

Child Abuse & Neglect Investigations & Entry Into Care



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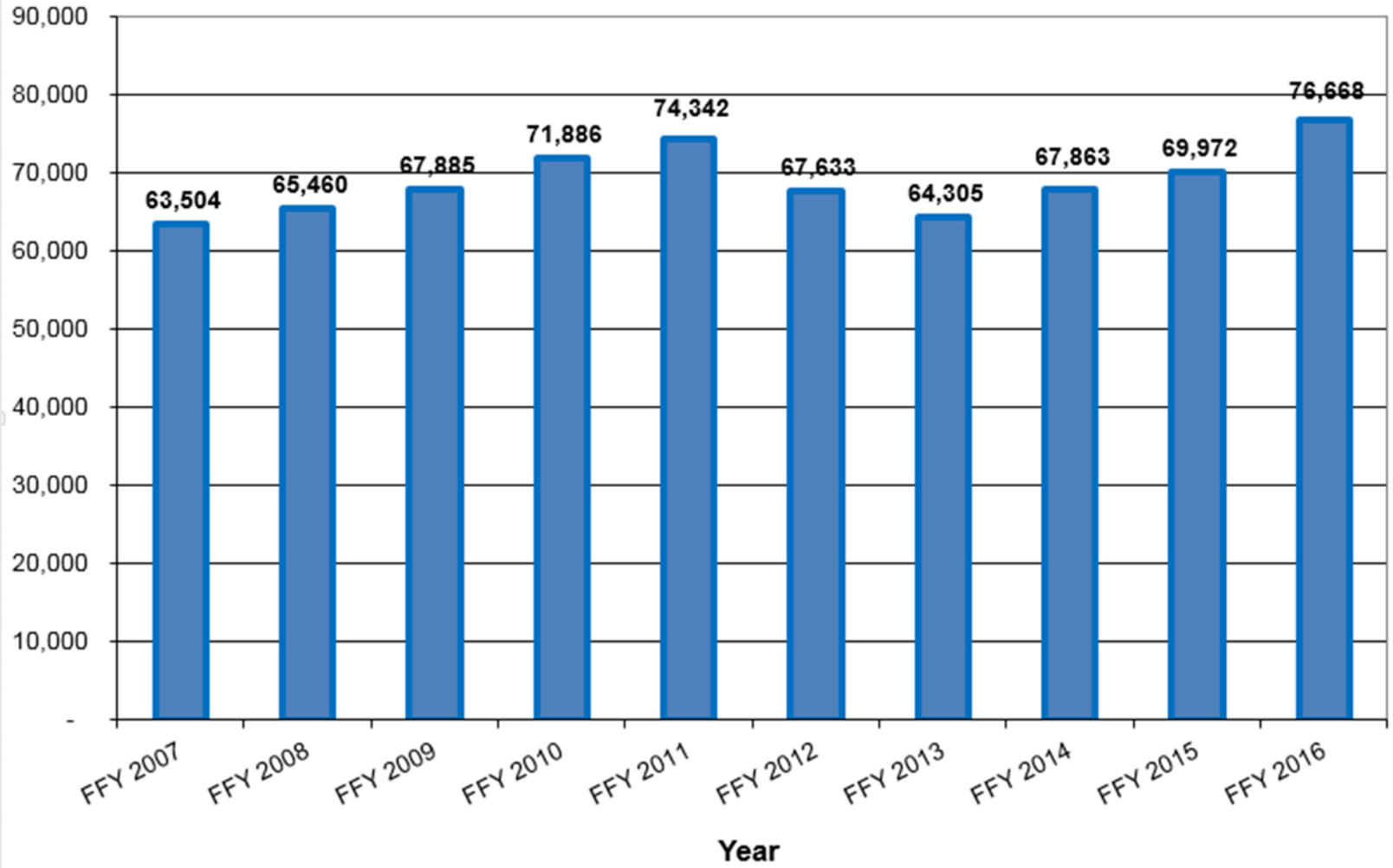
Reporting Child Abuse



ORS 419B.007:

The Legislative Assembly finds that for the purpose of facilitating the use of protective social services to prevent further abuse, safeguard and enhance the welfare of abused children, and preserve family life when consistent with the protection of the child by stabilizing the family and improving parental capacity, it is necessary and in the public interest to require mandatory reports and investigations of abuse of children and to encourage voluntary reports.

Total Child Abuse/Neglect Reports



Reporters of Child Abuse/Neglect



☞ Medical	10.4%
☞ Parent/Self	6.1%
☞ Police	16.6%
☞ School	20.0%
☞ Other mandated	30.4%
☞ Other non-mandated	16.5%

Screening Decisions



❧ 413-015-0200 Purpose of Screening Rules

❧ OAR 413-015-0200 to 413-015-0225

describe how the Department handles and documents information received, and outlines the criteria used to determine a Department response to the information, including the Department response time lines. This process is known as screening and is conducted by a screener.

Screening and Assessment



- ❧ DHS must accept reports of child abuse regardless of where the child lives or where the alleged abuse may have occurred - even if Oregon CPS would not be the appropriate jurisdiction to assess the situation. *See* OAR 413-015-0205(1).
- ❧ Contact individuals who may provide firsthand information necessary to determine the appropriate Department response. *See* OAR 413-015-0205(4)(c).
- ❧ Research child welfare history both in and out of Oregon for each identified child, young adult, parent, caregiver, and household member. *See* OAR 413-015-0402(4)(d).

Determination of Department Response



1. CPS Assessment Required

2. Close at Screening

CPS Assessment Required



- ❧ The information constitutes a report of abuse as defined in ORS 419B.005 *and*
 - ❧ The alleged perpetrator is a legal parent of the alleged child victim;
 - ❧ The alleged perpetrator resides in the alleged child victim's home;
 - ❧ The alleged perpetrator may have access to the alleged child victim, and the parent or caregiver may not be able or willing to protect the child; or
 - ❧ The alleged child abuse involves a day care facility or a home certified by OYA.

CPS Assessment Required, continued



- ❧ The current report is the 4th or greater consecutive report closed at screening regarding the same family *and* there is at least one child in the home under 5 years of age, *unless* an exception has been approved by the CPS program manager or their designee.
- ❧ A tribe, LEA or OAAPI requests assistance from the Department with an investigation of abuse, and a CPS supervisor agrees that assistance from the Department is appropriate.

CPS Dispositions

OAR 413-015-1010(2)(a)-(c)



 Founded

 Unfounded

 Unable to Determine

Oregon Safety Model Overview



- ❧ Requires safety assessment and management at all case stages – from screening through case closure.
- ❧ Emphasizes child safety by focusing on the overall family condition as opposed to whether or not an incident of abuse happened.
- ❧ Includes comprehensive assessment of a parents' ability to act in a protective capacity. Identifies conditions for safety within the family, conditions for return, and provision of needed services.
- ❧ To determine if a safety threat exists, must apply safety threshold criteria.

Areas of Emphasis



- ❧ Comprehensive Assessment
- ❧ Present Danger and Protective Actions
- ❧ Impending Danger
- ❧ Safety Threshold Criteria
- ❧ In Home Safety Plan criteria/ongoing safety planning
- ❧ Conditions for Return
- ❧ Expected Outcomes

Comprehensive Assessment



- ✧ Extent of maltreatment
- ✧ Circumstances surrounding maltreatment
- ✧ Child functioning
- ✧ Adult functioning
- ✧ Parenting practices
- ✧ Disciplinary practices

OSM: Three Plans to Control Safety Threats



- Protective Action: Controls present danger
- Initial Safety Plan: Controls impending danger identified during CPS assessment
- Ongoing Safety Plan: Manages and controls impending danger during ongoing case management

Safety Threshold Criteria

OAR 413-015-0115(44)



- ❧ Family behaviors, conditions or circumstances have progressed beyond being risk influences and are “impending danger safety threats.”
- ❧ “Safety threshold” criteria are used to determine the presence of an impending danger safety threat.
- ❧ To reach the “safety threshold,” the behaviors, conditions, and/or circumstances must meet all of the following “SOOVI” criteria:
 - ❧ Potential to cause **Severe** harm, OAR 413-015-0115(48),
 - ❧ **Observable**, OAR 413-015-0115(27).
 - ❧ **Out-of-control**, OAR 413-015-0115(29).
 - ❧ Affect a **Vulnerable** child OAR 413-015-0115(54), &
 - ❧ **Imminence** OAR 413-015-0115(32).

Criteria for an In-Home Safety Plan

- ❧ If the answer to each question below is “yes,” an in-home plan must be utilized:
 - ❧ There is a home like setting where the parent(s) and child(ren) live?
 - ❧ The home is calm enough to allow safety service providers and activities to occur?
 - ❧ At least one parent is willing to cooperate with the safety plan?
 - ❧ The necessary safety activities and resources are available to implement the plan?

Conditions for Return



- ❧ A written statement that identifies what must happen for a child to return home.
 - ❧ This information **MUST** be provided to the parents.
 - ❧ The conditions should become part of the court order to assure that all parties to the case are well informed about the basis for the reunification decision.
 - ❧ Should be documented in the record.

Filing Decisions



❧ Prior to Filing:

- ❧ DHS supervisor consultation
- ❧ SOOVI Analysis: Each element must be met
- ❧ Reasonable efforts to prevent or eliminate the need for removal
- ❧ Identify all persons with a legal relationship to the child
- ❧ ICWA inquiry, OAR 413-115-0040
- ❧ Search for relatives, OAR 413-070-0060 to 413-070-0087
- ❧ Document all efforts in Protective Custody Report

Protective Custody Without a Court Order



- ❧ **ORS 419B.150(1)(a):** A child may be taken into protective custody by a DHS employee when “the child’s condition or surroundings reasonably appear to be such as to jeopardize the child’s welfare.”
- ❧ **DHS rules:** A child may be taken into protective custody without a court order when there is “severe harm or threat of severe harm to a child in the present.” *See* OAR 413-015-0455(1)(a)
- ❧ **9th Circuit Standard:** *See Nathan v. Dept. of Human Services*, 288 Or App 554, 565 (2017) requiring “reasonable cause to believe that the child is in imminent danger of serious bodily injury.”
- ❧ **Indian Child Welfare Act:** An Indian child may only be removed from a parent’s home “in order to prevent imminent physical damage or harm to the child.” 25 U.S.C. § 1922.
- ❧ If a child is taken into protective custody without a court order, “the person taking the child into custody” must file a report with the court containing the information set forth in ORS 419B.171.

Protective Custody With a Court Order



- ❧ **Removal:** A child may be taken into protective custody by a DHS employee “[w]hen the juvenile court, by order indorsed on the summons as provided in ORS 419B.839 or otherwise, has ordered that the child be taken into protective custody[.]” ORS 419B.150(1)(b).
- ❧ **Documentation:** An affidavit in support of an order for protective custody must set forth “with particularity the facts and circumstances on which the request for protective custody is based, why protective custody is in the best interests of the child and the reasonable efforts or, if the Indian Child Welfare Act applies, active efforts made by the department to eliminate the need for protective custody of the child.” ORS 419B.150(2)(a).
- ❧ **Protective Custody Order:** An order directing that a child be taken into protective custody “shall contain written findings, including a brief description of the reasonable efforts or, if the Indian Child Welfare Act applies, active efforts to eliminate the need for protective custody of the child that the department has made and why protective custody is in the best interests of the child.” ORS 419B.150(2)(b).

Resources



☞ Oregon Administrative Rules

☞ Screening: OAR 413-015-0200 to 413-015-0225

☞ CPS: OAR 413-015-0100 to 413-015-1230

☞ Certification: OAR 413-200-0260 to 413-200-0396

☞ Native American Rights Fund Guide

- <https://www.narf.org/nill/documents/icwa/>

☞ Child abuse and neglect data and publications:

<http://www.oregon.gov/DHS/CHILDREN/CHILD-ABUSE/Documents/2016-cw-data-book.pdf>

☞ DHS Procedure Manual:

http://www.dhs.state.or.us/caf/safety_model/procedure_manual/index.html#chap8