family ~~C~~child ~~C~~care ~~H~~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~~ or similar unit operating under any name, but not including any:¶
(a) Preschool recorded program.¶
(b) Facility providing care for school-age children that ~~any one time.¶~~
~~(c) A Certified Child Car~~is primarily a single ~~C~~enter~~, which is certified to care for 13 or more children, or a facility that is certified to care for twelve or fewer children and located in a building constructed as other than a single-family dwelling.¶~~
~~(d) A Regulated Subsidy Provider, which is a child care provider that is exempt from Office~~richment activity, for eight hours or less a week.¶
(c) Facility providing care that is primarily group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.¶
(d) Facility operated by:¶
(A) A school district as defined in ORS 332.002;¶
(B) A political subdivision of ~~C~~thi~~ld Care licensing and that receives subsidy payments for child care on behalf of c~~s state; or¶
(C) A governmental agency.¶
(e) Residential facility licen~~ts of the Department~~sed under ORS 443.400 to 443.455.¶
(e~~f~~) ~~Other facilities that are~~Facility operat~~inged~~ as a ~~Registered Family Care Home, Certified~~parent cooperative for

no more than four hours a day.¶
(g) Famcily ~~Child Care Home, Certified Child Care Center, or Regulated Subsidy Provider without a certification or registration when a certification or registration is required by the Office of Child Care~~ity providing care while the child's parent remains on the premises and is engaged in an activity offered by the facility or in other nonwork activity.¶
(h) Facility operated as a school-age recorded program.¶
(~~8~~9) "Child-caring agency" is defined in ORS 418.205 and:¶
(a) Means any private school, private agency, private organization or county program providing:¶
(A) Day treatment for children with emotional disturbances;¶
(B) Adoption placement services;¶
(C) Residential care including, but not limited to, foster care or residential treatment for children;¶
(D) Residential care in combination with academic education and therapeutic care, including, but not limited to treatment for emotional, behavioral or mental health disturbances;¶
(E) Outdoor youth programs; or¶
(F) Other similar care or services for children.¶
(b) Includes the following:¶
(A) A shelter-care home that is not a foster home subject to ORS 418.625 to 418.645;¶
(B) An independent residence facility as described in ORS 418.475;¶
(C) A private residential boarding school;¶
(D) A child-caring facility as described in ORS 418.950; and¶
(E) A ~~secure transportation services provider that transports or provides escort services for children on the highways of this state, along a route that~~private organization or person that provides secure transportation services, as defined in ORS 418.241, during any segment of a child's trip to or from a child caring agency, certified foster home or developmental disabilities residential facility, if the route of the child's trip begins or ends in this state, as described in ORS 418.205.¶
(c) Child-caring agency does not include:¶
(A) Residential facilities or foster care homes certified or licensed by the Department under ORS 443.400 to 443.455, 443.830 and 443.835 for children receiving developmental disability services.¶
(B) Any private agency or organization facilitating the provision of respite services for parents pursuant to a properly executed power of attorney under ORS 109.056. For purposes of this paragraph, "respite services" means the voluntary assumption of short-term care and control of a child under age 18 without compensation or reimbursement of expenses for the purposes of providing a parent in crisis with relief from the demands of ongoing care of the parent's child;¶
(C) A youth job development organization as defined in ORS 344.415;¶
(D) A shelter-care home that is a foster home subject to ORS 418.625 to 418.645; or¶
(E) A foster home subject to ORS 418.625 to 418.645.¶
(F) A facility that exclusively serves individuals 18 years of age and older; or¶
(G) A facility that primarily serves both adults and children but requires that any child must be accompanied at all times by at least one custodial parent or guardian.¶
(~~9~~10) "Child protective services" (CPS) means a specialized social service program that Child Welfare provides on behalf of children who may be unsafe after a report of abuse is received.¶
(1~~0~~1) "Child Welfare" means the Oregon Department of Human Services, Child Welfare.¶
(1~~1~~2) "Confidential shelter home or safe house" means a place of temporary refuge for survivors of family, domestic, or teen dating violence and their families, subject to ORS 409.290 through 409.300.¶
(1~~2~~3) "CPS assessment" means an investigation into a report of abuse pursuant to ORS 419B.020 or ORS 418.205 - 418.327 that includes activities and interventions to identify and analyze safety threats, determine if there is reasonable cause to believe abuse occurred, and ensure safety through protective action plans, initial safety plans, or ongoing safety planning.¶
(1~~3~~4) "CPS assessment informational pamphlet" means an informational pamphlet created by the Department for use during a CPS assessment to provide a child's parent, guardian or caregiver, an alleged perpetrator, resource parent, respite provider, or ~~ODHS~~Department employee with a clear written explanation of the CPS assessment and court hearing process and their rights during the CPS assessment and court proceedings related to the abuse investigations ("Client Rights - Policy" I-A.1; ORS 409.185(2)(h)).¶
(1~~4~~5) "CPS supervisor" means an employee of Child Welfare trained in child protective services and designated as a supervisor.¶
(1~~5~~6) "CPS worker" means an employee of Child Welfare who has completed the mandatory Child Welfare training for CPS workers.¶
(1~~6~~7) "Coercion", in alignment with the Child Abuse Prevention and Treatment Act ~~(CAPTA)~~, 42 U.S.C. Sec. 5101 to 5119c, ORS 163.266 and ~~ORS~~ 163.275, includes but is not limited to:¶

(a) Persuading, compelling, or inducing another to engage in a behavior by physical force;-¶
(b) Instilling fear in the other person;¶
(c) Causing or threatening harm to the person;-¶
(~~c~~d) Causing or threatening harm to another person, animal, or property;-¶
(~~d~~e) Any arrangement, plan, or pattern of behavior intended to cause a person to believe that failure to perform an act would result in serious harm to the person, another person, animal, or property; or¶
(~~e~~f) Causing the abuse or threatening the abuse of a legal system.¶
(1~~7~~8) "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.¶
(1~~8~~9) "Department" means the Oregon Department of Human Services.¶
(~~19) "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.¶~~
~~(20) "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.¶~~
~~(21) "Education provider" as defined in ORS 339.370 means:¶~~
~~(a) A school district, as defined in ORS 332.002;¶~~
~~(b) The Oregon School for the Deaf;¶~~
~~(c) An educational program under the Youth Corrections Education Program;¶~~
~~(d) A public charter school, as defined in ORS 338.005;¶~~
~~(e) An education service district, as defined in ORS 334.003;¶~~
~~(f) Any state operated program that provides educational services to kindergarten through grade 12 students; or¶~~
~~(g) A private school.¶~~
~~(22) "Face-to-face" means an in-person interaction between individuals. When the parent, guardian, or Indian custodian is an adult in custody at an Oregon Department of Corrections facility, a face-to-face contact includes virtual or video contact when in-person contact is prevented by the facility.¶~~
~~(23) "Family Care Plan" means a written plan for an infant with prenatal substance exposure and the infant's family, focused on meeting health needs and substance use disorder treatment needs and developed in collaboration with the family, the healthcare provider, community agencies and Child Welfare when appropriate.¶~~
~~(24) "Family engagement meeting" (FEM) means a family-focused intervention facilitated by professional staff that is designed to build and strengthen the natural caregiving system for the child. The purpose of the family engagement meeting is to establish a plan that provides for the safety, attachment, and permanency needs of the child. A FEM meets the Oregon Family Decision Meeting requirements as described in ORS 417.365 to 417.375 that include extended family and rely upon the family to make decisions about planning for the children.¶~~
~~(25) "Former child in foster care" 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.¶~~
~~(26) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.¶~~
~~(27) "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.¶~~
~~(28) "Household" means an association of persons who live in the same home or dwelling and may be related by blood, adoption, or marriage or may be unrelated persons residing in the same home or dwelling as the child.¶~~
~~(29) "ICWA" means the Indian Child Welfare Act.¶~~
~~(30) "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.¶~~
~~(31) "Indian", as defined in OAR 413-115-0000, means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act (43 U.S.C. 1606)¶~~
~~(32) "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.¶~~

(33) "Indian custodian", as defined in OAR 413-115-0000, means any Indian, other than the Indian child's parent, who has custody of an Indian child under applicable tribal law or custom or under applicable state law, or to whom temporary physical care, custody, and control has been transferred by the Indian child's parent.¶
(34) "Indian tribe" or "tribe", as defined in OAR 413-115-0000, means any Indian tribe, band, nation, or other organized group or community of Indians federally recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).¶
(35) "Infant" means a child less than one year old.¶
(36) "Infant with prenatal substance exposure" means an infant, regardless of whether abuse is suspected, for whom prenatal substance exposure is indicated at birth. This includes any of the following circumstances:¶
(a) There is credible information the birthing parent used substances during the pregnancy or at the time of birth; ¶
(b) Prenatal substance exposure is determined by a positive toxicology screen from the infant or the birthing parent at delivery; or¶
(c) An infant whose health care provider has identified signs of substance withdrawal, a Fetal Alcohol Spectrum Disorder diagnosis, or detectable physical, developmental, cognitive, or emotional delay or harm associated with prenatal substance exposure. ¶
(37) "Initial contact" means:¶
(a) For a CPS assessment, the first face-to-face contact between a CPS worker and a family. The "initial contact" includes face-to-face contact with the alleged victim, their siblings, parent or caregiver, and any children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.¶
(b) For a third party CPS assessment, the first face-to-face contact between a CPS worker and the alleged victim and the first contact between a CPS worker and the alleged victim's parent or caregiver. The "initial contact" includes gathering sufficient information about the alleged victim, their parents or caregivers, and the alleged perpetrator's access to the alleged victim to determine whether present danger safety threats exist.¶
(38) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a child from an impending danger safety threat to allow for completion of the CPS assessment.¶
(39) "LEDS" means Law Enforcement Data System, the computerized criminal history information system maintained by the Oregon State Police.¶
(40) "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.¶
(41) "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.¶
(42) "LEDS notice" means a written statement hand-delivered to the subject individual or sent via U.S. mail to their last known address informing the subject individual of subsections (a) and (b) of this section. "LEDS notice" does not imply consent or permission of the subject individual.¶
(a) Child Welfare may conduct, or has already conducted, criminal records checks.¶
(b) The subject individual has the right to obtain a copy of their LEDS record and challenge the accuracy of the information in the record through the Oregon State Police procedures outlined in OAR 257-010-0035.¶
(43) "Moderate to high needs" means observable family behaviors, conditions, or circumstances that are occurring now; and over the next year without intervention, are likely to have a negative impact on a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. While intervention is not required for the child to be safe, it is reasonable to determine that short-term, targeted services could reduce or eliminate the likelihood that the negative impact will occur.¶
(44) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.¶
(45) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.¶
(46) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.¶
(47) "ODDS" means the Office of Developmental Disabilities Services within the Department.¶
(48) "ODDS licensed group home" means a 24-hour residential program and setting for children and adults with intellectual or developmental disabilities.¶
(49) "Ongoing safety plan" means a documented set of actions or interventions that manage the safety of a child 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.¶
(50) "ORICWA" means the Oregon Indian Child Welfare Act.¶
(51) "OTIS" means the Office of Training, Investigations and Safety within the Department.¶
(52) "Out of control" means family behaviors, conditions, or circumstances that can affect safety of a child 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.¶
(53) "OYA" means the Oregon Youth Authority.¶
(54) "Parent" means the genetic or adoptive mother and the legal parent of the child. A legal parent is a person who has adopted the child or whose parentage has been established or declared under ORS 109.065. In cases involving an Indian child, "parent" means a biological parent of an Indian child, an Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom, or a father whose parentage has been acknowledged or established under ORS 109.065(1) to (6) or (9) or 419B.609. Parent also includes an alleged genetic parent 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 alleged genetic parent is not the legal or genetic parent of the child.¶
(55) "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.¶
(56) "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.¶
(57) "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. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a child in peril.¶
(58) "Proctor foster home" means a foster home certified by a child-caring agency that is not subject to ORS 418.625 to 418.470.¶
(59) "Protective action plan" means:¶
(a) When planning for a child, an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a child from a present danger safety threat; or¶
(b) When planning for an Indian child, an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect an Indian child from imminent physical damage or harm without removing the Indian child from either parent or Indian custodian, as described in OAR 413-115-0070.¶
(60) "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 safe.¶
(61) "Protective custody" means custody authorized by ORS 419B.150.¶
(62) "Reasonable cause" as defined in ORS 419B.150 means a subjectively and objectively reasonable belief, given all of the circumstances and based on specific and articulable facts.¶
(63) "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.¶
(64) "Referral" means a report that has been assigned for the purpose of CPS assessment.¶
(65) "Report" means an allegation of abuse that the screener evaluates to determine if it constitutes a report of abuse as defined in ORS 419B.005 or, when applicable, ORS 418.205 - 418.327.¶
(66) "Reporter" means an individual who makes a report.¶
(67) "Resource family" or "resource parent" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which the individual or individuals reside, to a child in the care or custody of the Department.¶
(68) "Respite provider" means an individual certified by the Department to provide certified respite care to a child being served in their home through an open child welfare case or a child or young adult in the care or custody of the Department.¶
(69) "Restraint" means the physical restriction of a child's actions or movements by holding the child or using pressure or other means.¶
(70) "Safe" means there is an absence of present danger safety threats and impending danger safety threats.¶
(71) "Safe Haven Infant" means a child who is reasonably believed to be 60 days of age or younger, has been left at an authorized facility as defined in ORS 418.017 and has no evidence of abuse.¶
(72) "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.¶

(73) "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.¶
(74) "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, 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.¶
(75) "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.¶
(76) "Screener" means a Child Welfare employee with training required to receive information and requests at the Oregon Child Abuse Hotline and assess the information and requests to determine Child Welfare's response.¶
(77) "Screening" means the process of determining Child Welfare's response to information and requests received by the Oregon Child Abuse Hotline.¶
(78) "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.¶
(79) "Sexual exploitation", as described in ORS 419B.005 means:¶
(a) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163.435, and any other conduct which allows, employs, authorizes, permits, induces, or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording, or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve educational or other legitimate purposes. ¶
(b) Allowing, permitting, encouraging, or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or to patronize a prostitute as described in ORS 167.008.¶
(80) "Severe harm" as defined in ORS 419B.150 means:¶
(a) Life-threatening damage; or¶
(b) Significant or acute injury to a person's physical, sexual, or psychological functioning.¶
(81) "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.¶
(82) "Sibling" means one of two or more children who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways: ¶
(a) By blood or adoption through a common parent; ¶
(b) Through the marriage of the legal or biological parents of the children or young adults; or ¶
(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.¶
(83) "Student" means any person who is in any grade from prekindergarten through grade 12, or twenty-one years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual contact as defined in ORS 339.370. ¶
(84) "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.¶
(85) "Substitute care" means the out-of-home placement of a child who is in the legal or physical custody and care of Child Welfare.¶
(86) "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.¶~~
~~(87) "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.¶~~
~~(88) "Third party abuse" means abuse by a person who is not the alleged victim's parent, caregiver, guardian, or other member of the alleged victim's household, and who is not responsible for the alleged victim's care, custody, and control.¶~~
~~(89) "Third party CPS assessment" means an investigation into a report of third party abuse pursuant to ORS 419B.020 that includes activities conducted to determine if there is reasonable cause to believe abuse occurred, and whether the alleged victim is safe from the alleged perpetrator of third party abuse. ¶~~
~~(90) "Unsafe" means the presence of a present danger safety threat or an impending danger safety threat.¶~~
~~(91) "Vulnerable child" means a child who is unable to protect themselves. This includes a child who is dependent on others for sustenance and protection. A "vulnerable child" is defenseless, exposed to behaviors, conditions, or circumstances that they are powerless to manage, and is susceptible and accessible to a threatening parent or caregiver. Vulnerability is judged according to physical and emotional development, ability to communicate needs, mobility, size, and dependence.¶~~
~~(92) "Young adult" means a person aged 18 through 20 years~~20) "Designated medical professional" means (as described in ORS 418.747(9)) a physician, physician associate, 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.¶
(21) "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.¶
(22) "Education provider" as defined in ORS 339.370 means:¶
(a) A school district, as defined in ORS 332.002;¶
(b) The Oregon School for the Deaf;¶
(c) An educational program under the Youth Corrections Education Program;¶
(d) A public charter school, as defined in ORS 338.005;¶
(e) An education service district, as defined in ORS 334.003;¶
(f) Any state operated program that provides educational services to kindergarten through grade 12 students; or¶
(g) A private school.¶
(23) "Face-to-face" means an in-person interaction between individuals. When the parent, guardian, or Indian custodian is an adult in custody at an Oregon Department of Corrections facility, a face-to-face contact includes virtual or video contact when in-person contact is prevented by the facility.¶
(24) "Family engagement meeting" (FEM) means a family-focused intervention facilitated by professional staff that is designed to build and strengthen the natural caregiving system for the child. The purpose of the family engagement meeting is to establish a plan that provides for the safety, attachment, and permanency needs of the child. A FEM meets the Oregon Family Decision Meeting requirements as described in ORS 417.365 to 417.375 that include extended family and rely upon the family to make decisions about planning for the children.¶
(25) "Former child in foster care" 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.¶
(26) "Guardian" means an individual who has been granted guardianship of a child through a judgment of the court.¶
(27) "Harm" means any kind of impairment, damage, detriment, or injury to an alleged victim's physical, sexual, psychological, cognitive, or behavioral development or functioning.¶
(28) "Household" means an association of persons who live in the same home or dwelling and may be related by blood, adoption, or marriage or may be unrelated persons residing in the same home or dwelling as the child.¶
(29) "ICWA" means the Indian Child Welfare Act.¶
(30) "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.¶
(31) "Indian", as defined in OAR 413-115-0000, means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims

Settlement Act (43 U.S.C. 1606)¶
(32) "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.¶
(33) "Indian custodian", as defined in OAR 413-115-0000, means any Indian, other than the Indian child's parent, who has custody of an Indian child under applicable tribal law or custom or under applicable state law, or to whom temporary physical care, custody, and control has been transferred by the Indian child's parent.¶
(34) "Indian tribe" or "tribe", as defined in OAR 413-115-0000, means any Indian tribe, band, nation, or other organized group or community of Indians federally recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).¶
(35) "Infant" means a child less than one year old.¶
(36) "Infant with prenatal substance exposure" means an infant, regardless of whether abuse is suspected, for whom prenatal substance exposure is indicated at birth. This includes any of the following circumstances:¶
(a) There is credible information the birthing parent used substances during the pregnancy or at the time of birth;¶
(b) Prenatal substance exposure is determined by a positive toxicology screen from the infant or the birthing parent at delivery; or¶
(c) An infant whose health care provider has identified signs of substance withdrawal, a Fetal Alcohol Spectrum Disorder diagnosis, or detectable physical, developmental, cognitive, or emotional delay or harm associated with prenatal substance exposure.¶
(37) "Initial contact" means:¶
(a) For a CPS assessment, the first face-to-face contact between a CPS worker and a family. The "initial contact" includes face-to-face contact with the alleged victim, their siblings, parent or caregiver, and any children and adults living in the home; accessing the home environment; and gathering sufficient information on the family conditions and functioning to determine if present danger safety threats or impending danger safety threats exist.¶
(b) For a third party CPS assessment, the first face-to-face contact between a CPS worker and the alleged victim and the first contact between a CPS worker and the alleged victim's parent or caregiver. The "initial contact" includes gathering sufficient information about the alleged victim, their parents or caregivers, and the alleged perpetrator's access to the alleged victim to determine whether present danger safety threats exist.¶
(38) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a child from an impending danger safety threat to allow for completion of the CPS assessment.¶
(39) "Involuntary servitude" as described in ORS 163.263 and 163.264, occurs when a person knowingly and without lawful authority forces or attempts to force a child to engage in or continue to engage in labor or services by:¶
(a) Abusing or threatening to abuse the law or legal process;¶
(b) Destroying, concealing, removing, confiscating or possessing an actual or purported passport or immigration document or another actual or purported government identification document of a person;¶
(c) Threatening to report a person to a government agency for the purpose of arrest or deportation;¶
(d) Subjecting the person to debt bondage;¶
(e) Instilling in the other person a fear that the actor will withhold from the other person the necessities of life, including but not limited to lodging, food, medical care and clothing;¶
(f) Controlling or threatening to control the other person's access to a controlled substance;¶
(g) Fraud or misrepresentation;¶
(h) Causing or threatening to cause the death of or serious physical injury to a person; or¶
(i) Physically restraining or threatening to physically restrain a person.¶
(40) "LEDS" means Law Enforcement Data System, the computerized criminal history information system maintained by the Oregon State Police.¶
(41) "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.¶
(42) "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.¶
(43) "LEDS notice" means a written statement hand-delivered to the subject individual or sent via U.S. mail to their last known address informing the subject individual of subsections (a) and (b) of this section. "LEDS notice" does not imply consent or permission of the subject individual.¶
(a) Child Welfare may conduct, or has already conducted, criminal records checks.¶
(b) The subject individual has the right to obtain a copy of their LEDS record and challenge the accuracy of the information in the record through the Oregon State Police procedures outlined in OAR 257-010-0035.¶

(44) "Moderate to high needs" means observable family behaviors, conditions, or circumstances that are occurring now; and over the next year without intervention, are likely to have a negative impact on a child's physical, sexual, psychological, cognitive, or behavioral development or functioning. While intervention is not required for the child to be safe, it is reasonable to determine that short-term, targeted services could reduce or eliminate the likelihood that the negative impact will occur.¶
(45) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.¶
(46) "Multi-disciplinary team" (MDT) means a county child abuse investigative team as defined in ORS 418.747.¶
(47) "Observable" means specific, real, can be seen and described. Observable does not include suspicion or gut feeling.¶
(48) "ODDS" means the Office of Developmental Disabilities Services within the Department.¶
(49) "ODDS licensed group home" means a 24-hour residential program and setting for children and adults with intellectual or developmental disabilities.¶
(50) "Ongoing safety plan" means a documented set of actions or interventions that manage the safety of a child 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.¶
(51) "ORICWA" means the Oregon Indian Child Welfare Act.¶
(52) "OTIS" means the Office of Training, Investigations and Safety within the Department.¶
(53) "Out of control" means family behaviors, conditions, or circumstances that can affect safety of a child 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.¶
(54) "OYA" means the Oregon Youth Authority.¶
(55) "Parent" means the genetic or adoptive mother and the legal parent of the child. A legal parent is a person who has adopted the child or whose parentage has been established or declared under ORS 109.065. In cases involving an Indian child, "parent" also means a biological parent of an Indian child, an Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom, or a father whose parentage has been acknowledged or established under ORS 109.065(1) to (6) or (9) or 419B.609. Parent also includes an alleged genetic parent 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 alleged genetic parent is not the legal or genetic parent of the child.¶
(56) "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.¶
(57) "Plan of care" means a written plan for an infant with prenatal substance exposure and the infant's family, focused on meeting health needs and substance use disorder treatment needs and developed in collaboration with the family, the healthcare provider, community agencies and Child Welfare when appropriate.¶
(58) "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. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a child in peril.¶
(59) "Proctor foster home" means a foster home certified by a child-caring agency that is not subject to ORS 418.625 to 418.470.¶
(60) "Protective action plan" means:¶
(a) When planning for a child, an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect a child from a present danger safety threat; or¶
(b) When planning for an Indian child, an immediate, same day, short-term plan, lasting a maximum of ten calendar days, sufficient to protect an Indian child from imminent physical damage or harm without removing the Indian child from either parent or Indian custodian, as described in OAR 413-115-0070.¶
(61) "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 safe.¶
(62) "Protective custody" means custody authorized by ORS 419B.150.¶
(63) "Reasonable cause" as defined in ORS 419B.150 means a subjectively and objectively reasonable belief, given all of the circumstances and based on specific and articulable facts.¶
(64) "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.¶
(65) "Referral" means a report that has been assigned for the purpose of CPS assessment.¶
(66) "Report" means an allegation of abuse that the screener evaluates to determine if it constitutes a report of abuse as defined in ORS 419B.005 or, when applicable, ORS 418.257.¶
(67) "Reporter" means an individual who makes a report.¶
(68) "Resource family" or "resource parent" means an individual or individuals who hold a current Certificate of Approval from the Department to operate a home to provide care, in the home in which the individual or individuals reside, to a child in the care or custody of the Department.¶
(69) "Respite provider" means an individual certified by the Department to provide certified respite care to a child being served in their home through an open child welfare case or a child in the care or custody of the Department.¶
(70) "Restraint" means the physical restriction of a child's actions or movements by holding the child or using pressure or other means.¶
(71) "Safe" means there is an absence of present danger safety threats and impending danger safety threats.¶
(72) "Safe Haven Infant" means a child who is reasonably believed to be 60 days of age or younger, has been left at an authorized facility as defined in ORS 418.017 and has no evidence of abuse.¶
(73) "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.¶
(74) "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.¶
(75) "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, 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.¶
(76) "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.¶
(77) "Screener" means a Child Welfare employee with training required to receive information, reports, and requests at the Oregon Child Abuse Hotline and assess the information and requests to determine Child Welfare's response.¶
(78) "Screening" means the process of determining Child Welfare's response to information and requests received by the Oregon Child Abuse Hotline.¶
(79) "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.¶
(80) "Severe harm" as defined in ORS 419B.150 means:¶
(a) Life-threatening damage; or¶
(b) Significant or acute injury to a person's physical, sexual, or psychological functioning.¶
(81) "Sibling" means one of two or more children who are related, or would be related but for a termination or other disruption of parental rights, in one of the following ways:¶
(a) By blood or adoption through a common parent;¶
(b) Through the marriage of the legal or biological parents of the children or young adults; or¶
(c) Through a legal or biological parent who is the registered domestic partner of the legal or biological parent of the children or young adults.¶
(82) "Student" means any person who is in any grade from prekindergarten through grade 12, or twenty-one years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution of education, or who was previously known as a student by the person engaging in sexual conduct and who left school or graduated from high school within 90 days prior to the sexual contact as defined in ORS 339.370.¶
(83) "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.¶
(84) "Substitute care" means the out-of-home placement of a child who is in the legal or physical custody and care of Child Welfare.¶
(85) "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.¶
(86) "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.¶
(87) "Third party abuse" means abuse by a person who is not the alleged victim's parent, caregiver, guardian, or other member of the alleged victim's household, and who is not responsible for the alleged victim's care, custody, and control.¶
(88) "Third party CPS assessment" means an investigation into a report of third party abuse pursuant to ORS 419B.020 that includes activities conducted to determine if there is reasonable cause to believe abuse occurred, and whether the alleged victim is safe from the alleged perpetrator of third party abuse.¶
(89) "Unsafe" means the presence of a present danger safety threat or an impending danger safety threat.¶
(90) "Vulnerable child" means a child who is unable to protect themselves. This includes a child who is dependent on others for sustenance and protection. A "vulnerable child" is defenseless, exposed to behaviors, conditions, or circumstances that they are powerless to manage, and is susceptible and accessible to a threatening parent or caregiver. Vulnerability is judged according to physical and emotional development, ability to communicate needs, mobility, size, and dependence.
Statutory/Other Authority: ORS 409.185, ORS 418.005, ORS 418.747, ORS 419B.017, ORS 419B.~~024~~811, ORS 419B.035, ORS 418.205 - 418.327, ORS 4~~1~~09.050, ~~ORS 409.050~~Child Abuse Prevention and Treatment Act at 42 U.S.C. Sec. 5101 to 5119c
Statutes/Other Implemented: ORS 409.185, ORS 418.005, ORS 418.747, ORS 418.205 - 418.327, ORS 147.425, ORS 418.015, ORS 419B.005 - 419B.050, Child Abuse Prevention and Treatment Act at 42 U.S.C. Sec. 5101 to 5119c, ORS 418.519 - 418.523

AMEND: 413-015-0125

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0125
CPS Responsibility Ends ¶

Child Welfare is not responsible for providing child protective services when:¶
(1) A screener determines that information received is the responsibility of OTIS under OAR 413-015-0215 or OTIS and Child Welfare Safety Program agree the screening decision or investigation is the responsibility of OTIS;¶
(2) A screener determines that information received during screening does not require a CPS assessment under OAR 413-015-021~~0(2~~1(5);¶
(~~2~~3) The CPS assessment has determined the all~~eged victim is~~ children subject to the CPS assessment are safe; or¶
(~~3~~4) The CPS assessment does not identify sufficient information ~~sufficient~~ to request juvenile court intervention or the CPS assessment has determined the alleged victim is unsafe and the juvenile court declines to intervene~~, and the parents or caregivers do not request or agree to cooperatively receive services~~.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005

REPEAL: 413-015-0200

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

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 outline the criteria used to determine a response to the information. This process is known as screening and is conducted by a screener.~~
~~Statutory/Other Authority: ORS 418.005, ORS 409.050~~
~~Statutes/Other Implemented: ORS 418.005~~

AMEND: 413-015-0205

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0205
Information Received ¶

All information received at screening must be reviewed by a screener to determine the type of information:¶
(1) Information OTIS is responsible for as described in OAR 413-015-0215;¶
(2) Report of abuse;¶
(~~2~~3) Request for family support services;¶
(~~3~~4) Notification;¶
~~(4) Information the OTIS is responsible for screening;¶~~
(5) Case management related information; or¶
(6) Information or referral.
Statutory/Other Authority: ORS 418.005, ORS 418.205-418.327, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 418.205-418.327, ORS 419B.020

AMEND: 413-015-0210

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0210
Documentation Requirements
(1) A report of abuse, request for family support services and information ~~the~~ OTIS is responsible for screening must be documented in a screening report form within the Child Welfare electronic information system.¶
(2) Case management related information must be documented in the Child Welfare electronic information system case notes, or if applicable, provider case notes. Materials and records used or obtained for the purpose of making a screening decision must be uploaded in the Child Welfare electronic information system.¶
(3) Internal and external notifications made by Oregon Child Abuse Hotline staff must be documented in the Child Welfare electronic information system.¶
(4) Timelines for documentation.¶
(a) The screener must complete documentation immediately when:¶
(A) A report of abuse is assigned a "within 24 hour" response timeline; or¶
(B) ~~The~~ OTIS is responsible for screening.¶
(b) The screener must complete all other documentation no later than 10 hours from the date and time the report was received by the Oregon Child Abuse Hotline, unless the screening supervisor grants an extension as described in paragraph (c) of this section.¶
(c) A screening supervisor may grant a one-time extension to the deadline in paragraph (b) of this section, not to exceed 24 hours from the date and time the report was received by the Oregon Child Abuse Hotline, when the screener made a collateral contact as described in OAR 413-015-0211(2) and the additional information is not received within the timeline.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 418.205-418.327

AMEND: 413-015-0211

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0211
Report of Abuse
(1) The screener must determine whether the information received is the responsibility of OTIS and forward the information to OTIS if applicable, as described in OAR 413-015-0215.¶
(2) The screener must gather the following relevant information to the extent it is known by the reporter:¶
(a) The extent of the alleged abuse;¶
(b) The circumstances surrounding the alleged abuse;¶
(c) Demographics;¶
(d) Race and ethnicity;¶
(e) Languages spoken;¶
(f) Contact information;¶
(g) The location of the family's residence and where the alleged abuse may have occurred; and¶
(h) Whether the child has or may have American Indian or Alaska Native heritage.¶
(~~2~~3) The screener may only make efforts to gather additional information from collateral contacts and law enforcement when there is insufficient information to determine the screening decision:¶
(a) The information gathered from the reporter is concerning; and¶
(b) The collateral contact or law enforcement data is likely to supplement the report with sufficient information to make the screening decision.¶
(~~3~~4) The screener must review the Child Welfare history, if any, of the alleged victim, every identified child, parent, caregiver, and household member for the report dates, types of abuse alleged, screening decisions and CPS assessment dispositions.¶
(~~4~~5) The screener must assign the report for CPS assessment if:¶
(a) The information received constitutes a report of abuse as defined in OAR 413-015-0115(1)(a) of a child; and is the responsibility of Child Welfare to assess.¶
(b) The information received constitutes a report of abuse of a child as defined in OAR 413-015-0115(1)(a) or a report of abuse of a child as defined in OAR 413-015-0115(1)(b); and involves a resource family or respite provider certified by Child Welfare.¶
(c) The screener determines the current report would be the fourth or greater consecutive report closed at screening regarding the same child or household and there is at least one child in the home who is less than five years of age, unless an exception has been approved by the Oregon Child Abuse Hotline program manager or designee; or¶
(d) A Tribe, LEA, or OTIS requests assistance from CPS with an investigation of abuse, and a screening supervisor agrees that assistance from CPS is appropriate.¶
(e) The screener determines a child is a Safe Haven infant.¶
(~~5~~6) When a determination is made to assign a report for CPS assessment, the screener must determine the response timeline as follows:¶
(a) Within 24 hours.¶
(b) Within 72 hours.¶
(c) Within 10 business days.¶
(~~6~~7) The screener must refer all reports that meet the criteria to assign for CPS assessment to a local Child Welfare office as follows:¶
(a) The screener must refer the CPS assessment to the local office assigned to the address where the alleged victim resides, and that county is responsible for completing the CPS assessment.¶
(b) When the alleged abuse involved in a resource family or respite provider certified by Child Welfare, the screener must refer the CPS assessment to the local office assigned to the address where the alleged abuse occurred, and that local office is responsible for completing the CPS assessment.¶
(c) When the alleged victim is placed in a Behavioral Rehabilitation Service or other residential program, the screener must refer the CPS assessment to the local office where the familial case is currently open.¶
(d) Any exception to (a), (b) or (c) of this section must be made in consultation with the Child Welfare program

managers in the affected local offices.¶
(7) The screener must close the report at screening if one of the following subsections applies because t:¶
(a) The information received:¶
(aA) Does not constitute a report of abuse and the screener determines that the information describes behaviors, conditions or circumstances that pose a risk to a child; or¶
(bB) Is a report of abuse and the information indicates the alleged abuse occurred in another country and the alleged perpetrator is located in another country; or¶
(cC) Involves an alleged perpetrator who is a child and who resides in another state; or¶
(dD) Involves a childn alleged victim who is a resident of another state, unlessis in another state at the time of the report, and the abuse occurred in Oregon; oranother state;¶
(eE) Involves a child who is a resident of both Oregon and another state, and the other state is responding; or¶
(fF) Is a notification described in OAR 413-015-0214, "Notifications Closed at Screening"; or¶
(gG) Involves an alleged perpetrator who is deceased, and it is not a report of a child fatality due to alleged abuse; and¶
(Ai) There is a surviving parent, guardian, legal custodian or Indian custodian; or¶
(Bii) The Department determines a CPS assessment is not required to assure child safety.¶
(8) When a report is received, but the screener, ab) After extensive efforts, the screener is unable to obtain sufficient information to locate the alleged victim. Name and exact address are not necessary if a location is obtained.¶
(910) The Oregon Child Abuse Hotline staff must redact from the screening report a child's statement about their sexual orientation, gender identity or gender expression prior to a verbal or electronic external notification, unless an exemption allowing disclosure is permitted as described in ORS 409.225(8), 419B.035(8), 419B.881(6).¶
(101) The Oregon Child Abuse Hotline staff must cross report to law enforcement as required by OAR 413-015-0305(1).¶
(112) 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 on an open CPS assessment or a child on an open Child Welfare case is identified as a sex trafficking victim.¶
(B) Immediately when information gathered indicates a current suspicious physical injury.¶
(C) Immediately when a crime is suspected to have occurred even if unrelated to a report of abuse:¶
(i) To a child living with a resource family or receiving services from a respite provider certified by Child Welfare, or¶
(ii) At the home of a resource family or respite provider certified by Child Welfare.¶
(b) Notification of Office of Developmental Disabilities Services (ODDS) when a report involves a child receiving services from ODDS.¶
(c) Notification of federally recognized Tribes when the screener knows or has reason to know that the child is an Indian child. A copy of the report must be sent to the Tribe within 24 hours of the screening decision and after information related to the reporter's identity is removed.¶
(d) Notification to another state's Child Protective Services agency when disclosure is necessary to investigate, prevent or treat child abuse as described in ORS 419B.035 and after information related to reporter's identity is removed.¶
(e) Notification of the reporter.¶
(A) When a screener determines a report will be assigned, the screener must notify the reporter that if contact information is provided, efforts will be made by the CPS worker to inform the reporter at a later date if contact with the alleged victim was made, if abuse occurred, and if services will be provided.¶
(B) When a screener determines a report will be closed at screening, the screener must notify the reporter of the following:¶
(i) Contact with the alleged victim will not be made;¶
(ii) An abuse determination will not be made; and¶
(iii) Whether services will be provided.¶
(f) Notification of Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The screener must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Services office when the screener has reasonable cause to believe:¶
(A) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the reporter comes into contact has suffered abuse; or¶
(B) That any person with whom the reporter comes into contact has abused a person 18 years of age or older with a mental illness, developmental disability, or physical disability, or any person 65 years of age or older.¶
(123) The screener must obtain approval from the screening supervisor or designee prior to making a decision not

~~to document information gathered.¶~~
~~(13) The screen~~ing supervisor or designee must review all closed at screening reports no later than 10 days from the date and time the report was received by the Oregon Child Abuse Hotline.¶
(14) Reports of suspected abuse that do not include an allegation of abuse and do not describe behaviors, conditions, or circumstances that pose a risk to a child will not be retained. Such reports are not reports of abuse and serve no legal or administrative purpose for the Department. The screener must obtain approval from the screening supervisor or designee prior to deciding not to document information gathered.
Statutory/Other Authority: ORS 418.005, ORS 418.205-418.327, ORS 419B.024, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 418.205-418.327, ORS 419B.024

AMEND: 413-015-0215

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0215
Information for which OTIS is Responsible ¶

(1) When the screener receives information involving any of the following settings or individual representing the setting, the screener must immediately forward the information to ~~the~~ OTIS and notify the OTIS the information was forwarded:¶
(a) Child care facility;¶
(b) Child-caring agency;¶
(c) Educational provider;¶
(d) ODDS licensed group home;¶
(e) ODDS licensed host home;¶
(f) ODDS certified foster home;¶
(g) OYA certified foster home; or¶
(h) Proctor foster home.¶
(2) When the screener receives information involving third party abuse that is not the responsibility of Child Welfare to assess, the screener must immediately forward the information to OTIS and notify OTIS the information was forwarded.
Statutory/Other Authority: ORS 418.005, ORS 419B.017, ORS 409.050
Statutes/Other Implemented: ORS 418.205-418.327, ORS 419B.035, ORS 418.005, ORS 419B.017, ORS 419B.015

AMEND: 413-015-0300

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0300
Cross Reporting Defined ¶

~~Child Welfare~~The Department and law enforcement agencies are required by ORS 419B.015 to notify each other when a report of abuse, as defined in ORS 419B.005 or ORS 418.205 - 418.327, is received. This process is known as cross reporting, and the notification is called a cross report. OAR 413-015-0300 to 413-015-0310 explain when and how a report of abuse received by Child Welfare or a law enforcement agency is cross reported. Information is not cross reported until it is received.
Statutory/Other Authority: ORS 418.005, ORS 419B.017, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 419B.017, ORS 419B.015, ORS 419B.020

AMEND: 413-015-0302

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0302
Purpose of Cross Reporting ¶

The purpose of the cross report is to share reports of alleged abuse between ~~Child Welfare~~the Department and law enforcement agencies.
Statutory/Other Authority: ORS 418.005, ORS 419B.017, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 419B.017, ORS 419B.015

AMEND: 413-015-0409

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0409
Exception to Completing a CPS Assessment or CPS Assessment Activities ¶

(1) Exception to Completing a CPS Assessment.¶
(a) The only exception to completing a CPS assessment required by these rules (OAR 413-015-0400 to 413-015-0485) on an assigned referral is when a CPS worker, in consultation with a CPS supervisor or designee, determines that the referral does not require a CPS assessment because:¶
(A) The referral was opened in error; or¶
(B) There is no longer an allegation of abuse. The CPS worker received information after being assigned the referral and that information in combination with the corresponding screening report no longer constitutes a report of abuse as defined in ORS 419B.005 or, when applicable, ORS 418.205 - 418.327. This exception may be used only when the CPS worker and the CPS supervisor or designee determine the information:¶
(i) Is not from the alleged perpetrator;¶
(ii) Relates directly to and specifically negates all allegations in the screening report; and¶
(iii) Is considered on the basis of the objectivity of the individual providing the information and the quality of the information.¶
(b) The exception in section (1) of this rule is not permitted and a CPS assessment must be completed when the CPS worker has already made contact with the parent, caregiver, or alleged victim, unless: ¶
(A) The parent, caregiver, or alleged victim is the original reporter.¶
(B) The report was documented under the wrong case and the corrected report is created. ¶
(C) The alleged victim never existed; or¶
(D) The alleged victim is no longer a child;¶
(c) If contact was made as described in subsection (b), the contact must be documented in the CPS assessment, even if the exception in subsection (a) is granted.¶
(d) If the exception in subsection (a) is granted, the local Child Welfare office is responsible for sending written notice to the alleged perpetrator that a criminal records check was conducted, as described in OAR 413-015-1120, using the form provided by the Department, unless the notification is completed by the Oregon Child Abuse Hotline. Sending this notice is not considered contact for the purpose of subsection (b).¶
(2) Exception to Completing CPS Assessment Activities. The only exception to completing all requirements of a CPS assessment outlined in these rules (OAR 413-015-0400 to 413-015-0485) is when the following subsections apply:¶
(a) The CPS worker has gathered sufficient information to make a safety determination and the alleged victim is safe;¶
(b) The CPS worker has gathered sufficient information to make a disposition as required by OAR 413-015-1015~~5~~0 and the disposition is unfounded; and¶
(c) The criteria outlined in the "Exception to Completing CPS Assessment Activities" procedure are met.¶
(3) The CPS worker must document any exceptions granted under this rule in the Child Welfare electronic information system and explain the basis for the exception.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050, ORS 419B.026

AMEND: 413-015-0415

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0415
CPS Assessment Activities ¶

CPS assessment activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is controlled by the specific circumstances in a given referral.¶
(1) Review records.¶
(a) The assigned CPS worker must:¶
(A) Thoroughly review the documentation in the referral;¶
(B) Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the family and the alleged victim that may be useful in completing the CPS assessment;¶
(C) Thoroughly review available Self-Sufficiency records; and¶
(D) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the CPS worker has information that the family has lived in another state.¶
(b) The CPS worker must review the documents to identify information related to:¶
(A) Present danger safety threats or impending danger safety threats;¶
(B) History or a pattern of abuse;¶
(C) Child and family support systems and protective capacity; and¶
(D) Worker safety.¶
(2) Addressing prior allegations that have not been assessed because Child Welfare was unable to locate the family. The assigned CPS worker must address in the current assessment any allegations not previously assessed because Child Welfare was unable to locate the family as follows:¶
(a) Discuss the prior unassessed allegations during interviews;¶
(b) Consider all information about prior unassessed allegations when determining child safety; and¶
(c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings.¶
(3) Contact collateral sources.¶
(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed.¶
(A) The CPS worker must contact the assigned Self-Sufficiency worker, if any.¶
(B) The CPS worker may contact other collateral sources including, but not limited to:¶
(i) Individuals who have regular contact with the alleged victim;¶
(ii) Doctors or others who have evaluated or maintain records on the alleged victim;¶
(iii) People who are in an established personal or professional relationship with the parent or caregiver and who can judge the quality and nature of the parent or caregiver behavior and functioning; and¶
(iv) People who have records or information about the parent or caregiver as a result of their involvement with, or exposure to, the parent or caregiver.¶
(b) The CPS worker must gather information from collateral sources throughout the CPS assessment.¶
(c) The CPS worker must consult with the assistant attorney general to obtain a court order for records from a collateral source, if the source is unable or unwilling to share information with Child Welfare.¶
(d) The Director of Human Services may, by subpoena, compel the production of documents and records, including audio records, video records, photographs and student records, that the director deems relevant or material to a CPS assessment (SB 901 (2023)).¶
(4) Consult with a CPS supervisor.¶
(a) The CPS worker must consult with a CPS supervisor or designee:¶
(A) When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department or OYA;¶
(B) When a referral involves a resource family or respite provider certified by Child Welfare;¶
(C) When a referral involves:¶
(i) A child care facility;¶

(ii) A child caring agency;¶
(iii) A child caring agency certified proctor foster home;¶
(iv) An educational provider;¶
(v) An ODDS licensed group home or host home; or¶
(vi) An ODDS or OYA certified foster home¶
(D) When a CPS worker receives notification from a screener that a closed at screening or new referral was created on an open CPS assessment;¶
(E) Prior to a decision to place a child in protective custody, or after placement if consultation before placement will delay the safety intervention;¶
(F) Prior to initiating court action, or after initiating court action if consultation before will delay the safety intervention;¶
(G) Prior to developing an initial safety plan in a resource family or respite provider certified by Child Welfare, ODDS, or OYA;¶
(H) When the referral involves a child fatality;¶
(I) When making a disposition in a complicated or sensitive situation or case; or¶
(J) When closing a CPS assessment with the disposition of "unable to locate."¶
(b) Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at additional key points during the CPS assessment, such as:¶
(A) Before making initial contact with the family; or¶
(B) When a referral indicates potential danger to the worker.¶
(5) Contact and work with other entities. The CPS worker may need to work with representatives of other entities to gather and analyze safety-related information, develop a sufficient protective action plan, initial safety plan, or ongoing safety plan, and to complete the CPS assessment.¶
(a) The CPS worker may, as appropriate, notify or consult with other Department programs or other agencies including, but not limited to, the Office of Vocational Rehabilitation Services and Animal Control.¶
(b) The CPS worker must report to or contact and work with other entities as follows:¶
(A) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The CPS worker must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the CPS worker has reasonable cause to believe:¶
(i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the CPS worker comes into contact has suffered abuse.¶
(ii) That any person with whom the CPS worker comes into contact has abused a person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.¶
(B) Tribal Governments. If the CPS worker knows or has reason to know that the child is an Indian child, the CPS worker must give notice within 24 hours to the Indian child's Tribe that a CPS assessment is being conducted unless the screener documented completion of this notification in the referral. (See OAR 413-115-0040.)¶
(C) Law enforcement.¶
(i) If a cross report was not previously made, the CPS worker must contact one or more law enforcement agencies in accordance with the protocols of the local multi-disciplinary team agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310.¶
(ii) When there is a joint response involving a CPS worker and law enforcement staff, the CPS worker is still responsible for all of the activities necessary to complete a CPS assessment, which are summarized in OAR 413-015-0400.¶
(I) The CPS worker must, in consultation with a CPS supervisor, determine whether to coordinate assessment activities with law enforcement agencies in the following situations:¶
(II) Present danger. When the CPS worker has information that indicates that the child is unsafe right now.¶
(III) Family cooperation. When the CPS worker has information that the family may not allow the CPS worker to observe the alleged victim or other children in the home.¶
(IV) Protective custody. When the CPS worker has information that a child may need to be placed in protective custody for the child's safety.¶
(V) Child interview. When the CPS worker and the law enforcement officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child.¶
(VI) Worker safety. When the CPS worker has information that indicates the family behaviors, conditions, or circumstances could pose a danger to the CPS worker.¶
(VII) Crime committed. When the CPS worker suspects or receives a report that a crime may have been committed.¶
(D) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse, as necessary, with local MDTs. Requirements for MDT protocols are set out in

ORS 418.747.¶
(E) ~~Office of Child Care~~Department of Early Learning and Care (DELC). The CPS worker must notify and coordinate with the Compliance Unit of the ~~Office of~~ Child Care Licensing Division of DELC when a report ~~involves~~occurred in a child care facility, as required by ORS 419B.020(1).¶
(F) Office of Developmental Disabilities Services (ODDS). The CPS worker must notify and coordinate with ODDS when a report involves a home certified by ODDS or a child ~~or young adult~~ receiving services from ODDS.¶
(G) Office of Training, Investigations, and Safety (OTIS). The CPS worker must notify and coordinate with ~~the~~ OTIS when a report involves a setting ~~the~~ OTIS is responsible for investigating as listed in OAR 413-015-0215. ¶
(H) Oregon Youth Authority (OYA). The CPS worker must notify and coordinate with OYA when a report involves a home certified by OYA or a child in the legal custody of OYA.¶
(I) Probation and parole. The CPS worker must contact probation and parole when the allegation involves a parent or caregiver, alleged victim, or alleged perpetrator who is supervised by probation or parole.¶
(J) Public or private schools.¶
(i) The CPS worker may request school records, including documents and other materials which the education provider must immediately provide as described in ORS 339.388.¶
(ii) The CPS worker may interview an alleged victim or potential witness at school when the worker believes it will be the best environment in which to assure safety when making contact. ORS 419B.045 provides requirements for CPS assessments that are conducted on school premises. The CPS worker must do the following:¶
(I) Notify the school administrator that a CPS assessment must be conducted. If the school administrator is a subject of the CPS assessment, then notification is not required.¶
(II) Report to the school office, provide identification, inform school personnel of the CPS assessment, and provide the name of the alleged victim or potential witness to be interviewed.¶
(III) Request information from school personnel regarding the disabilities of the alleged victim, if any, prior to an interview with the alleged victim.¶
(IV) Interview the alleged victim or potential witness out of the presence of other persons, unless the CPS worker believes the presence of a school employee or other person would facilitate the interview. If the CPS worker believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker may confer with the CPS supervisor for assistance in handling the situation.¶
(V) Discuss further actions with the alleged victim at the conclusion of the interview.¶
(VI) Inform school personnel when the interview has been completed.¶
(VII) Inform school personnel if the alleged victim is taken into protective custody.¶
(VIII) Inform school personnel that the CPS worker will notify parents of the interview.¶
(IX) Contact the CPS supervisor if school officials refuse to allow the CPS assessment to take place on school property.¶
(iii) The CPS worker may not interview a child identified as an alleged perpetrator at school.¶
(6) Obtain interpreters and translation. The CPS worker must obtain the services of a competent interpreter and competent written translation service for families, including hearing-impaired family members, who have limited or no means of communicating in or reading English.¶
(7) ~~C~~If the Department knows or has reason to know a child is an Indian child, the CPS worker must complete actions required to comply with the ICWA/ORICWA under OAR 413-115-0040 to 413-115-0090.¶
(8) Determine refugee status and comply with the Refugee Children Act, if applicable. During a CPS assessment, the CPS worker must consider whether the child is a refugee child. Under ORS 418.925, a "refugee child" is a "person under 18 years of age who has entered the United States and is unwilling or unable to return to the person's country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, gender identity, nationality, membership in a particular group or political opinion, or whose parents entered the United States within the preceding 10 years and are or were unwilling or unable to return to their country because of persecution or a well-founded fear of persecution on account of race, religion, sex, sexual orientation, gender identity, nationality, membership in a particular group or political opinion."¶
(a) If it appears that a child is a refugee child, the CPS worker must ask about the child or parents' country of origin, length of time the child or parents have been in the United States, reasons why the child or parents came to the United States, and ethnic and cultural information relevant to the child's status as a refugee. The CPS worker does not have to make a legal determination that the child and parent are refugees, but if the child or the parents indicate they are refugees, then the CPS worker must proceed as if they are, until or unless it is known that they are not refugees.¶
(b) The CPS worker may not take a refugee child into protective custody unless, in addition to the other requirements for taking a child into custody, the CPS worker determines that:¶
(A) Removal is necessary to prevent imminent serious emotional or physical harm to the child; and¶
(B) Reasonable efforts to alleviate the harm through remedial or preventive services do not alleviate the harm, have failed, or are not practical in an emergency situation.¶

(c) Unless it is a voluntary placement, no refugee child may remain in placement more than five calendar days unless there has been a judicial determination, supported by clear and convincing evidence that:¶
(A) Preventative or remedial services provided by Child Welfare have failed to alleviate the need for removal; and¶
(B) Return to the home will likely result in psychological or physical damage to the child.¶
(d) When a refugee child is placed in care, the juvenile court petition must include, in addition to the information required by ORS 419B.809, the following information:¶
(A) A specific and detailed account of the circumstances that led Child Welfare to conclude that the child was in imminent danger of serious emotional or physical harm;¶
(B) Specific actions Child Welfare has taken or is taking to alleviate the need for removal;¶
(C) Assurance Child Welfare has complied with placement preferences listed in ORS 418.937 and listed in subsection (e) of this section; and¶
(D) Assurance Child Welfare is making or has made diligent efforts to locate and give notice to all affected refugee family members and to the Refugee Child Welfare Advisory Committee that the petition has been filed.¶
(e) The CPS worker must consider the refugee child's culture and tradition when making any placement decision for a refugee child and, unless shown to be inappropriate and inconsistent with the best interests of the child, place the child with the following in order of preference:¶
(A) Natural parents.¶
(B) Extended family member.¶
(C) Members from the same cultural heritage.¶
(D) Persons with knowledge and appreciation of the child's cultural heritage.¶
(f) The CPS worker may determine that placement under subsection (e) of this section is inappropriate and inconsistent with the best interests of the child if:¶
(A) The preferred placement presents a threat to the child's safety;¶
(B) The extreme medical, physical, or psychological needs of the child cannot be met in the placement; or¶
(C) There is an informed request from ~~either~~a parent of the child~~'s biological parents~~ to not ~~to~~ use a placement, if the request is consistent with stability, security, and the individual needs of the child.¶
(g) When a juvenile court petition is filed and a refugee child is placed in care, the CPS worker must staff the case with the Refugee Child Welfare Advisory Committee (RCWAC). The CPS worker must contact the International Case Consultant for Child Welfare to arrange a time for the staffing. In preparation for the staffing, the CPS worker must:¶
(A) Invite the CPS supervisor to the staffing; and¶
(B) Be prepared to discuss the reasons for the CPS referral, the information indicating that family members are refugees, and their country of origin.¶
(9) Take photographs. The CPS worker must, during the CPS assessment, take photographs and document, as necessary, abuse and the observable nature of any present danger safety threat or impending danger safety threat.¶
(a) As provided in ORS 419B.028, a law enforcement officer or the CPS worker may take photographs for the purpose of documenting the child's condition at the time of the CPS assessment.¶
(b) As provided in ORS 419B.028, if the CPS worker conducting a CPS assessment observes a child who has suffered suspicious physical injury and the CPS worker is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the child has previously been photographed or assessed during a CPS assessment, the CPS worker will photograph or cause to be photographed any suspicious injuries if the CPS worker is certain or has a reasonable suspicion the suspicious injuries are the result of abuse:¶
(A) During the CPS assessment of a new allegation of abuse; and¶
(B) Each time, during the CPS assessment, an injury is observed that was not previously observed by the assigned CPS worker.¶
(c) When a child is photographed pursuant to subsection (b) of this section:¶
(A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:¶
(i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the designated medical professional; and¶
(ii) Place photographs in the Child Welfare electronic information system record labeled with the case name, case number, child's name, and date taken.¶
(B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the child's case.¶
(d) When ensuring photographs are taken pursuant to subsection (b) of this section, the CPS worker may take the child into protective custody without a court order only for the period of time necessary to ensure the suspicious

physical injuries are photographed, as described in ORS 419B.023 and OAR 413-015-0455.¶
(e) The CPS worker must document injuries, hazardous environments, and the observable nature of any present danger safety threat or impending danger safety threat in the CPS assessment narrative by use of photographs, written description, or illustrations.¶
(f) Photographs of the anal or genital region may be taken only by medical personnel.¶
(10) Obtain medical assessment. The CPS worker must, during the CPS assessment as required in this section, facilitate a medical assessment of the child ~~or, when applicable, young adult~~ and obtain medical history when necessary to assure safety, determine treatment needs, or assist in analyzing safety-related information.¶
(a) When the CPS worker determines that a medical assessment is needed as part of a CPS assessment, the CPS worker must consult with a CPS supervisor as soon as possible, but not at the expense of delaying medical treatment.¶
(b) If a person conducting an CPS assessment under ORS 419B.020 observes a child who has suffered suspicious physical injury as defined in ORS 419B.023 and the person is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the person must, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, ensure that:¶
(A) A designated medical professional conducts a medical assessment within 48 hours of the observation of the suspicious physical injury, or sooner if dictated by the child's medical needs; or¶
(B) An available physician, physician assosicate, or nurse practitioner conducts a medical assessment if, after reasonable efforts to locate a designated medical professional, a designated medical professional is not available to conduct a medical assessment within 48 hours. The CPS worker is required to document in the Child Welfare electronic information system efforts to locate the designated medical professional when an available physician, physician associate, or nurse practitioner is used.¶
(c) When ensuring the timely medical assessment of a child pursuant to subsection (b) of this section, and actions outlined in subsection (f) of this section would not comply with the required timelines, the CPS worker may take the child into protective custody without a court order only for the period of time necessary to ensure the medical assessment is conducted, as described in ORS 419B.023 and OAR 413-015-0455.¶
(d) The CPS worker must facilitate an assessment by a medical professional if the alleged abuse involves injury to the anal or genital region.¶
(e) When there are indications of severe physical trauma, the CPS worker must make arrangements to immediately transport to a medical facility, which may include calling 911. The CPS worker must also make arrangements for medical examination for mild or moderate physical trauma.¶
(f) To make arrangements for the medical examination, the CPS worker must do the following, unless completing the action would delay medical treatment:¶
(A) Discuss with the parent or caregiver the need for medical examination or treatment.¶
(B) Ask the parent or caregiver to take the child ~~or young adult~~ to a medical facility for a medical examination or treatment.¶
(C) Request that the legal parent or guardian sign a form ~~DHS 2099~~MCS 3010, "Authorization for ~~Use and~~ Disclosure, Sharing, and Use of Information."¶
(D) Contact an LEA immediately and seek a juvenile court order to obtain protective custody for the purpose of obtaining a medical examination or treatment when:¶
(i) The parent or caregiver refuses to obtain needed medical examination or treatment;¶
(ii) The parent or caregiver may flee with the child ~~or young adult~~; or¶
(iii) Delaying medical examination or treatment could result in severe harm.¶
(E) Immediately seek medical care and consultation when there may be a life-threatening condition, or a deteriorating condition that may become life-threatening.¶
(F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to test for chemical exposure to harmful substances when there is reason to believe a child ~~or young adult~~ has been exposed to dangerous chemicals such as those found in a chemical drug lab.¶
(g) When a report of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for CPS assessment, the assigned CPS worker must comply with OAR 413-020-0600 to 413-020-0650.¶
(h) When it is medically indicated to subject a child in the custody of the Child Welfare to HIV testing, the CPS worker must comply with OAR 413-040-0400 to 413-040-0450.¶
(i) As provided in ORS 147.425, a child who is the victim of a person crime and is at least 15 years of age at the time of the abuse may have a personal representative present during a medical examination. If a CPS worker believes that a personal representative would compromise the CPS assessment, a CPS worker may prohibit a personal representative from being present during the medical examination.¶
(j) When the CPS worker is assessing a CPS allegation of medical neglect, the CPS worker must consult with a health care professional as part of the CPS assessment.¶
(11) Obtain psychological and psychiatric evaluations.¶

(a) The CPS worker must make a referral for a psychological or psychiatric evaluation of the parent, caregiver, or child ~~or young adult~~ by a mental health professional to assure safety, determine treatment needs, or assist in analyzing safety-related information when during the CPS assessment the CPS worker identifies a specific condition or behavior that requires additional professional evaluation. This includes, but is not limited to:¶
(A) Unusual or bizarre forms of punishment;¶
(B) Mental illness;¶
(C) Suicidal ideation;¶
(D) Homicidal ideation; or¶
(E) Unusual or bizarre behavior that is indicative of emotional problems.¶
(b) The CPS worker must obtain consent of the legal parent or ~~caregiver~~guardian prior to making a referral for a psychological or psychiatric evaluation, unless the evaluation is court ordered. A child 14 years or older may consent to their own referral for a psychological or psychiatric evaluation, as described in ORS 109.675.¶
(12) Make efforts to locate. When a child ~~or young adult~~ in substitute care is missing, the CPS worker must complete required actions as described in OAR 413-080-0053.¶
(13) Develop plan of care. When an infant is identified as an infant with prenatal substance exposure, the CPS worker must:¶
(a) Ensure a plan of care is developed; ¶
(b) Ensure the infant with prenatal substance exposure and family are referred to services identified in the plan of care; and¶
(c) Document the plan of care and referrals made in the Child Welfare electronic information system. ¶
(14) Make monthly face-to-face contact. The CPS worker must make a minimum of monthly face-to-face contact as described in OAR 413-080-0054.
Statutory/Other Authority: ORS 418.005, ORS 419.050, ORS 409.050
Statutes/Other Implemented: ORS 409.185, ORS 418.005, ORS 418.015, ORS 418.747, ORS 418.785, ORS 419B.005 - 419B.050, ORS 418.205 - 418.327

AMEND: 413-015-0420

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0420
Make Initial Contact ¶

(1) The CPS worker must make an initial contact within the assigned response time-line.¶
(2) The CPS worker must provide advanced notification to the Indian tribe of any intent to make contact with an individual on a reservation (as defined in OAR 413-115-0000). ¶
(3) The following outlines contacts the CPS worker is required to attempt and, when possible, complete at initial contact. The CPS worker must:¶
(a) Have face-to-face contact with and interview the alleged victim, their siblings, and any children living in the home except as provided in OAR 413-015-0606. The purpose of the face-to-face contact and interview with the alleged victim, their siblings, and any children living in the home is to gather information regarding possible abuse, gather information about functioning and vulnerability, and assess immediate safety.¶
(A) Interview and observe the alleged victim and any children as follows:¶
(i) The CPS worker must notify parents of the intent to interview, unless notification could compromise safety.¶
(ii) The CPS worker must make diligent efforts to make contact at home, school, day care, or any other place where the worker believes the child ~~or young adult~~ may be found. If the CPS worker is unsuccessful, the CPS worker must document in the Child Welfare electronic information system all attempted contacts and the dates of those attempted contacts.¶
(iii) When the CPS worker makes contact at home and the parent or caregiver is not present:¶
(I) The CPS worker must consult with a CPS supervisor and seek assistance from LEA if the referral indicates there is reasonable cause to believe the alleged victim or any child's health or safety is endangered by the conditions of the dwelling; or supervision is inadequate and there is an immediate need to evaluate health and safety.¶
(II) The CPS worker must wait until the parent is present in the home to complete an interview in the home if there is not reasonable cause to believe health or safety is endangered by the conditions of the dwelling or that supervision is inadequate.¶
(iv) When the CPS worker is denied access to the alleged victim or to the alleged victim's residence, the CPS worker must, if the referral indicates the alleged victim may be unsafe, request assistance from LEA in assessing the situation and in taking protective custody if needed. If the referral indicates that the alleged victim is presently safe, the CPS worker must consider the following:¶
(I) Attempting to contact other persons who may have relevant information regarding the referral;¶
(II) Persisting in attempts to gain cooperation from the family or caregivers, depending on the known safety information;¶
(III) Seeking LEA assistance;¶
(IV) Consulting with the CPS supervisor, the district attorney, assistant attorney general, or the county juvenile department to discuss possible juvenile court action; or¶
(V) Seeking a protective custody order from the juvenile court.¶
(v) The CPS worker must conduct interviews in a manner that assures privacy.¶
(vi) If the parent or caregiver is the alleged perpetrator or if the presence of the parent or caregiver might impede the interview, the CPS worker must attempt to interview outside the presence of their parents or caregivers.¶
(vii) A CPS worker must allow a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the abuse to have a personal representative be present during an interview. If a CPS worker believes that the personal representative would compromise the CPS assessment, the CPS worker may prohibit a personal representative from being present during the interview.¶
(viii) The CPS worker must observe injuries or signs of abuse. The CPS worker may need to remove the alleged victim's clothing to make adequate observations. In that event, the CPS worker must:¶
(I) Use discretion and make the alleged victim as comfortable as possible.¶
(II) Seek parental consent and assistance, when possible and appropriate.¶
(III) Consider requesting a worker or other support person, who is the same gender as the alleged victim, be present to serve as a witness and provide comfort.¶

(ix) The CPS worker may observe injuries to the anal or genital region if the alleged victim is not school aged and if the injury can be observed without the CPS worker touching the anal or genital region.¶
(B) The CPS worker must notify the parents or caregivers the same day the interview occurred. If the same day notification could make a child or adult unsafe, a CPS supervisor may authorize an extension for one day to allow a planned notification that is less likely to compromise safety. The CPS worker must document in the Child Welfare electronic information system the supervisory approval and an explanation describing the basis for the approval.¶
(b) Have face-to-face contact with and interview the non-offending parent or caregiver and all adults living in the home. The purpose of this face-to-face contact and interview is to find out what the non-offending parent or caregiver and other adults living in the home know about the alleged abuse, gather safety related information, including parent and caregiver functioning, and gather information to determine if the parent or caregiver can or cannot and will or will not protect the alleged victim.¶
(A) Whenever practicable, the CPS worker must interview both parents and caregivers in person, as outlined in OAR 413-015-0422.¶
(B) Provide all adults living in the home with a written notice that a criminal records check may be conducted on them, as described in OAR 413-015-1120.¶
(C) The CPS worker must provide each parent or caregiver with the appropriate CPS assessment informational pamphlet, which includes written information regarding the CPS assessment process.¶
(D) The CPS worker must interview the non-custodial legal parent during the CPS assessment. This is not required during the initial contact but must be completed as part of the assessment process because the non-custodial parent may have essential information or be a placement resource. If the interview of the non-custodial legal parent may make a child or adult unsafe, a CPS supervisor may authorize an exception to this requirement based on written documentation that supports the conclusion that an interview with a non-custodial legal parent should not be conducted.¶
(c) Have face-to-face contact with and interview the alleged perpetrator. Except as provided in this subsection, the CPS worker must make face-to-face contact with and interview the alleged perpetrator during the initial contact when they are the custodial parent, caregiver, any person living in the home, or are present in the home when the CPS worker makes contact. The purpose of this interview is to evaluate the alleged perpetrator's reaction to allegations of abuse as well as to the alleged victim and their condition, and to gather further information about the alleged perpetrator and the family in relation to the safety of the alleged victim. When the parent is a child and an alleged perpetrator, the purpose is also to determine if the parent is also an alleged victim of abuse (under paragraph (D) of this subsection).¶
(A) The CPS worker is not required to make face-to-face contact with or interview the alleged perpetrator during the initial contact if:¶
(i) The alleged perpetrator is not a custodial parent, caregiver, anyone living in the home, or is not present in the home when the CPS worker makes contact and delaying contact will not compromise child safety. The CPS worker still must interview the alleged perpetrator, but may complete the interview during the course of the CPS assessment; or¶
(ii) There is a criminal investigation and the interview cannot be coordinated with an LEA within the timelines for initial contact.¶
(B) The decision to delay interview of an alleged perpetrator as provided in subparagraphs (A)(i) or (ii) of this subsection must be approved by a CPS supervisor, and the CPS worker must document in the Child Welfare electronic information system both the approval and the reason for delaying the interview.¶
(C) When interviewing the alleged perpetrator, the CPS worker must:¶
(i) Coordinate the interviews of the alleged perpetrator with LEA when law enforcement is conducting an investigation;¶
(ii) Consult with a CPS supervisor if an interview with the alleged perpetrator could make a child or adult unsafe;¶
(iii) Provide the alleged perpetrator with a written notice that a criminal records check may be conducted on them, as described in OAR 413-015-1120; and¶
(iv) Make inquiries about the employment status of the alleged perpetrator. If the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department of Human Services (DHS) or OYA, the CPS worker must notify a CPS supervisor. The CPS supervisor must notify the D~~HS~~epartment's Office of Human Resources at the time of the assessment and at the time the assessment is reviewed as required in OAR 413-015-0475. The CPS supervisor must document the notifications in the Child Welfare electronic information system.¶
(D) When interviewing the alleged perpetrator who is a child and the parent of the alleged victim, the CPS worker must ask questions to determine if there is an allegation of abuse with the child parent as an alleged victim. If it is determined that there is an allegation of abuse with the child parent as an alleged victim, the information must be reported to a screener.¶
(E) When interviewing an alleged perpetrator who is the parent or caregiver, the CPS worker must provide the

parent or caregiver with a "What you need to know about a Child Protective Services assessment" pamphlet, which includes written information regarding the CPS assessment process, including the court process and the rights of the parent and caregiver.¶
(4) Gather safety related information through interviews and observation. The CPS worker must begin to gather safety related information through interviews and observation as outlined in OAR 413-015-0422.¶
(5) Determine if there is a present danger safety threat or impending danger safety threat. During the initial contact, the CPS worker must determine, based on the information obtained at that time, if there is a present danger safety threat or impending danger safety threat as outlined in OAR 413-015-0425.¶
(6) Documentation of the Initial Contact. The CPS worker must document the dates of attempted and successful contacts in the Child Welfare electronic information system. If it was not possible during the initial contact for the CPS worker to successfully complete a required contact, the CPS worker must document why contact was not made and must complete the face-to-face contact and interview as soon as possible.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 147.425, ORS 409.185, ORS 418.015, ORS 418.747, ORS 418.785, ORS 419B.005 - 419B.050

AMEND: 413-015-0422

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0422
Gather Safety Related Information through Interview and Observation ¶

(1) The CPS worker must gather relevant information and facts necessary to complete all parts of the CPS assessment. The CPS worker must gather information through interview and observation about the following:¶
(a) The extent of the abuse;¶
(b) The circumstances surrounding the abuse;¶
(c) Child functioning;¶
(d) Adult functioning;¶
(e) Parenting practices and skills; and¶
(f) Disciplinary practices.¶
(2) Interview.¶
(a) Except as outlined in subsection (b) of this section, interview each person in a manner that considers each person's privacy and safety and assures effective communication. Use information gathered from one interview to assist in the next interview.¶
(b) When domestic violence is alleged:¶
(A) And ~~the adult victim~~a survivor is not alleged to be a perpetrator of abuse,~~ consider~~ interview~~ing~~ the alleged ~~adult victim first~~survivor first whenever safely possible; and¶
(B) Ask questions about domestic violence in separate interviews ~~only~~when possible, to prioritize the safety of the survivor and the child.¶
(c) The CPS worker must, to the extent possible, do the following during interviews with family members:¶
(A) Present identification to the family at the beginning of the interview and provide a business card or other document to the parents and caregivers containing the CPS worker's name and phone number;¶
(B) Clearly state the reason for the interview, provide statutory authority to assess reports of abuse, and give an explanation of the alleged abuse;¶
(C) Allow the parent or caregiver to respond to each allegation;¶
(D) Assure the privacy of the persons being interviewed;¶
(E) Focus the interview on safety;¶
(F) Assess whether the parents or caregivers are involved in domestic violence;¶
(G) When there is an infant in the household:¶
(i) Inquire about sleep practices the family uses anytime the infant is laid down to sleep;¶
(ii) Engage and educate the family on safe sleep practices; and¶
(iii) Support the family in problem solving to reduce sleep related risk.¶
(H) Summarize and discuss the initial impressions and intentions resulting from the interview with appropriate family members or caregivers;¶
(I) Obtain from the parents or caregivers the names of persons who can provide additional information in making a safety determination and completing the CPS assessment;¶
(J) Ask the parents and caregivers to sign an authorization to release information to enable Child Welfare to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers, if applicable; and¶
(K) Inform the parents and caregivers about the Child Welfare grievance procedure.¶
(3) Observation.¶
(a) The CPS worker must observe the alleged victim and the parent or caregiver to assess:¶
(A) The physical condition of the alleged victim, including any observable effects of abuse;¶
(B) The emotional state of the alleged victim, including mannerisms, signs of fear, and developmental status;¶
(C) The reactions of the parents or caregivers to the concerns;¶
(D) The emotional and behavioral status of the parents or caregivers during the interviewing process; and¶
(E) The interactions between family members, including verbal and body language.¶
(b) The CPS worker must observe all home environments where the alleged victim resides to assess:¶

(A) The condition of the living space;¶
(B) The sleep environment of each child, including any infant; and¶
(C) The physical condition of the home.¶
(c) If the Department is not permitted to observe the home environment because the home is a confidential shelter home or a safe house, the CPS worker must gather the information listed in (b) from collateral sources.¶
(4) When information is gathered or observations made that indicate a child ~~or young adult~~ may be a victim of sex trafficking, the CPS worker must determine whether a child ~~or young adult~~ is, or is at risk of being, a victim of sex trafficking.¶
(a) If a determination is made that a child ~~or young adult~~ is a victim of sex trafficking the CPS worker must:¶
(A) Report to a screener the identification of a child ~~or a young adult~~ as a sex trafficking victim;¶
(B) Identify and refer to appropriate services; and¶
(C) Document the child ~~or young adult~~ is a sex trafficking victim in the Child Welfare electronic information system.¶
(b) If a determination is made that a child ~~or young adult~~ is at risk of being a victim of sex trafficking, the CPS worker must identify and refer to appropriate services.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 419B.005 - 419B.050

AMEND: 413-015-0440

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0440
Determine Disposition of the CPS Assessment ¶

(1) The CPS worker must determine a disposition for all CPS assessments completed by Child Welfare as required by ORS 419B.026 (1).¶
(2) Requirement to Determine Disposition of the CPS assessment. The CPS worker must determine if there is reasonable cause to believe that abuse occurred and explain the basis for that determination.~~¶~~
~~(a) The requirements for determining dispositions on a report of abuse as defined in ORS 419B.005 are described in OAR 413-015-1015(1).¶~~
~~(b) The requirements for determining dispositions on a report of abuse as defined in ORS 418.257 involving a resource family or respite provider certified by Child Welfare are described in OAR 413-015-1015(2),~~ described in OAR 413-015-1010.¶
(3) When a disposition is founded or substantiated for abuse, the CPS worker must refer all victims three years old and under to Early Intervention as outlined in the Child Welfare Procedure Manual.¶
(4) Documentation. The CPS worker must document that determination and explain the basis for the determination in the disposition narrative section of the Child Welfare electronic information system prior to completing the CPS assessment.
Statutory/Other Authority: ORS 418.005, ORS 419B.026, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050, Child Abuse Prevention and Treatment Act at 42 U.S.C. Sec. 5101 to 5119c

AMEND: 413-015-0455

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0455
Protective Custody and Juvenile Court Action ¶

(1) When the decision is made to open a case, as outlined in 413-015-0445, the CPS worker and their supervisor must seek juvenile court intervention ~~is necessary~~ to ~~as~~ensure the child ~~is safe and the child and family receive appropriate services, the CPS worker must make arrangements for a juvenile court petition to be filed, as provided in ORS 419B.809. T~~'s welfare and protection and to ensure services are provided to address the unsafe family condition, unless:¶
(a) The CPS worker and their supervisor have reviewed the non-court involved case intervention criteria described in OAR 413-015-0457; and¶
(b) Determined the criteria are met for a non-court involved intervention.¶
(2) When juvenile court intervention is sought, the CPS worker must ensure a petition is filed in juvenile court as provided in ORS 419B.809.¶
(3) When juvenile court intervention is considered, the CPS worker, in consultation with ~~the~~a CPS supervisor, must ~~consider~~also determine whether protective custody is ne~~cessary to manage child safety prior to the shelter hearing~~eded prior to court hearing.¶
(a) Protective custody of a child can be considered after reasonable efforts, or if the Department knows or has reason to know the child is an Indian child, active efforts have been made to prevent placement and juvenile court intervention, unless an emergency circumstance existed. These efforts must be documented in the electronic record.¶
(~~2~~b) ~~A CPS worker~~When the Department knows or has reason to know the child is an Indian child, the child may be take~~a child into protective custody with a court order~~n into protective custody with or without a court order only when it is necessary to prevent imminent physical damage or harm to the child. All decisions and actions involving protective custody, emergency removal, placement, and juvenile court intervention with the Indian child must be made in compliance with ICWA and ORICWA, OAR 413-115, and involve the child's Tribe. ¶
(c) A CPS worker may request a protective custody order for a child by filing a declaration with the juvenile court when the department believes protective custody of the child is necessary and the least restrictive means available to:¶
(~~a~~A) Protect the child from abuse;¶
(~~b~~B) Prevent the child from inflicting harm on self or others;¶
(~~c~~C) Ensure the child remains within the reach of the juvenile court to protect the child from abuse or prevent the child from inflicting harm on self or others; or¶
(~~d~~D) Prevent imminent physical damage or harm to the child ~~if~~and the~~re i~~ Department knows or has reason to know the child is an Indian child; or¶
(~~e~~E) Ensure suspicious injuries were photographed and a medical assessment was conducted in accordance with ORS 419B.023(2).¶
(~~3~~d) Except as provided in subsection (4b) of this rule, a CPS worker may take a child into protective custody without a ~~court order in the following cir~~protective cu~~m~~st~~ances~~ody order:¶
(~~a~~A) When there is reasonable cause to believe that:¶
(~~A~~i) There is an imminent threat of severe harm to a child;~~¶~~
~~(B~~¶
(ii) The child poses an imminent threat of severe harm to self or others; or¶
(~~C~~iii) There is an imminent threat that the child's parent or guardian will cause the child to be beyond the reach of the juvenile court before the court can order the child to be taken into protective custody.¶
(~~b~~iv) Protective custody is necessary to prevent imminent physical damage or harm to the child and the Department knows, or has reason to know the child is an Indian child.¶
(B) When the CPS worker observes a child who has suffered suspicious physical injury and the CPS worker is certain or there is a reasonable suspicion the injury is or may be the result of abuse, only for the period of time necessary to ensure compliance with the requirements of ORS 419B.023 and OAR 413-015-0415(9)(b) and

(10)(b).¶
(4) ~~If there is reason to know that the child is an Indian child, the child may be taken into protective custody without a court order only when it is necessary to prevent imminent physical damage or harm to the child.¶~~
~~(5)~~ If there is any resistance or threatened resistance to taking the child into protective custody, which creates a substantial risk of physical injury to any person, the CPS worker may not take the child into custody, but must wait for law enforcement assistance or obtain an order of protective custody from the juvenile court.¶
(~~6~~5) When a CPS worker takes a child into protective custody, with or without a court order, the CPS worker:¶
(a) Must promptly complete ~~a~~the protective custody report form, as described in ORS 419B.171. A protective custody report is required even if the child is released to a parent or other responsible person prior to a shelter care hearing. The report must be completed and sent to the juvenile court the day the child is taken into custody or no later than the morning of the next business day.¶
(b) If the child is not released to a parent or other responsible person, but is retained in protective custody, must schedule a shelter hearing as required by ORS 419B.183.¶
(c) Must notify, in writing, the child's parents, non- custodial parent, Indian custodian, caregivers, and if the CPS worker knows or has reason to know the child is an Indian child, the child's ~~t~~Tribe. ~~If the CPS worker knows or has reason to know the child is an Indian child, the worker must also comply with OAR chapter 413, division 115.~~¶
(d) Must immediately ensure diligent efforts are made to identify the child's ~~legal~~ parents ~~and any putative fathers. Information about putative father~~. Information about alleged genetic parents must be recorded on form CF 418, "~~Father(s)~~Parentage Questionnaire" and filed in the case record.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050, ORS 419B.171, ORS 419B.183, ORS 419B.809

ADOPT: 413-015-0457

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0457
Non-Court Involved Case Intervention
(1) A non-court involved case is a type of safety intervention wherein the parent(s), guardian(s), or Indian custodian(s) retain the legal and physical custody of the child while agreeing to cooperate with an in-home safety plan and engage with supports to mitigate the identified safety threat. ¶
(2) A non-court involved case intervention may only be considered if all the following criteria are met:¶
(a) An impending danger safety threat has been identified and the child is unsafe;¶
(b) All the in-home safety plan criteria described in OAR 413-015-0432 are met and sustainable; ¶
(c) A parent, guardian, or Indian custodian's right to the care, custody, and control of their child is not restricted by the safety plan; ¶
(d) The safety plan does not interfere with the parent, guardian, or Indian Custodian's decision-making authority over their child, as described in ORS 419B.090.¶
(e) If Child Welfare knows, or has reason to know the child is an Indian child, the CPS worker or caseworker has:¶
(A) Completed the actions required in OAR 413-115-0040 to inquire and determine a child's tribal membership under ICWA/ORICWA;¶
(B) Documented active and diligent efforts to consult with and engage the child's Tribe regarding the non-court involved intervention. ¶
(f) No parent, guardian, Indian custodian, or child indicates a preference for legal intervention, court oversight, or legal representation; ¶
(g) All parents, guardians, or Indian custodians impacted by the safety plan have the capacity to make informed legal decisions;¶
(h) The safety plan does not conflict with judicial directives or orders;¶
(i) It is reasonable to believe the impending danger safety threat is likely to resolve with short-term, targeted services within six months of the date the parent, guardian, or Indian custodian signs the non-court involved case agreement;¶
(j) The parents, guardians, or Indian custodians have been provided the informational pamphlet about non-court involved case intervention;¶
(k) The parents, guardians, or Indian custodians impacted by the safety plan agree to participate in a non-court involved case by signing or verbally agreeing to the Non-Court Involved Services Application (CF 304b); and¶
(l) The Child Welfare local office program manager has approved the use of a non-court involved case intervention and their approval is documented in the electronic case record.
Statutory/Other Authority: 418.005, 409.050
Statutes/Other Implemented: 418.005, 409.185, 418.015, 419B.005 - 419B.050

AMEND: 413-015-0465

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0465
Required Assessments and Screenings for all Children Entering Substitute Care ¶

(1) Each child placed in substitute care must receive the following:¶
(a) An intake nursing assessment by a D~~HS~~epartment contracted nurse, shortly after entering care;¶
(b) A comprehensive health assessment by the child's primary healthcare provider, within 30 calendar days of entering care;¶
(c) A dental assessment for children age 1 and older, within 30 calendar days of entering care;¶
(d) A Child and Adolescent Needs and Strengths (CANS) screening, within 60 calendar days of entering care;¶
(e) A mental-health assessment for children age 3 and older, within 60 calendar days of entering care; and¶
(f) An Early Intervention Screening for children ages 0-2, within 60 calendar days of entering care. (See CPS Early Intervention Referral form CF323.)¶
(2) The caseworker of a child who is placed in substitute care must ensure that the child receives: ¶
(a) All required assessments and screenings as described in section (1) of this rule; and ¶
(b) All treatment and services that are recommended in the required assessments and screenings that are covered by either Oregon Health Plan (OHP) or the child's private health insurance.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050

AMEND: 413-015-0470

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0470
Notifications at Conclusion of CPS Assessment ¶

(1) Requirements for providing notifications. The CPS worker must:¶
(a) Unless Child Welfare determines that disclosure is not permitted under ORS 419B.035, notify the reporter, if the reporter provided Child Welfare with contact information, whether contact was made, whether Child Welfare determined abuse occurred, and whether services will be provided.¶
(b) Provide verbal notification to the alleged victim's parents, including a non-custodial legal parent, and caregivers of all CPS assessment dispositions (unfounded or unsubstantiated, unable to determine or inconclusive, or founded or substantiated) and whether Child Welfare will provide services as a result of the CPS assessment. If the verbal notification of the CPS assessment disposition and service provision may make a child or adult unsafe, a CPS supervisor may authorize an exception to the requirement to provide the notification based on documentation supporting that conclusion. When the child's parent is the perpetrator, the notice under subsection (c) of this section must be provided.¶
(c) Provide written notification to perpetrators of founded or substantiated dispositions and the disposition review process as outlined in OAR 413-010-0700 to 413-010-0750. ¶
(A) If the notification could make an adult unsafe, a CPS worker must consult with a CPS supervisor and discuss ways to partner with the impacted person to promote their safety.¶
(B) If the notification could make a child unsafe, the CPS worker must consult with a CPS supervisor to discuss ways to partner with the child's legal parent, guardian, Indian custodian, or attorney to ensure the child's safety.¶
(C) The Child Safety Program manager or their designee may approve an exception to delivery of written notification, as provided in OAR 413-010-0715.¶
(d) If Child Welfare has reason to know the perpetrator has an attorney, the local Child Welfare office must provide a copy of the written notification described in (c) to the perpetrator's attorney, if applicable, unless the Child Safety Program Manager or their designee has approved an exception to delivery, as provided in OAR 413-010-0715.¶
(e) Provide the Teacher Standards and Practices Commission (TSPC) notification of the completed CPS assessment when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. Regardless of the disposition, a copy of the completed CPS assessment must be sent to TSPC after information related to the reporter's identity and other confidential information is removed.¶
(f) Provide the Office of Developmental Disabilities Services (ODDS) notification of the completed CPS assessment when a CPS assessment involves a home certified by ODDS. Regardless of the disposition, a copy of the completed CPS assessment must be sent to ODDS after information related to the reporter's identity and other confidential information is removed.¶
(g) Provide Oregon Youth Authority (OYA) notification of the completed CPS assessment when a CPS assessment involves a home certified by OYA. Regardless of the disposition, a copy of the completed CPS assessment must be sent to OYA after information related to the reporter's identity and other confidential information is removed.¶
(h) Provide Disability Rights Oregon notification of the completed CPS assessment when a report of abuse was alleged to have occurred at a school or in an educational setting and the report involves a child with a disability. Regardless of the disposition, a copy of the completed CPS assessment must be sent to Disability Rights Oregon after information related to the reporter's identity and other confidential information is removed.¶
(i) Provide the Department of Early Learning and Care notification of the outcome of the completed CPS assessment if the alleged abuse occurred in a child care facility.¶
(2) Documentation of notifications. The CPS worker must document the notifications as described in this rule in the Child Welfare electronic information system and the documentation must include:¶
(a) Who made the notification.¶
(b) To whom the notification was made.¶
(c) The date the notification was made.¶
(d) That the notifications have been attempted or made within the following timelines:¶
(A) Prior to completing the CPS assessment for a notification provided under subsection (1)(a) of this rule.¶

(B) Within five business days of supervisory approval of the CPS assessment for a notification provided under subsection (1)(b) through (1)(d) of this rule.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.205 - 418.327, ORS 419B.035, ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050

AMEND: 413-015-0604

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0604
Additional Screening Activities When a Report Involves a Resource Family or Respite Provider Certified by Child Welfare
(1) Screener Actions When a Report is Received.¶
(a) When a screener receives information that involves a resource family or respite provider certified by Child Welfare, the screener must:¶
(A) Comply with screening requirements in OAR 413-015-0200 to 413-015- 0225 to gather and share information. When the alleged victim in the report is a young adult, references in OAR 413-015-0200 to 413-015- 0225 to "child" include a young adult unless the context indicates otherwise.¶
(B) Determine if information received:¶
(i) Meets the definition of abuse in OAR 413-015-0115(1)(a) of a child; or¶
(ii) Meets the definition of abuse in OAR 413-015-0115(1)(b) of a child ~~or young adult~~, unless the abuse alleged is familial.¶
(C) Notify the following of all information received: ¶
(i) The assigned caseworker(s) of each child ~~or young adult~~ placed with the resource family or receiving services from the respite provider and the caseworker(s)'s supervisor(s); ¶
(ii) The assigned Child Welfare certifier for the resource family and their supervisor; and¶
(iii) The assigned Child Welfare certifier for the respite provider and their supervisor (if applicable).¶
(D) If the information is closed at screening as described in OAR 413-015- 0210(4), notify the individuals listed in paragraph (C) of this subsection that the information was closed at screening.¶
(E) Notify law enforcement immediately when a crime is suspected to have occurred even if unrelated to a report of abuse of a child ~~or young adult~~ living in a home certified by Child Welfare, or at a home certified by Child Welfare.¶
(b) When a screener receives information alleging abuse of a young adult living in a home certified by Child Welfare, the screener must:¶
(A) Provide the information to the Department's Aging and People with Disabilities Division local office, Community Developmental Disabilities Program, or Community Mental Health Program when the young adult is an individual with a diagnosed physical, developmental, or mental disability, respectively; or¶
(B) Provide the information to law enforcement.¶
(2) Child Welfare Certifier Actions When a Report is Closed at Screening. When the assigned certifier is notified by a screener that information involving a resource family or respite provider certified by Child Welfare was closed at screening, the certifier must examine the information received and follow OAR 413-200-0270 to 413-200-0298 for certified resource families or OAR 413-205-0000 to 413-205-0085 for certified respite providers. ¶
(3) Assigned Caseworker Actions When a Report is Closed at Screening.¶
(a) When the assigned caseworker is notified by a screener that information involving a child ~~or young adult~~ on an open case was closed at screening, the assigned caseworker must comply with OAR 413-080-0051.¶
(b) When a caseworker has not yet been assigned, the CPS worker is responsible for requirements in OAR 413-080-0051.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.015, ORS 419B.020, ORS 418.205 -418.327

AMEND: 413-015-0606

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0606
Additional CPS Assessment Activities for a Report Involving a Resource Family or Respite Provider Certified by Child Welfare
(1) CPS Worker and CPS Supervisor Actions.¶
(a) If the report involving a resource family or respite provider certified by Child Welfare is referred for a CPS assessment, the assigned CPS worker must convene a staffing before making initial contact unless the timing of the staffing will compromise child ~~or young adult~~ safety. The purpose of the staffing is:¶
(A) To determine and coordinate the response to the referral;¶
(B) To notify those listed in OAR 413-015-0604(1)(a)(C) of the referral; and¶
(C) To share information regarding the resource family or respite provider, the children or young adults placed in the home or receiving services from the respite provider, any caregivers, and any other individuals living in the home of the resource family or respite provider.¶
(b) The CPS worker must ensure that the people listed in OAR 413-015-0604(1)(a)(C) and those identified in subsection (c)(B) are invited to the staffing.¶
(c) The CPS supervisor or their designee must:¶
(A) Ensure that the staffing discussed in subsection (a) of this section occurs prior to the initial contact unless the timing of the staffing will compromise child ~~or young adult~~ safety;¶
(B) Determine whether the Child Welfare Program Manager, CPS Consultant, Foster Care Coordinator, Respite Care Coordinator, or any other appropriate personnel should be invited to the staffing; and¶
(C) If the staffing does not occur prior to the initial contact, ensure the staffing described in subsection (a) occurs the next business day and all the individuals identified in subsection (b) are invited.¶
(d) The CPS worker must complete the following activities during the CPS assessment:¶
(A) Comply with CPS assessment requirements in OAR 413-015-0400 to 413-015-0485. When the alleged victim in the referral is a young adult, references in OAR 413-015-0400 to 413-015-0485 to "child" include a young adult unless the context indicates otherwise.¶
(B) At initial contact, provide the resource family or the respite provider with the appropriate CPS assessment informational pamphlet which includes written information regarding CPS assessments involving resource parents or respite providers.¶
(C) Prior to conducting an interview with a child ~~or young adult~~ the CPS worker must inform the child or young adult:¶
(i) When the child ~~or young adult~~ is not in the custody of Child Welfare, that they may have their parent or caregiver or attorney present.¶
(ii) When the child ~~or young adult~~ is in the custody of Child Welfare, that they may have their attorney present.¶
(D) Notify and interview the parent or caregiver of any child ~~or young adult~~ residing in the home of a resource family or respite provider certified by Child Welfare who is not in the legal custody of Child Welfare and gain permission to interview the child ~~or young adult~~. If the CPS worker is denied permission to interview, but such interviews are needed to complete the assessment, the CPS worker should consult with a supervisor and seek the assistance of an assistant attorney general.¶
(E) Consult with a CPS supervisor before making the decision to remove any child ~~or young adult~~ from the resource family.¶
(F) Provide ongoing information to the assigned Child Welfare certifiers and to the caseworkers identified in OAR 413-015-0604(1)(a)(C).¶
(G) Notify law enforcement immediately when a crime is suspected to have occurred even if unrelated to a report of abuse:¶
(i) To a child ~~or young adult~~ living with a resource family certified by Child Welfare; or¶
(ii) At the home of a resource family or respite provider certified by Child Welfare.¶
(H) Determine and document the basis for the determination of whether there is reasonable cause to believe that abuse occurred as outlined in OAR 413-015-101~~5~~0.¶
(I) Complete the CPS assessment.¶

(2) Child Welfare Certifier and Certification Supervisor Actions. When the assigned certifier is notified that information received by a screener involving a resource family or respite provider certified by Child Welfare is referred for a CPS assessment:¶
(a) Within one business day after the CPS worker has made initial contact, the certifier must contact and notify the resource family or respite provider and provide them with the following information:¶
(A) The certifier is available to answer questions related to certification but will not discuss the specifics of the CPS assessment;¶
(B) The resource family or respite provider is immediately placed on inactive referral status pending the completion of the CPS assessment;¶
(C) The resource family or respite provider has the option of having another resource parent or relative resource parent available for support during the assessment; and¶
(D) The names of resource families who have agreed to be available for support.¶
(b) Within one business day, the certifier must document the initiation of a CPS assessment and the placement of the resource family or respite provider on inactive referral status in provider case notes in the Child Welfare electronic information system.¶
(c) Within one business day, the certifier must notify Child Welfare staff responsible for placement that the resource family or the respite provider is on inactive referral status.¶
(d) Within 14 calendar days of the notification required in paragraph (2)(a)(B) of this rule, Child Welfare must provide written notification to the resource family or respite provider that the home has been placed on inactive referral status and place a copy of the written notification in the certification file.¶
(e) The certifier must provide ongoing information regarding the resource family or respite provider and any individuals living in the home to the assigned CPS worker and the caseworkers of each child ~~or young adult~~ placed in the home.¶
(f) The certification supervisor must ensure that the actions required in subsections (a) through (e) of this section are completed if the certifier is unavailable.¶
(3) Assigned Caseworker Actions.¶
(a) When the assigned caseworker is notified that a report of abuse involving a child ~~or young adult~~ on an open case has been referred for a CPS assessment, the assigned caseworker must comply with OAR 413-080-0051.¶
(b) When a caseworker has not yet been assigned, the CPS worker is responsible for requirements in OAR 413-080-0051.
Statutory/Other Authority: ORS 409.050, ORS 418.005
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.015, ORS 419B.020

AMEND: 413-015-0608

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0608
Additional Activities at the Conclusion of the CPS Assessment on a Resource Family or Respite Provider Certified by Child Welfare
(1) CPS Worker and Supervisor Actions.¶
(a) In addition to the actions required in OAR 413-015-0400 to 413-015-0485, the CPS worker must convene a staffing within five business days of the completion of the CPS assessment to:¶
(A) Share information gathered during the CPS assessment, and the results of the CPS assessment;¶
(B) Discuss and determine whether any additional actions described in OAR 413-015-0400 to 413-015-0485 are appropriate;¶
(C) Determine who needs to be notified of the disposition of the CPS assessment and determine which staff will be responsible for providing notification as outlined in this rule and in OAR 413-015-0470;¶
(D) Discuss certification actions that have been taken and whether any additional actions described in OAR 413-200-0270 to 413-200-0298 for resource families or OAR 413-205-0000 to 413-205-0085 for certified respite providers are appropriate.¶
(b) The CPS worker must ensure their supervisor and the individuals identified in OAR 413-015-0604(1)(a)(C) and subsection (c)(B) are invited to the staffing.¶
(c) The CPS supervisor or their designee:¶
(A) Must ensure that the staffing, discussed in subsection (a) of this section occurs;¶
(B) Must determine whether the Child Welfare Program Manager, CPS Consultant, Foster Care Coordinator, Respite Care Coordinator, or other appropriate personnel should be invited to the staffing; and¶
(C) At the conclusion of any CPS assessment, regardless of the disposition, must immediately notify the assigned caseworkers, the certifier(s), the CPS Consultant, the Foster Care Coordinator, and the Respite Care Coordinator (if appliable), that the CPS assessment has been completed and approved.¶
(2) When the disposition involves a child ~~or young adult~~ on an open case, the assigned caseworker must comply with the requirements in OAR 413-080-0051.¶
(3) Child Welfare Certifier and Certification Supervisor Actions at the conclusion of a CPS assessment involving a resource family certified by Child Welfare.¶
(a) At the conclusion of a CPS assessment involving a resource family certified by Child Welfare, during or within five business days of the meeting required in subsection (1)(a) of this rule, the certifier and certification supervisor must:¶
(A) Staff the case and review all the information in the CPS assessment;¶
(B) Determine whether the information indicates certification actions described in OAR 413-200-0270 to 413-200-0298 should be taken; and¶
(C) Ensure documentation of the results of the staffing in provider case notes in the Child Welfare electronic information system.¶
(b) After completing the staffing required in subsection (1)(a) of this rule, if Child Welfare determines:¶
(A) The Certificate of Approval for the resource family should be revoked, the assigned certifier must initiate revocation of the Certificate of Approval as described in OAR 413-200-0296.¶
(B) The inactive referral status should continue because one or more of the conditions in OAR 413-200-0294 are present, the assigned certifier must summarize the outcome of the assessment and the reasons for continuing inactive referral status in a letter delivered to the certified family within 10 calendar days of the completed CPS assessment. The certifier must retain a copy of the letter in the certification file.¶
(C) The certificate will not be revoked after a founded or substantiated or unable to determine or inconclusive disposition, the assigned certifier must:¶
(i) Submit written documentation supporting the continued certification to the District Manager or Child Welfare Program Manager for approval;¶
(ii) Upon receiving approval for continued certification from the District Manager or Child Welfare Program Manager, remove the resource family from inactive referral status;¶
(iii) Within ten business days of receiving approval from the District Manager or Child Welfare Program Manager,

send written notification to the resource family that the home is no longer on inactive referral status and retain a copy of the written notification in the certification file; and¶
(iv) Notify Child Welfare staff responsible for placement that the resource family is no longer on inactive referral status.¶
(4) Child Welfare Certifier and Certification Supervisor actions at the conclusion of a CPS assessment involving a respite provider certified by Child Welfare.¶
(a) During or within five business days of the meeting required in subsection (1)(a) of this rule, the certifier and certification supervisor must:¶
(A) Staff the case and review all the information in the CPS assessment;¶
(B) Determine whether the information indicates certification actions described in OAR 413-205-0000 to 413-205-0085 should be taken; and¶
(C) Ensure documentation of the results of the staffing in provider case notes in the Child Welfare electronic information system.¶
(b) After completing the staffing required in subsection (1)(a) of this rule, if Child Welfare determines the Respite Certificate of Approval for the respite provider:¶
(A) Must be revoked after a founded or substantiated disposition, the assigned certifier must initiate revocation of the certificate unless the respite provider voluntarily terminates their certificate as described in OAR 413-205-0025.¶
(B) Will not be revoked after an unable to determine or inconclusive disposition, the assigned certifier must:¶
(i) Submit written documentation supporting the continued certification to the District Manager or Child Welfare Program Manager for approval;¶
(ii) Upon receiving approval for continued certification from the District Manager or Child Welfare Program Manager, remove the respite provider from inactive referral status;¶
(iii) Within ten business days of receiving approval from the District Manager or Child Welfare Program Manager, send written notification to the respite provider they are no longer on inactive referral status and retain a copy of the written notification in the certification file; and¶
(iv) Notify Child Welfare staff responsible for placement the respite provider is no longer on inactive referral status.¶
(5) The CPS worker or supervisor, and the Child Welfare certifier or supervisor must meet with the resource family or respite provider within ten business days of the completion of the CPS assessment to explain the disposition and any certification actions that will be taken unless the resource family or respite provider declines the opportunity for a meeting.
Statutory/Other Authority: ORS 409.050, ORS 418.005
Statutes/Other Implemented: ORS 419B.020, ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.015

AMEND: 413-015-0815

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0815
Third Party CPS Assessment Activities
Third party CPS assessment activities are outlined below. The activities are described in a logical order in these rules, but the order in which they occur is determined by the specific circumstances in a given referral.¶
(1) Review records.¶
(a) The assigned CPS worker must:¶
(A) Thoroughly review the documentation in the referral;¶
(B) Thoroughly review the paper and electronic records maintained by Child Welfare for historical information on the alleged perpetrator and the alleged victim that may be useful in completing the third party CPS assessment;¶
(C) Make diligent efforts to contact another state's child welfare agency to obtain records, if any, when the CPS worker has information that another state may have information relevant to their third party CPS assessment.¶
(b) The CPS worker must review the documents to identify information related to:¶
(A) The current third party CPS assessment;¶
(B) History or a pattern of abuse;¶
(C) The alleged victim's safety and functioning;¶
(D) The alleged perpetrator's functioning; and¶
(E) Worker safety.¶
(2) Address unassessed allegations. If there are allegations of abuse of the alleged victim by the alleged perpetrator identified in the current referral which were not assessed previously because Child Welfare was unable to locate the alleged victim or the alleged perpetrator, the CPS worker must:¶
(a) Discuss the prior unassessed allegations during interviews;¶
(b) Consider all information about prior unassessed allegations when determining child safety; and¶
(c) Document the consideration of prior unassessed allegations in interviews, observations, and dispositional findings. ¶
(3) Contact collateral sources.¶
(a) The CPS worker must contact collateral sources who can clarify or supplement the information in the referral and in records already reviewed. The CPS worker may contact collateral sources including, but not limited to:¶
(A) Individuals who may have information related to the third party CPS assessment;¶
(B) Individuals who have regular contact with the alleged victim or the alleged perpetrator;¶
(C) Doctors or others who have evaluated or maintain records on the alleged victim;¶
(D) People who are in an established personal or professional relationship with the alleged victim and alleged perpetrator and who can judge the quality and nature of the alleged victim and alleged perpetrator's behavior and functioning; and¶
(E) People who have records or information about the alleged victim and the alleged perpetrator as a result of their involvement with, or exposure to, the alleged victim and alleged perpetrator.¶
(b) The CPS worker must gather information from collateral sources throughout the third party CPS assessment.¶
(c) The CPS worker must consult with the assistant attorney general for advice on accessing records from a collateral source if the source is unable or unwilling to share information with Child Welfare.¶
(d) The Director of Human Services may, by subpoena, compel the production of documents and records, including audio records, video records, photographs, and student records, that the director deems relevant or material to a CPS assessment.¶
(4) Consult with a CPS supervisor.¶
(a) The CPS worker must consult with a CPS supervisor or designee:¶
(A) When the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department or OYA;¶
(B) When a referral involves a resource family or respite provider certified by Child Welfare,¶
(C) When a referral involves:¶
(i) A child care facility;¶
(ii) A child-caring agency; ¶

(iii) A child-caring agency certified proctor foster home; ¶
(iv) An educational provider;¶
(v) An ODDS licensed group or host home; or¶
(vi) An ODDS or OYA certified foster home.¶
(~~E~~D) When a CPS worker receives notification from a screener that a closed at screening or new referral was created on an open third party CPS assessment;¶
(~~F~~E) When the referral involves a child fatality;¶
(~~G~~F) When making a disposition in a complicated or sensitive situation or case; or¶
(~~H~~G) When closing a third party CPS assessment with the disposition of "unable to locate."¶
(b) The CPS worker must consult with a CPS supervisor or designee and refer to OAR 413-015-0850 if at any point during a third party CPS assessment:¶
(A) The CPS worker has information the alleged victim, or a child identified as an alleged perpetrator may be unsafe or at risk of being harmed;¶
(B) The CPS worker is unable to conduct the activities required during a third party CPS assessment because an alleged victim, parent or caregiver, or alleged perpetrator will not allow those activities to occur;¶
(C) If a CPS worker is unable to contact the alleged victim's parent or caregiver, or the alleged perpetrator's parent or caregiver if the alleged perpetrator is a child, to notify them of the intent to interview;¶
(D) If a CPS worker has information indicating notification of an alleged victim's parent or caregiver, or the alleged perpetrator's parent or caregiver if the alleged perpetrator is a child, of the intent to interview may make a child or an adult unsafe; or¶
(E) The CPS worker determines a child is in present danger and the parent or caregiver is unable to protect the child, and consultation does not delay the safety intervention.¶
(c) Subject to the discretion of the CPS supervisor, the CPS worker will consult with a CPS supervisor or designee at additional key points during the third party CPS assessment, such as:¶
(A) Before making initial contacts; or¶
(B) When a referral indicates potential danger to the worker.¶
(5) Contact and work with other entities. The CPS worker may need to work with representatives of other entities to gather and analyze safety-related information to complete the third party CPS assessment.¶
(a) The CPS worker may, as appropriate, notify or consult with other Department programs or other agencies including, but not limited to, the Office of Vocational Rehabilitation Services and Animal Control.¶
(b) The CPS worker must report to or contact and work with other entities as follows:¶
(A) Community Mental Health Program, Community Developmental Disabilities Program, or Adult Protective Services. The CPS worker must make a report to the Community Mental Health Program, Community Developmental Disabilities Program, or the local Adult Protective Service office when the CPS worker has reasonable cause to believe:¶
(i) That any person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older, with whom the CPS worker comes into contact has suffered abuse.¶
(ii) That any person with whom the CPS worker comes into contact has abused a person 18 years of age or older with a mental illness, a developmental disability or a physical disability, or any person 65 years of age or older.¶
(B) Law enforcement.¶
(i) If the screener did not cross report, the CPS worker must contact one or more law enforcement agencies (LEA) in accordance with the protocols of the local MDT agreement and in accordance with cross reporting rules, OAR 413-015-0300 to OAR 413-015-0310.¶
(ii) When there is a joint response involving a CPS worker and LEA staff, the CPS worker is still responsible for all of the activities necessary to complete a third party CPS assessment, which are summarized in OAR 413-015-0800 to 413-015-0885. The CPS worker must, in consultation with a CPS supervisor, determine whether to coordinate assessment activities with LEA in the following situations:¶
(I) Present danger. When the CPS worker has information that indicates that the alleged victim is unsafe right now.¶
(II) Parent or caregiver cooperation. When the CPS worker has information the parent or caregiver may not allow the CPS worker to observe or interview the alleged victim.¶
(III) Alleged perpetrator cooperation. When the CPS worker has information the alleged perpetrator may refuse, or has refused to be interviewed by the CPS Worker.¶
(IV) Child interview. When the CPS worker and the LEA officer must each interview a child, it is preferable to coordinate the interviews to reduce the number of interactions with the child.¶
(V) Worker safety. When the CPS worker has information that indicates contact with individuals involved in the third party CPS assessment could pose a danger to the CPS worker.¶
(VI) Crime committed. When the CPS worker suspects or receives a report that a crime may have been committed.¶

(C) Multi-Disciplinary Teams (MDTs). Department district managers must develop interagency agreements regarding assessment of child abuse, as necessary, with local MDTs. Requirements for MDT protocols are set out in ORS 418.747.¶
(D) Nine Tribes ~~of~~in Oregon. If the CPS worker knows or has reason to know the alleged victim or a child identified as an alleged perpetrator is an Indian child due to their affiliation with an Oregon Tribe, the CPS worker must notify the Oregon Tribe of the third party CPS assessment within 24 hours unless the screener documented completion of this notification in the referral (see OAR 413-115-0040).¶
(E) ~~Office of Child Care~~Department of Early Learning and Care (DELC). The CPS worker must notify and coordinate with the Compliance Unit of the ~~Office of~~ Child Care Licensing Division of DELC when a report ~~involves~~occurs in a child care facility, as required by ORS 419B.020(1).¶
(F) Office of Developmental Disabilities Services (ODDS). The CPS worker must notify and coordinate with ODDS when a report involves a home certified by ODDS or a child ~~or young adult~~ receiving services from ODDS.¶
(G) Office of Training, Investigations, and Safety (OTIS). The CPS worker must notify and coordinate with ~~the~~ OTIS when a report involves a setting ~~the~~ OTIS is responsible for investigating as listed in OAR 413-015-0215.¶
(H) Oregon Youth Authority (OYA). The CPS worker must notify and coordinate with OYA when a report involves a home certified by OYA or a child in the legal custody of OYA.¶
(I) Probation and parole. The CPS worker must contact probation and parole when the allegation involves an alleged victim or an alleged perpetrator who is supervised by probation or parole.¶
(J) Public or private schools.¶
(i) The CPS worker may request school records, including documents and other materials which the education provider must immediately provide as described in ORS 339.388.¶
(ii) The CPS worker may interview an alleged victim at school if the alleged victim's parent or caregiver has been notified of the third party CPS assessment and is in agreement that the school is the best environment in which to interview the alleged victim.¶
(iii) ORS 419B.045 provides requirements for third party CPS assessments that are conducted on school premises. The CPS worker must do the following:¶
(I) Notify the school administrator that a third party CPS assessment must be conducted. If the school administrator is a subject of the third party CPS assessment, then notification is not required.¶
(II) Report to the school office, provide identification, inform school personnel of the third party CPS assessment, and provide the name of the alleged victim to be interviewed.¶
(III) Request information from school personnel regarding the disabilities of the alleged victim, if any, prior to an interview with the alleged victim.¶
(IV) Interview the alleged victim out of the presence of other persons unless the CPS worker believes the presence of a school employee or other person would facilitate the interview. If the CPS worker believes that a school employee does not need to be present, but the school employee insists on being present during the interview, the worker may confer with the CPS supervisor for assistance in handling the situation.¶
(V) Discuss further actions with the alleged victim at the conclusion of the interview.¶
(VI) Inform school personnel when the interview has been completed.¶
(VII) Inform school personnel if the alleged victim is taken into protective custody.¶
(VIII) Inform school personnel that the CPS worker has notified parents of the interview.¶
(IX) Contact the CPS supervisor if school officials refuse to allow the third party CPS assessment to take place on school property.¶
(iv) The CPS worker may not interview a child identified as an alleged perpetrator at school.¶
(6) Obtain interpreters and translation. The CPS worker must obtain the services of a competent interpreter and competent written translation service for individuals interviewed during the third party CPS assessment, including hearing-impaired individuals, who have limited or no means of communicating in or reading English.¶
(7) Take photographs. The CPS worker must, during the third party CPS assessment, take photographs and document, as necessary, abuse and the observable nature of any concerns for the alleged victim's safety. Prior to taking photographs, the CPS worker must request parental consent.¶
(a) As provided in ORS 419B.028, a law enforcement officer or the CPS worker may take photographs for the purpose of documenting the child's condition at the time of the third party CPS assessment.¶
(b) As provided in ORS 419B.028, if the CPS worker conducting a third party CPS assessment observes a child who has suffered suspicious physical injury and the CPS worker is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the CPS worker, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, will immediately photograph or cause to have photographed the suspicious physical injuries. Regardless of whether the child has previously been photographed or assessed during a third party CPS assessment, the CPS worker will photograph or cause to be photographed any suspicious injuries if the CPS worker is certain or has a reasonable suspicion the suspicious injuries are the result of abuse:¶
(A) During the third party CPS assessment of a new allegation of abuse; and¶

(B) Each time, during the third party CPS assessment, an injury is observed that was not previously observed by the assigned CPS worker.¶
(c) When a child is photographed pursuant to subsection (b) of this section:¶
(A) The person taking the photographs or causing to have the photographs taken must, within 48 hours or by the end of the next regular business day, whichever occurs later:¶
(i) Provide hard copies or prints of the photographs and, if available, copies of the photographs in an electronic format to the designated medical professional; and¶
(ii) Place photographs in the Child Welfare record labeled with the case name, case number, child's name, and date taken.¶
(B) If a county multidisciplinary team staffing of the case is held, photographs of the injury will be made available to each team member involved in the case staffing at the first meeting regarding the child's case.¶
(d) If the alleged victim or the alleged victim's parent or caregiver refuses to allow the CPS worker to take photographs in accordance with ORS 419B.023, immediately consult with a CPS supervisor and refer to OAR 413-015-0850.¶
(e) The CPS worker must document injuries, hazardous environments, and the observable nature of any concerns for the alleged victim's safety in the third party CPS assessment narrative by use of photographs, written description, or illustrations.¶
(f) Photographs of the anal or genital region may be taken only by medical personnel.¶
(8) Obtain medical assessment. The CPS worker must, during the third party CPS assessment as required in this section, facilitate a medical assessment of the alleged victim and obtain medical history when necessary to determine a disposition or analyze safety-related information.¶
(a) When the CPS worker determines that a medical assessment is needed as part of a third party CPS assessment, the CPS worker must consult with a CPS supervisor as soon as possible, but not at the expense of delaying medical treatment.¶
(b) If a person conducting an third party CPS assessment under ORS 419B.020 observes a child who has suffered suspicious physical injury as defined in ORS 419B.023 and the person is certain or has a reasonable suspicion that the injury is or may be the result of abuse, the person must, in accordance with the protocols and procedures of the county multi-disciplinary team described in ORS 418.747, ensure that:¶
(A) A designated medical professional conducts a medical assessment within 48 hours of the observation of the suspicious physical injury, or sooner if dictated by the child's medical needs; or¶
(B) An available physician, physician associate, or nurse practitioner conducts a medical assessment if, after reasonable efforts to locate a designated medical professional, a designated medical professional is not available to conduct a medical assessment within 48 hours. The CPS worker is required to document in the Child Welfare electronic information system efforts to locate the designated medical professional when an available physician, physician associate, or nurse practitioner is used.¶
(c) The CPS worker must facilitate an assessment by a medical professional if the alleged abuse involves injury to the anal or genital region.¶
(d) To make arrangements for the medical examination, the CPS worker must do the following, unless completing the action would delay medical treatment or result in severe harm:¶
(A) Discuss with the parent or caregiver the need for medical examination or treatment and request their consent.¶
(B) Ask the parent or caregiver to take the child ~~or young adult~~ to a medical facility for a medical examination or treatment.¶
(C) Request that ~~the~~a legal parent sign a form ~~DHS 2099~~MCS 3010, "Authorization for ~~Use and~~ Disclosure, Sharing, and Use of Information."¶
(D) If the alleged victim's parent or caregiver does not consent to the medical assessment pursuant to subsection (b) of this section or actions outlined in subsection (d) of this section, as required by ORS 419B.023, the CPS worker must immediately consult with a CPS supervisor and refer to OAR 413-015-0850.¶
(E) Immediately seek medical care and consultation when there may be a life-threatening condition, or a deteriorating condition that may become life-threatening.¶
(F) As soon as possible and not later than 24 hours after learning of the exposure, make arrangements to test for chemical exposure to harmful substances when there is reason to believe an alleged victim has been exposed to dangerous chemicals such as those found in a chemical drug lab.¶
(e) When there are indications of severe physical trauma, the CPS worker must make arrangements to immediately transport to a medical facility, which may include calling 911. The CPS worker must also make arrangements for medical examination for mild or moderate physical trauma.¶
(f) When a report of suspected medical neglect of an infant with a disability and with life-threatening conditions is referred for third party CPS assessment, the assigned CPS worker must comply with OAR 413-020-0600 to 413-020-0650.¶

(g) When it is medically indicated to subject a child in the custody of the Child Welfare to HIV testing, the CPS worker must comply with OAR 413-040-0400 to 413-040-0450.¶
(h) As provided in ORS 147.425, a child who is the victim of a person crime and is at least 15 years of age at the time of the abuse may have a personal representative present during a medical examination. If a CPS worker believes that a personal representative would compromise the third party CPS assessment, a CPS worker may prohibit a personal representative from being present during the medical examination.¶
(i) When the CPS worker is assessing medical neglect, the CPS worker must consult with a health care professional as part of the third party CPS assessment.¶
(9) Obtain psychological and psychiatric evaluations.¶
(a) The CPS worker must obtain consent of ~~the~~a legal parent or ~~caregiver~~guardian prior to making a referral for a psychological or psychiatric evaluation of the alleged victim. A child 14 years or older may consent for their own referral for a psychological or psychiatric evaluation, as described in ORS 109.675.¶
(b) The CPS worker must make a referral for a psychological or psychiatric evaluation of the alleged victim by a mental health professional if the evaluation is necessary to determine a disposition or analyze safety-related information during the third party CPS assessment.¶
(10) Make efforts to locate. When the alleged victim is a child ~~or young adult~~ in substitute care who is missing, the CPS worker must collaborate with the assigned caseworker in attempting to locate the alleged victim.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 418.747, ORS 418.785, ORS 419B.005 - 419B.050, ORS 418.205 - 418.327

AMEND: 413-015-0820

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0820
Make Initial Contact on a Third Party CPS Assessment
(1) The CPS worker must make an initial contact, within the assigned response timeline, unless:¶
(a) A CPS worker determines delaying contact will not compromise child safety or the gathering of time-sensitive information; and¶
(b) The CPS supervisor approves delaying initial contact because additional time is required to:¶
(A) Collaborate with law enforcement;¶
(B) Schedule forensic interviews; or¶
(C) Ensure a trauma-informed response.¶
(2) The CPS worker must provide advanced notification to the Indian tribe of any intent to make contact with an individual on a reservation (as defined in OAR 413-115-0000).¶
(3) The following outlines contacts the CPS worker is required to attempt and, when possible, complete at initial contact. The CPS worker must:¶
(a) Have face-to-face contact with and interview the alleged victim. The purpose of the face-to-face contact and interview with the alleged victim is to gather information regarding possible abuse, gather information about the alleged victim's functioning and vulnerability, and assess immediate safety. ¶
(A) Interview and observe the alleged victim as follows:¶
(i) The CPS worker must make diligent efforts to notify alleged victim's parent or caregiver of the third party CPS assessment and request to interview the alleged victim.¶
(ii) If the CPS worker is unsuccessful, the CPS worker must document in the Child Welfare electronic information system all attempted contacts and the dates of those attempted contacts.¶
(iii) When the CPS worker makes contact at home and the parent or caregiver is not present the CPS worker must wait until the parent or caregiver is present and allows the interview. ¶
(iv) When the CPS worker is denied access to the alleged victim, the CPS worker must, if there is reason to believe the alleged victim may be unsafe, consult with a CPS supervisor and refer to OAR 413-015-0850 as any identified safety concerns must be addressed on a familial case. If the referral indicates that the alleged victim is presently safe, the CPS worker must consider the following:¶
(I) Attempting to contact other persons who may have relevant information regarding the referral;¶
(II) Persisting in attempts to gain cooperation from the parents or caregivers, depending on the known safety information;¶
(III) Consult with the CPS supervisor. ¶
(v) The CPS worker must conduct interviews in a manner that assures privacy.¶
(vi) If the parent or caregiver might impede the interview, the CPS worker must attempt to interview outside the presence of their parents or caregivers.¶
(vii) A CPS worker must allow a child who is the victim of a person crime as defined in ORS 147.425 and is at least 15 years of age at the time of the abuse to have a personal representative be present during an interview. If a CPS worker believes that the personal representative would compromise the third party CPS assessment, the CPS worker may prohibit a personal representative from being present during the interview.¶
(viii) The CPS worker must observe injuries or signs of abuse. The CPS worker may need to remove the alleged victim's clothing to make adequate observations. In that event, the CPS worker must:¶
(I) Use discretion and make the alleged victim as comfortable as possible.¶
(II) Seek a parent or caregiver's consent. Request their assistance when possible and appropriate.¶
(III) Consider requesting a worker or other support person be present to serve as a witness and provide comfort.¶
(ix) The CPS worker may observe injuries to the anal or genital region if the alleged victim is not school aged and if the injury can be observed without the CPS worker touching the anal or genital region.¶
(B) The CPS worker must notify the parents or caregivers the same day the interview occurred. If notification could make a child or adult unsafe, immediately consult with a CPS supervisor and refer to OAR 413-015-0850.¶
(b) Interview the parent or caregiver. The purpose of this interview is to find out what the parent or caregiver knows about the alleged abuse, gather safety related information, and gather information to determine if the

parent or caregiver is willing and able to protect the alleged victim from the alleged perpetrator. In order to gather sufficient information to make those determinations, face-to-face contact with the parent or caregiver may be required.¶
(A) Whenever practicable, the CPS worker must interview all parents and caregivers as outlined in OAR 413-015-0822.¶
(B) The CPS worker must provide each parent or caregiver with the appropriate CPS assessment informational pamphlet, which includes written information regarding the third party CPS assessment process.¶
(C) The CPS worker must interview the non-custodial legal parent during the third party CPS assessment. This is not required during the initial contact but must be completed as part of the assessment process because the non-custodial parent may have essential information. If the interview of the non-custodial legal parent may make a child or adult unsafe, a CPS supervisor may authorize an exception to this requirement based on written documentation that supports the conclusion that an interview with a non-custodial legal parent should not be conducted.¶
(c) Interview the alleged perpetrator. The purpose of this interview is to evaluate the alleged perpetrator's reaction to allegations of abuse as well as to the alleged victim and their condition, and to gather further information about the alleged perpetrator in relation to the safety of the alleged victim. In order to gather sufficient information, face-to-face contact with the alleged perpetrator may be required.¶
(A) When interviewing the alleged perpetrator, the CPS worker must:¶
(i) Coordinate the interviews of the alleged perpetrator with LEA when law enforcement is conducting an investigation;¶
(ii) Consult with a CPS supervisor if an interview with the alleged perpetrator could make a child or adult unsafe and refer to OAR 413-015-0850;¶
(iii) Provide the alleged perpetrator with a written notice that a criminal records check may be conducted on them; and¶
(iv) Make inquiries about the employment status of the alleged perpetrator. If the CPS worker has reasonable cause to believe the alleged perpetrator is an employee of any program, office, or division of the Department ~~of Human Services (DHS)~~ or OYA, the CPS worker must notify a CPS supervisor. The CPS supervisor must notify the D~~HS~~epartment's Office of Human Resources at the time of the assessment and at the time the assessment is reviewed as required in OAR 413-015-0475. The CPS supervisor must document the notifications in the Child Welfare electronic information system.¶
(B) In addition to subsection (A), if a child has been identified as an alleged perpetrator, the CPS worker must also:¶
(i) Make diligent efforts to notify the child's parent or caregiver of the third party CPS assessment and request to interview the child.¶
(ii) Ask the child identified as an alleged perpetrator questions to determine if the child is alleged victim of abuse. If it is determined there is report of abuse, the information must be reported to a screener.¶
(4) Gather safety related information through interviews and observation. The CPS worker must begin to gather safety related information through interviews and observation as outlined in OAR 413-015-0822.¶
(5) Determine if there is a present danger safety threat. During the initial contact with the alleged victim, the CPS worker must determine, based on the information obtained at that time, if there is a present danger safety threat. If there is reason to believe a child is unsafe, refer to OAR 413-015-0850.¶
(6) Documentation of the Initial Contact. The CPS worker must document the dates of attempted and successful contacts in the Child Welfare electronic information system. If it was not possible during the initial contact for the CPS worker to successfully complete a required contact, the CPS worker must document why contact was not made and must complete the face-to-face contact and interview as soon as possible.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 147.425, ORS 409.185, ORS 418.015, ORS 418.747, ORS 418.785, ORS 419B.005 - 419B.050

AMEND: 413-015-0822

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0822
Gather Safety Related Information Through Interview and Observation on a Third Party CPS Assessment
(1) The CPS worker must gather relevant information and facts necessary to complete all parts of the third party CPS assessment. The CPS worker must gather information through interview and observation about the following:¶
(a) The extent of the abuse;¶
(b) The circumstances surrounding the abuse;¶
(c) Child functioning as it relates to the alleged victim and, if applicable, a child identified as an alleged perpetrator; and¶
(d) Adult functioning as it relates to an alleged perpetrator.¶
(2) Interview.¶
(a) Except as outlined in subsection (b) of this section, interview each person in a manner that considers each person's privacy and safety and assures effective communication. Use information gathered from one interview to assist in the next interview.¶
(b) When domestic violence is alleged:¶
(A) And a survivor is not an alleged perpetrator, consider interviewing the survivor first; and¶
(B) Ask questions about domestic violence in separate interviews ~~only~~when possible, to prioritize the safety of the survivor and the child.¶
(c) The CPS worker must, to the extent possible, do the following during interviews:¶
(A) Present identification at the beginning of the interview and provide a business card or other document containing the CPS worker's name and contact information;¶
(B) Clearly state the reason for the interview, provide statutory authority to assess reports of abuse, and give an explanation of the alleged abuse;¶
(C) Allow the alleged perpetrator interviewed to respond to each allegation;¶
(D) Assure the privacy of the persons being interviewed;¶
(E) Focus the interview on gathering safety related information, and information to determine if the parent or caregiver is willing and able to protect the alleged victim from the alleged perpetrator;¶
(F) Assess whether there are elements of power and control or coercive tactics consistent with domestic violence present in the information gathered;¶
(G) When there is an infant in the household, provide educational material about safe sleep practices;¶
(H) Summarize and discuss the initial impressions and intentions resulting from the interview with the parents or caregivers;¶
(I) Obtain from the parents or caregivers the names of persons who can provide additional information in making a safety determination and completing the third party CPS assessment;¶
(J) Ask the parents or caregivers to sign an authorization to release information to enable Child Welfare to obtain confidential information from physicians, mental health providers, school employees, or other service or treatment providers, if applicable;¶
(K) Ask the parents or caregivers to give Child Welfare permission to have the alleged victim medically examined and photographed, if necessary; and¶
(L) Inform the parents, caregivers, and alleged perpetrators or the parents or caregivers of the alleged perpetrator about the Child Welfare grievance procedure.¶
(3) Observation.¶
(a) The CPS worker must observe the alleged victim to assess:¶
(A) Physical condition of the alleged victim, including any observable effects of abuse; and¶
(B) Emotional state of the alleged victim, including mannerisms, signs of fear, and developmental status;¶
(b) The CPS worker must make diligent efforts to have face to face contact with the parents or caregiver if face to face observation is necessary to gather sufficient information to make a disposition or determine whether the parents or caregivers can protect the child from the alleged perpetrator. ¶
(c) The CPS worker must make diligent efforts to observe the home environment of the alleged victim and/or the

alleged perpetrator if necessary to gather sufficient information to make a disposition. ¶
(d) If the Department is not permitted to observe the home environment because the home is a confidential shelter home or a safe house, the CPS worker must gather the information listed in (c) from collateral sources.¶
(4) When information is gathered or observations made that indicate a child may be a victim of sex trafficking, the CPS worker must determine whether a child is, or is at risk of being, a victim of sex trafficking.¶
(a) If a determination is made that a child is a victim of sex trafficking the CPS worker must:¶
(A) Report to a screener the identification of a child as a sex trafficking victim;¶
(B) Identify and refer to appropriate services; and¶
(C) Document the child is a sex trafficking victim in the Child Welfare electronic information system.¶
(b) If a determination is made that a child is at risk of being a victim of sex trafficking, the CPS worker must identify and refer to appropriate services.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 419B.005 - 419B.050

AMEND: 413-015-0840

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0840
Determine Disposition of the Third Party CPS Assessment
(1) The CPS worker must determine a disposition for all third party CPS assessments completed by Child Welfare as required by ORS 419B.026 (1).¶
(2) Requirement to Determine Disposition of the third party CPS Assessment. The CPS worker must determine if there is reasonable cause to believe that abuse occurred and explain the basis for that determination as described in OAR 413-015-1010.¶
~~(a) The requirements for determining dispositions on a report of abuse as defined in ORS 419B.005 are described in OAR 413-015-1015(1).¶~~
~~(b) The requirements for determining dispositions on a report of abuse as defined in ORS 418.257 involving a resource family or respite provider certified by Child Welfare are described in OAR 413-015-1015(2).¶~~
(3) When a disposition is founded or substantiated for abuse, the CPS worker must refer all victims three years old and under to Early Intervention as outlined in the Child Welfare Procedure Manual.¶
(4) Documentation. The CPS worker must document that determination and explain the basis for the determination in the disposition narrative section of the Child Welfare electronic information system prior to completing the third party CPS assessment.
Statutory/Other Authority: ORS 418.005, ORS 409.050, ORS 419B.026
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050

AMEND: 413-015-0870

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-0870
Notifications at Conclusion of Third Party CPS Assessment
(1) Requirements for Providing Notifications. The CPS worker must:¶
(a) Unless Child Welfare determines disclosure is not permitted under ORS 419B.035, notify the reporter, if the reporter provided Child Welfare with contact information, whether contact was made, whether Child Welfare determined abuse occurred, and whether services will be provided.¶
(b) Provide verbal notification to the alleged victim's parents, including a non-custodial legal parent, and caregivers of all third party CPS assessment dispositions (unfounded, unable to determine, or founded) and whether Child Welfare will provide services as a result of the third party CPS assessment. If the verbal notification of the third party CPS assessment disposition and service provision may make a child or adult unsafe, the CPS worker must consult with a CPS supervisor and refer to OAR 413-015-0850. A CPS supervisor may authorize an exception to the requirement to provide the notification based on documentation supporting the conclusion that notification may make a child or adult unsafe.¶
(c) Provide written notification to perpetrators of founded dispositions and the disposition review process as outlined in OAR 413-010-0700 to 413-010-0750.¶
(A) If the notification of the third party CPS assessment disposition may make an adult unsafe, the CPS worker must consult with a CPS supervisor and discuss ways to partner with the impacted person to promote their safety. ¶
(B) If the notification could make a child unsafe, the CPS worker must consult with a CPS supervisor to discuss ways to partner with the child's legal parent, guardian, Indian custodian, or attorney to ensure the child's safety.¶
(C) The Child Safety Program manager or their designee may approve an exception to delivery of written notification, as provided in OAR 413-010-0715.¶
(d) If Child Welfare has reason to know the perpetrator has an attorney, the local Child Welfare office must provide a copy of the written notification described in (c) to the perpetrator's attorney, if applicable, unless the Child Safety Program Manager or their designee has approved an exception to delivery, as provided in OAR 413-010-0715.¶
(e) Provide the Teacher Standards and Practices Commission (TSPC) notification of the completed third party CPS assessment when a teacher or school administrator, as defined in OAR 413-015-0115, is identified as an alleged perpetrator in a report. Regardless of the disposition, a copy of the completed third party CPS assessment must be sent to TSPC after information related to the reporter's identity and other confidential information is removed.¶
(f) Provide the Office of Developmental Disabilities Services (ODDS) notification of the completed third party CPS assessment when a third party CPS assessment involves a home certified by ODDS. Regardless of the disposition, a copy of the completed third party CPS assessment must be sent to ODDS after information related to the reporter's identity and other confidential information is removed.¶
(g) Provide Oregon Youth Authority (OYA) notification of the completed third party CPS assessment when a third party CPS assessment involves a home certified by OYA. Regardless of the disposition, a copy of the completed third party CPS assessment must be sent to OYA after information related to the reporter's identity and other confidential information is removed.¶
(h) Provide Disability Rights Oregon notification of the completed third party CPS assessment when a report of abuse was alleged to have occurred at a school or in an educational setting and the report involves a child with a disability. Regardless of the disposition, a copy of the completed third party CPS assessment must be sent to Disability Rights Oregon after information related to the reporter's identity and other confidential information is removed.¶
(i) Provide the Department of Early Learning and Care notification of the outcome of the completed third party CPS assessment if the alleged abuse occurred in a child care facility.¶
(2) Documentation of notifications. The CPS worker must document the notifications as described in this rule in the Child Welfare electronic information system and the documentation must include:¶
(a) Who made the notification.¶
(b) To whom the notification was made.¶
(c) The date the notification was made.¶

(d) That the notifications have been attempted or made within the following timelines:¶
(A) Prior to completing the third party CPS assessment for a notification provided under subsection (1)(a) of this rule.¶
(B) Within five business days of supervisory approval of the third party CPS assessment for a notification provided under subsection (1)(b) through (1)(d) of this rule.
Statutory/Other Authority: ORS 418.005, ORS 409.050
Statutes/Other Implemented: ORS 418.005, ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050, ORS 418.205 - 418.327

AMEND: 413-015-1005

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-1005
Purpose of the CPS Assessment Dispositions
The purpose of OAR 413-015-1005 to 413-015-101~~5~~0 is to describe Child Welfare responsibilities when determining CPS assessment dispositions for:¶
(1) Reports of abuse as de~~fin~~scribed in OAR 413-015-0115(1)(a) of a child; and¶
(2) Reports of abuse as de~~fin~~scribed in OAR 413-015-0115(1)(b) of a child ~~or young adult living with a resource family or receiving services from a respite provider certified by Child Welfare~~in care as defined in ORS 418.257(3), subject to ORS 418.257.¶
(3) Reports of abuse described in OAR 413-015-0115(1)(c) of a child.
Statutory/Other Authority: ORS 409.050, ORS 418.005
Statutes/Other Implemented: ORS 409.185, OS 418.015, ORS 419.005 - 419B.050, ORS 418.205 -418.327

AMEND: 413-015-1010

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-1010
Standard of Proof and Possible CPS Assessment Dispositions
(1) The standard for determining CPS assessment dispositions is reasonable cause to believe.¶
(2) The possible CPS assessment dispositions are:¶
(a) "Founded," which means there is reasonable cause to believe the abuse occurred. "Founded" is synonymous with "substantiated" as defined in ORS 418.2~~05 - 418.327~~59.¶
(b) "Unfounded," which means there is no evidence the abuse occurred. "Unfounded" is synonymous with "unsubstantiated" as defined in ORS 418.2~~05 - 418.327~~59.¶
(c) "Unable to determine," which means there is some indication the abuse occurred, but there is insufficient evidence to conclude that there is reasonable cause to believe the abuse occurred. "Unable to determine" is synonymous with "inconclusive as defined in ORS 418.2~~05 - 418.327~~59 and may only be used in the following circumstances:¶
(A) After extensive efforts have been made, the CPS worker is unable to locate the family; or¶
(B) After completing a CPS assessment, there is insufficient information to support any other disposition and:¶
(i) The alleged victim is unable or unwilling to provide consistent information; or¶
(ii) There is conflicting or inconsistent information from collateral contacts or family.
Statutory/Other Authority: ORS 409.050, ORS 418.005
Statutes/Other Implemented: ORS 409.185, ORS 418.015, ORS 419B.005 - 419B.050, ORS 418.205 - 418.327

REPEAL: 413-015-1015

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

~~413-015-1015~~
~~Making the CPS Assessment Disposition Determination~~
~~(1) Except as provide section (3) of this rule, abuse of a child, for the purpose of determining the CPS assessment disposition, includes, among others, the behavior, conditions, and circumstances described in this section.¶~~
~~(a) Abandonment, including parental behavior showing an intent to permanently give up all rights and claims to the child.¶~~
~~(b) Child selling, including the selling of a child that consists of buying, selling, bartering, trading, or offering to buy or sell the legal or physical custody of a child.¶~~
~~(c) Mental injury (psychological maltreatment), includes only cruel or unconscionable acts or statements made, or threatened to be made, to a child if the acts, statements or threats result in severe harm to the child's psychological, cognitive, emotional, or social well-being and functioning.¶~~
~~(d) Neglect, including failure, through action or omission, to provide and maintain adequate food, clothing, shelter, medical care, supervision, protection, or nurturing that is likely to endanger the health or welfare of the child. Chronic neglect is a persistent pattern of family functioning in which the parent or caregiver does not sustain or meet the basic needs of a child resulting in an accumulation of harm that can have long term effect on the child's overall physical, mental, or emotional development. Neglect may include, but is not limited to the following:¶~~
~~(A) Physical neglect, which includes each of the following:¶~~
~~(i) Failing to provide for the child's basic physical needs including adequate shelter, food, and clothing.¶~~
~~(ii) Permitting a child to enter or remain in or upon premises where methamphetamines are being manufactured.¶~~
~~(iii) Unlawful exposure of a child to a controlled substance, as defined in ORS 475.005, or to the unlawful manufacturingof a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a substantial risk of harm to the child's health or safety. When the CPS worker is making a determination of physical neglect based on a substantial risk of harm to the child's health due to unlawful exposure to a substance, this determination must be consistent with medical findings.¶~~
~~(B) Medical neglect is a refusal or failure to seek, obtain, or maintain necessary medical, dental, or mental health care. Medical neglect includes withholding medically indicated treatment from infants who have disabilities and life-threatening conditions. However, failure to provide the child with immunizations or routine well-child care alone does not constitute medical neglect. When the CPS worker is making a determination of medical neglect, this determination must be consistent with medical findings.¶~~
~~(C) Lack of supervision and protection, including failure to provide supervision and protection appropriate to the child's age, mental ability, and physical condition.¶~~
~~(D) Desertion, which includes the parent or caregiver leaving the child with another person and failing to reclaim the child, or parent or caregiver failure to provide information about their whereabouts, providing false information about their whereabouts, or failing to establish a legal guardian or custodian for the child.¶~~
~~(E) Psychological neglect, which includes serious inattention to the child's need for affection, support, nurturing, or emotional development. The parent or caregiver behavior must be related to the observable and severe harm of the child's psychological, cognitive, emotional, or social well-being and functioning.¶~~
~~(e) Physical abuse, including an injury to a child that is inflicted or allowed to be inflicted by non-accidental means that results in harm. Physical abuse may include injury that could not reasonably be the result of the explanation given. Physical abuse may also include injury that is a result of discipline or punishment. Examples of injuries that may result from physical abuse include:¶~~
~~(A) Head injuries;¶~~
~~(B) Bruises, cuts, punctures, lacerations;¶~~
~~(C) Internal injuries;¶~~
~~(D) Burns or scalds;¶~~
~~(E) Injuries to bone, muscle, cartilage, and ligaments;¶~~
~~(F) Poisoning;¶~~
~~(G) Electrical shock;¶~~
~~(H) Substantial pain, physical impairment; and¶~~

(I) Death.¶
(f) Sexual abuse, which includes:¶
(A) A person's use or attempted use of a child for the person's own sexual gratification, the sexual gratification of another person, or the sexual gratification of the child. Sexual abuse includes, but is not limited to, incest, rape, sodomy, sexual penetration, fondling, and voyeurism.¶
(B) Sexual exploitation.¶
(C) Sex trafficking.¶
(g) Threat of harm, including all activities, conditions, and circumstances that place the child at threat of severe harm of physical abuse, sexual abuse, neglect, mental injury, or other child abuse.¶
(2) Except as provided in section (3) of this rule or when the abuse is familial or third party abuse, abuse of a child in care when the child in care lives with a resource family or receives services from a respite provider certified by Child Welfare includes, among others, the behavior, conditions, and circumstances described in this section.¶
(a) Abandonment, including desertion or willful forsaking of a child in care, or the withdrawal or neglect of duties and obligations owed a child in care by a resource parent or respite provider certified by Child Welfare, a caregiver, or other person.¶
(b) Financial exploitation.¶
(A) Financial exploitation includes:¶
(i) Wrongfully taking the assets, funds, or property belonging to or intended for the use of a child in care.¶
(ii) Alarming a child in care by conveying a threat to wrongfully take or appropriate moneys or property of the child in care if the child in care 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 in care.¶
(iv) Failing to use the income or assets of a child in care effectively for the support and maintenance of the child in care.¶
(B) Financial exploitation does not include age-appropriate discipline that may involve the threat to withhold, or the withholding of, privileges.¶
(C) Involuntary seclusion. Involuntary seclusion means confinement of a child in care alone in a room or an enclosed space from which the child in care is prevented from leaving by any means. A resource parent or respite provider certified by Child Welfare may not put a child in care into involuntary seclusion.¶
(i) Involuntary seclusion includes:¶
(I) Involuntary seclusion of a child in care for the convenience of a resource parent or respite provider certified by Child Welfare.¶
(II) Involuntary seclusion of a child in care to discipline the child in care.¶
(III) Involuntary seclusion of a child in care as a form of punishment.¶
(IV) Involuntary seclusion of a child in care done in retaliation.¶
(ii) Involuntary seclusion does not include age-appropriate discipline, including, but not limited to, a time-out if the time-out is in a setting from which the child in care is not prevented from leaving by any means.¶
(c) Neglect, which includes:¶
(A) Failure to provide the care, supervision, or services necessary to maintain the physical and mental health of a child in care; or¶
(B) The failure of a resource parent or respite provider certified by Child Welfare, a caregiver, or other person to make a reasonable effort to protect a child in care from abuse.¶
(d) Physical abuse, which includes:¶
(A) Any physical injury to a child in care caused by other than accidental means, or that appears to conflict with the explanation given of the injury; or¶
(B) Willful infliction of physical pain or injury upon a child in care.¶
(e) Sexual abuse, which includes:¶
(A) Sexual harassment.¶
(B) Sexual exploitation.¶
(C) Exposing a child in care to sexually explicit material or language that does not serve a legitimate medical, scientific, or educational purpose. This also includes any exposure to sexually explicit conduct involving a child.¶
(D) Sexual contact with a child in care, including, but not limited to:¶
(i) Any sexual contact between a child in care and a resource parent or respite provider certified by Child Welfare, a caregiver, or other person responsible for the provision of care or services to a child in care;¶
(ii) Any sexual contact between a person and a child or young adult that is unlawful under ORS chapter 163 and not subject to a defense under that chapter, including, but not limited to:¶
(I) Rape (ORS 163.355, 163.365, 163.375); ¶
(II) Sodomy (ORS 163.385, 163.395, 163.405);¶
(III) Unlawful sexual penetration (ORS 163.408,163.411);¶

~~(IV) Sexual abuse (ORS 163.415, 163.425, 163.427); or¶~~
~~(V) Incest (ORS 163.525).¶~~
~~(iii) Any sexual contact that is achieved through force, trickery, threat, or coercion.¶~~
~~(E) Private indecency (ORS 163.467).¶~~
~~(F) Public indecency (ORS 163.465).¶~~
~~(G) Sex trafficking.¶~~
~~(f) Verbal abuse.¶~~
~~(A) Verbal abuse includes threatening severe harm, either physical or emotional, to a child in care through the use of:¶~~
~~(i) Derogatory or inappropriate names, insults, verbal assaults, profanity, or ridicule; or¶~~
~~(ii) Harassment, coercion, threats, compelling or deterring conduct by threats, humiliation, mental cruelty, or inappropriate sexual comments.¶~~
~~(B) Verbal abuse does not include age-appropriate discipline that may involve the threat to withhold privileges.¶~~
~~(g) Wrongful use of restraint. A resource parent or respite provider certified by the Child Welfare or a caregiver may not use a restraint on a child in care.¶~~
~~(A) Wrongful restraints do not include:¶~~
~~(i) Holding the child in care's hand or arm to escort the child in care safely and without the use of force from one area to another; or¶~~
~~(ii) Assisting the child in care to complete a task if the child in care does not resist the physical contact. ¶~~
~~(B) A resource parent or respite provider certified by Child Welfare may use a physical intervention if:¶~~
~~(i) The intervention is necessary to break up a physical fight or to effectively protect a person from an assault, serious bodily injury or sexual contact;¶~~
~~(ii) The physical intervention uses the least amount of physical force and contact possible; and¶~~
~~(iii) The physical intervention is not a prohibited restraint described in ORS 418.519 and 418.523.~~
~~Statutory/Other Authority: ORS 409.050, ORS 418.005~~
~~Statutes/Other Implemented: ORS 409.185, ORS 419B.005 - 419B.050, ORS 418.205 - 418.327, ORS 418.519 - 418.523~~

AMEND: 413-015-1105

RULE SUMMARY: Update to rules have been made in order to improve consistency in how abuse is defined and applied, align with state and federal law, address a recent Court of Appeals decision, and clarify program responsibilities. The changes also formally establish criteria for voluntary, non-court-involved cases that support child safety while respecting family choice, due process, and Tribal sovereignty.

CHANGES TO RULE:

413-015-1105
Purpose ¶

(1) The primary purposes of LEDS access is to assist staff in making decisions about safety, specifically related to child protective services, assessing safety service providers, and emergency certification as outlined in these rules (OAR 413-015-1100 to 413-015-1125). Criminal history information obtained from LEDS will be considered, along with other safety-related information, to:¶
(a) Identify present danger safety threats and impending danger safety threats; or¶
(b) Determine if behavior that is revealed by criminal history is inconsistent with providing care to children or having access to children.¶
(2) These rules do not address criminal records checks for non-emergency certification or adoption approval. Criminal records checks for non-emergency certification or adoption approval are governed by OAR 413-208-0000 to 413-208-0035.
Statutory/Other Authority: ORS 181.537, ORS 409.050, ORS 418.005
Statutes/Other Implemented: ORS 418.005, ORS 181.537, ORS 409.010, ORS 419B.020