

MONITORING AN IN-HOME ONGOING SAFETY PLAN
(413-080-0055)

In order to monitor and assess the safety and well-being of a child when a child is in the home of a parent or guardian, the assigned caseworker must contact the following individuals as described below:

1. The caseworker (or other approved Department staff) must have contact with the following individuals a minimum of once every month:
 - Face-to-face contact with the child;
 - Face-to-face contact with the child's parents in the home of the parents; and
 - Contact with each participant in the ongoing safety plan.
2. During each contact with a child and parent, the caseworker must complete each of the following:
 - Look for and assess any changes in the protective capacity of parents or guardians, including changes in the ability or willingness of the parent or guardian to keep the child safe.
 - Assess whether the in-home ongoing safety plan keeps the child safe by determining:
 - A. Whether the home environment is stable enough for safety service providers to be in the home and safe.
 - B. Whether the parent or guardian is:
 - Agreeable to the services in the ongoing safety plan;
 - Cooperating in safety services provided as prescribed by the ongoing safety plan;
 - Cooperating with all participants in the ongoing safety plan;
 - Participating in the actions and the time requirements of the ongoing safety plan; and
 - Meeting the expectations detailed in the ongoing safety plan.
 - C. Whether the child is safe and the condition of the child is satisfactory; and impending danger safety threats to the child are managed.

Immediately notify your supervisor if you determine during face-to-face contact that the in-home ongoing safety plan is insufficient to assure the safety of the child and to determine if

a protective action is necessary.

3. Through contact with the participants in the ongoing safety plan the caseworker must determine whether:
 - Participants in the ongoing safety plan are engaged and active in the safety activities.
 - The parents or guardians are cooperating with the safety services prescribed by the ongoing safety plan.
 - The safety service providers are engaged with the parents or guardians.
 - The safety service providers have fulfilled their established responsibilities in the ongoing safety plan.
 - The level of intervention assures the ongoing safety of the child.
 - The services are the least intrusive available to assure the child's safety.

Whenever a participant in the ongoing safety plan or a safety service provider reports information indicating that there is a present danger safety threat or a new impending danger safety threat, you must comply with OAR 413-080-0051 (Addressing Safety Threats and Reports of Abuse on an Open Case), requiring the you to immediately consult with a supervisor to address the safety issue.

4. The caseworker must determine whether:
 - Behaviors, conditions, or circumstances with the family require an increase in the level of safety intervention;
 - A less intrusive ongoing safety plan can assure the safety of the child; or
 - The ongoing safety plan is keeping the child safe and provides the appropriate level of safety intervention.

Any reduction or increase in the level of intervention, and revision in the ongoing safety plan must be approved by your supervisor.

Source: Oregon Administrative Rule (OAR) Chapter 413 Division 80: Monthly Contact and Monitoring Child and Young Adult Safety

MONITORING THE OUT-OF-HOME ONGOING SAFETY PLAN
(413-080-0059)

1. To manage an out-of-home ongoing safety plan, the caseworker (or other approved Department staff) must have monthly contact with the following individuals:
 - Face-to-face contact with the child or young adult every month, which must occur in the substitute care placement every other month (this face-to-face contact must include at least one of the certified adults or providers who provide direct care for the child or young adult);
 - Face-to-face contact with the child’s parents or guardians (unless an exception has been approved);
 - Monthly contact with the certified family or provider, with face-to-face contact with at least one of the certified adults or providers occurring in the home every other month.
2. The caseworker must determine whether the child or young adult is safe.
3. The caseworker must determine whether:
 - Behaviors, conditions, or circumstances within the family require an increase in the level of safety intervention;
 - Conditions of return have been achieved and an in-home ongoing safety plan can assure the safety of the child and, if so, must develop an in-home ongoing safety plan; or
 - The ongoing safety plan is keeping the child or young adult safe and provides the appropriate level of safety intervention.

Any reduction or increase in the level of intervention, and revision in the ongoing safety plan must be approved by your supervisor.

4. To assess the safety and well-being of the child or young adult in substitute care, the caseworker should determine whether each of the following conditions exists:
 - The child or young adult is comfortable and the environment of the home is supportive and safe.
 - Talk to the child or young adult alone and if the child or young adult is able, ask her or him questions about how they feel in the home, and whether they feel comfortable.
 - Adults in the home take an active role in caring for and supervising the child or young adult.

- Talk to the child, if the child is old enough to communicate, or the young adult about who takes care of him or her, what they do, etc.
- Adult family members possess the physical, emotional, and cognitive capacity to sufficiently care for the child or young adult.
 - Assess whether the child or young adult is getting to medical and other appointments, getting to school on time, and what treatment providers report about the child or young adult's needs being met.
- Family members and the child or young adult have formal and informal contact with others in the community.
 - Ask family members and the child or young adult what they do for recreation, and whether they attend school functions, church, other neighborhood events, etc.
- The child or young adult is accepted as part of the household.
 - Ask questions like where the child or young adult eats, where they spend their time in the home (are there restrictions placed on the child or young adult?), does the child or young adult routinely participate in activities with the family?
- The substitute caregiver understands and is attentive to the child or young adult's vulnerability and need for protection.
 - Is the caregiver attending to the child or young adult's special circumstances and protective of the child or young adult when they may be fearful or sensitive to the special issues that a child abuse victim may need to address?
- The certified family is amenable to Child Welfare oversight and willing to partner with the Child Welfare.
 - Are the caregivers following the Child Welfare case plan, including the safety, supervision, and visitation Plans?
- When the child or young adult is placed with a relative caregiver, the child or young adult's parents and other family members understand the role of the relative caregiver in managing safety.
 - Are the parents or guardians familiar with the rules and regulations associated with being a relative care provider? What is their understanding of the special role of the relative caregiver in providing placement and safety services for a related child?

- The child or young adult has a sufficiently positive relationship with other children or youth in the home.
 - Observe the child or young adult in the home. Talk to the child or young adult about their relationships with others, the friends he/she/they has developed, and what relationships are meaningful to them.
- The substitute caregiver is caring for children or young adults matching the preferences and experience of the family.
 - Talk with the caregiver about how they are managing the care of the children in their home; are they stressed, do they feel overwhelmed? Do the caregivers appear to possess the knowledge and skills needed to care for the child and other children in the home?
- The interactions between the child or young adult and other children or youth placed in the home are sufficient to assure safety.
 - Observe the care provided to all the children or youth in the home. Do people seem to get along? Is everyone valued as a member of the family? Talk with the child or young adult about the interactions with other children or youth in the home, do they play together, argue or fight, do they generally get along?
- The present demands of the home do not exceed the ability of the caregiver to provide safe and protective care.
 - Talk with the caregiver about the impact that caring for the child or young adult has had on the family. Is it what they expected it to be like?

If you cannot confirm the safety and well-being of the child or young adult, you must consult with your supervisor immediately to determine appropriate action and report to a screener any identified safety threat.

When the child or young adult is currently safe in the substitute care placement, but the conditions described above are not fully met, consult Chapter III: *Managing Child Safety In and Out of Home*, Section 9: *Monitor the Child Welfare Case Plan through Required Contacts*, of the Procedure Manual, and OAR 413-080-0059: *Monitoring the Out-of-Home Safety Plan*, for further direction.

Source: Oregon Administrative Rule (OAR) Chapter 413 Division 80: Monthly Contact and Monitoring Child and Young Adult Safety and DHS Child Welfare Procedure Manual Chapter III, Section 9. Monitor the Child Welfare Case Plan through Required Contacts

DEPARTMENT OF HUMAN SERVICES
OFFICE OF CHILD WELFARE PROGRAMS

CHAPTER 413
DIVISION 80

MONTHLY CONTACT AND MONITORING
CHILD AND YOUNG ADULT SAFETY

Updated 8/16/18

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Monthly Contact and Monitoring Child and Young Adult Safety

413-080-0040

Monthly Contact and Monitoring Child and Young Adult Safety

(Amended 6/29/2018)

The purpose of these rules, OAR 413-080-0040 to 413-080-0067, is to describe the responsibilities of the Department regarding:

- (1) Monthly *contact*;
- (2) Monitoring the safety, permanency, and well-being needs of the *child* or *young adult* in child welfare cases;
- (3) Actions required when Department staff become aware of information or circumstances that may impact the safety or well-being of a *child* or *young adult* on an open case; and
- (4) Monitoring the *ongoing safety plan*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-080-0050

Definitions

(Amended 6/29/2018)

Unless the context indicates otherwise, the following definitions apply to OAR chapter 413, division 080:

- (1) "Abuse" means as defined in OAR 413-015-0115(1).
- (2) "Certified family" 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 they reside, to a *child* or *young adult* in the care or custody of the Department.
- (3) "Child" means a person who:
 - (a) Is under 18 years of age; or
 - (b) Is under 21 years of age and residing in or receiving care or services at a *child-caring agency* or *proctor foster home*.

- (4) "Child-caring agency" means a "child-caring agency" that is not owned, operated, or administered by a governmental agency or unit. (See SB 245 (2017).)
- (5) "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 *initial safety plan* or in-home *ongoing safety plan*.
- (6) "Contact" means any communication between Child Welfare staff and a *child, young adult, parent or guardian, foster parent or relative caregiver, provider*, or other individual involved in a Child Welfare safety plan or case. "Contact" includes, but is not limited to, communication in person, by telephone, by video-conferencing, or in writing. "Contact" may occur, for instance, during a *face-to-face* visit; a treatment review meeting for a *child, young adult, parent, or guardian*; a court or Citizen Review Board hearing; or a family meeting.
- (7) "Department" means the Oregon Department of Human Services.
- (8) "Face-to-face" means an in-person interaction between individuals.
- (9) "Foster parent" means a person who operates a home that has been approved by the Department to provide care for an unrelated *child or young adult* placed in the home by the Department.
- (10) "Guardian" means an individual who has been granted guardianship of a *child or young adult* through a judgment of the court.
- (11) "ICPC" means the Interstate Compact for the Placement of Children (see ORS [417.200](#)).
- (12) "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.
- (13) "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.
- (14) "Initial safety plan" means a documented set of actions or interventions sufficient to protect a *child* or, if applicable, a *young adult* from an *impending danger safety threat* in order to allow for completion of the CPS assessment.

- (15) "Monthly face-to-face contact" means in-person interaction between individuals at least once each and every full calendar month.
- (16) "Ongoing safety plan" means a documented set of actions or interventions that manage the safety of a *child* or, when applicable, a *young adult* after the Department has identified one or more impending danger safety threats at the conclusion of a CPS assessment or anytime during ongoing work with a family.
- (17) "Plan of care" means a written plan for a substance affected infant and the infant's family, focused on meeting health needs and substance disorder treatment needs and developed in collaboration with the family, the healthcare provider, community agencies and child welfare when appropriate.
- (18) "Parent" means the biological or adoptive mother or the legal father of the *child*. A legal father is a man who has adopted the *child* or whose paternity has been established or declared under ORS 109.070, ORS 416.400 to 416.465, or by a juvenile court. In cases involving an *Indian child* under the Indian Child Welfare Act (ICWA), parent means any biological parent of an Indian child, or any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include an unwed biological father where paternity has not been acknowledged or established. "Parent" also includes a putative father who has demonstrated a direct and significant commitment to the *child* by assuming or attempting to assume responsibilities normally associated with parenthood, unless a court finds that the putative father is not the legal father.
- (19) "Present danger safety threat" means an immediate, significant, and clearly observable family behavior, condition or circumstance occurring in the present tense, already endangering or threatening to endanger a *child* or, when applicable, a *young adult*. The family behavior, condition, or circumstance is happening now and it is currently in the process of actively placing a *child* or, when applicable, a *young adult* in peril.
- (20) "Proctor foster home" means a foster home certified by a *child-caring agency* that is not subject to ORS 418.625 to 418.470.
- (21) "Protective action plan" means an immediate, same day, short-term plan, lasting a maximum of 10 calendar days, sufficient to protect from a *present danger safety threat*.
- (22) "Protective capacity" means behavioral, cognitive, and emotional characteristics that can specifically and directly be associated with a person's ability and willingness to care for and keep a *child* or, when applicable, a *young adult* safe.
- (23) "Provider" means an employee of a *child-caring agency* approved to provide care for a *child* or *young adult* or a proctor foster parent.
- (24) "Relative caregiver" means a person who operates a home that has been approved by the Department to provide care for a related *child* or *young adult* who is placed in the home by the Department.

- (25) "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.
- (26) "Safety services" means the actions, assistance, and supervision provided by safety service providers to manage the identified present danger safety threats or impending danger safety threats.
- (27) "Screener" means a Department employee with training required to provide screening services.
- (28) "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.
- (29) "Social service assistant" means a Department employee with training required to provide services to assist a caseworker on an open case.
- (30) "Substance affected infant" means an infant, regardless of whether abuse is suspected, for whom prenatal substance exposure is indicated at birth and subsequent assessment by a health care provider identifies signs of substance withdrawal, a Fetal Alcohol Spectrum Disorder diagnosis, or detectable physical, developmental, cognitive, or emotional delay or harm that is associated with prenatal substance exposure. Prenatal substance exposure is determined by a positive toxicology screen from the infant or the mother at delivery or credible information the mother had an active untreated substance use disorder, during the pregnancy or at the time of birth.
- (31) "Substitute care" means the out-of-home placement of a *child* or *young adult* who is in the legal or physical custody and care of the Department.
- (32) "Young adult" means a person aged 18 through 20 years.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-080-0051

Addressing Safety Threats and Reports of Abuse on an Open Case

(Amended 6/29/2018)

- (1) Safety Threat on an Open Case.
 - (a) If Department staff determine a *child* or *young adult* is unsafe due to a *present danger safety threat* as described in OAR 413-015-0425(1) on a case opened

under OAR 413-015-0445(2)(d), staff must immediately consult with a supervisor and establish a *protective action plan* as described in OAR 413-015-0435. The *ongoing safety plan* remains in place to address the existing impending danger safety threats.

- (b) If Department staff determine a *child* or *young adult* is unsafe due to a new *impending danger safety threat* as described in OAR 413-015-0425(2) on a case opened under OAR 413-015-0445(2)(d), staff must immediately consult with a supervisor and modify the *ongoing safety plan*.
- (c) Department staff must document the behaviors, conditions, or circumstances observed and any *protective action plan* taken, or modification made to the *ongoing safety plan*, in the Department's electronic information system.

(2) Report of Abuse on an Open Case.

- (a) When a caseworker receives notification that a closed at screening was created on an open case, the caseworker must:
 - (A) Review the information in consultation with the supervisor on the same day the caseworker received notification of the new information; and
 - (B) Determine next steps, if any, to address the information in the closed at screening.
- (b) When a caseworker receives information that a report of abuse involving an open case has been assigned for CPS assessment or OTIS investigation, the caseworker must:
 - (A) Review the information in consultation with the supervisor on the same day the caseworker received notification of the new information;
 - (B) Determine next steps, if any, which may include collaborating and sharing information with the CPS worker or OTIS investigator, law enforcement, or other authorities involved;
 - (C) Ensure all of the following are notified that a report has been assigned for CPS assessment or OTIS investigation within three business days of the Department's receipt of the report:
 - (i) The attorney for the *child* or *young adult*.
 - (ii) The court appointed special advocate (CASA) for the *child* or *young adult*.

- (iii) The parents or guardians of the *child* or *young adult*, unless the caseworker has documented supervisor approval of an exception under ORS 419B.035(3)(d).
 - (iv) Any attorney representing the parents or guardians of the *child* or *young adult*, unless the caseworker has documented supervisor approval of an exception under ORS 419B.035(3)(d).
 - (v) Oregon Judicial Department personnel designated to distribute information to the appropriate Citizen Review Board.
 - (vi) Other individuals who need the information for case planning when disclosure is authorized by ORS 419B.035.
- (c) When a caseworker receives information that a CPS disposition, OTIS abuse determination, or law enforcement outcome has been made on a report of abuse involving an open case, the caseworker must ensure the individuals in paragraph (2)(b)(C) of this rule are notified within ten business days of the disposition, determination, or outcome.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 419B.015, 419B.035, Or Laws 2017, Ch 733, Or Laws 2017, Ch 448

413-080-0052

Responding to a Concern in a Child-Caring Agency or Proctor Foster Home

(Amended 6/29/2018)

When Department staff become aware of a concern involving a *child-caring agency* or *proctor foster home*, staff must immediately:

- (1) Report to Department personnel assigned to ensure notifications outlined in OAR 413-215-0136 using DHS Form 1303. This does not include allegations of *abuse* as defined in ORS 419B.005 or SB 243 (2017), which are reported to a Department screener;
- (2) Document the date the report was made and the method for making the report in the Department's electronic information system's case notes when possible; and
- (3) Make efforts to address the concern for the *child* or *young adult*.

Stat. Auth.: ORS 418.005, Or Laws 2016, ch 106

Stats. Implemented: ORS 418.005, Or Laws 2016, ch 106, Or Laws 2017, Ch 733

413-080-0053

When a Child or Young Adult in Substitute Care is Missing

(Amended 01/01/17)

- (1) When a caseworker receives information that a *child* or *young adult* in *substitute care* is missing, the caseworker must:
 - (a) Make immediate efforts to locate the *child* or *young adult*;
 - (b) Ensure law enforcement and the National Center for Missing and Exploited Children are notified immediately and in no case later than 24 hours after receiving information on the missing *child* or *young adult*; and
 - (c) As soon as practicable, ensure the court and legal parties to the case are notified, unless notification may jeopardize the safety of the *child* or *young adult* or interfere with an investigation.

- (2) When a *child* or *young adult* missing from *substitute care* is located, the caseworker must:
 - (a) Determine and, to the extent possible, address the primary factors that contributed to the missing status of the *child* or *young adult*;
 - (b) Determine the *child* or *young adult*'s experiences when missing;
 - (c) Determine if the *child* or *young adult* is a *sex trafficking* victim or at risk of being a *sex trafficking* victim; and
 - (d) Ensure the court and legal parties to the case are notified the *child* or *young adult* has been located.

- (3) Documentation.
 - (a) When a *child* or *young adult* in *substitute care* is missing, the caseworker must document the following in the Department's electronic information system:
 - (A) Efforts made to locate the missing *child* or *young adult*; and
 - (B) The notifications in subsection (b) of section (1) of this rule.
 - (b) When a missing *child* or *young adult* is located, the caseworker must document the following in the Department's electronic information system:
 - (A) The determinations and notifications made in subsections (a) to (d) of section (2) of this rule; and

- (B) Any actions taken to address the primary factors that contributed to the missing status of the *child* or *young adult*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-080-0054

Monthly Face-to-Face Contact Requirements

(Temporary effective 8/16/2018)

- (1) A child or young adult in a child welfare case.
 - (a) Except as provided in section (2) of this rule, *monthly face-to-face contact* with a *child* or *young adult* in a child welfare case must be made by one of the following Department staff to ensure the safety, permanency, and well-being of the *child* or *young adult*:
 - (A) The primary caseworker;
 - (B) The caseworker's supervisor; or
 - (C) When designated by the caseworker's supervisor as described in OAR 413-080-0067:
 - (i) Another caseworker or supervisor; or
 - (ii) A *social service assistant*.
 - (b) During the *face-to-face contact* required in section (1) of this rule, Department staff must:
 - (A) Ensure the safety, permanency, and well-being of the *child* or *young adult*;
 - (B) Address issues pertinent to case planning and service delivery during the *contact*;
 - (C) Notify a supervisor when he or she determines that the *ongoing safety plan* or the living environment is insufficient to ensure the safety of the *child* or *young adult* to determine if a *protective action plan* is necessary to ensure safety; and
 - (D) Notify a certifier when the well-being needs of a *child* or *young adult* are not being met in a home certified by Child Welfare, ODDS (Office of

Developmental Disabilities Services within the Department), or OYA (the Oregon Youth Authority).

- (E) Comply with OAR 413-080-0051 when there is any concern about the safety of a child or young adult.
 - (F) Comply with OAR 413-080-0052 when there is any concern about a *child-caring agency* or *proctor foster home*, including the well-being needs of a *child in care* not being met by a *child-caring agency* or *proctor foster parent*.
 - (G) Comply with OAR 413-080-0062 when information is gathered or observations made that indicate a *child* or *young adult* may be a victim of *sex trafficking*.
 - (H) Comply with OAR 413-080-0065 when a healthcare provider involved in the delivery or care of an infant identifies the *child* as a *substance affected infant*.
- (c) Department staff making *face-to-face contact* must document in the Department's electronic information system:
- (A) The date, type, and location of each *contact* with the *child, young adult, parent, or guardian*; and
 - (B) The issues addressed during the *contact*.
- (d) A *face-to-face contact* with a *child* or *young adult* made by a social service assistant:
- (A) May be reported as the required *face-to-face contact* no more than one time in any three-month period and no more than four times within a year; and
 - (B) May not be reported as the required *face-to-face contact* for consecutive months.
- (e) *Face-to-face contact* with a *child* or *young adult* in *substitute care* must occur in the *substitute care* placement every other month.
- (f) When *face-to face contact* with a *child* or *young adult* in *substitute care* is not possible because the *child* or *young adult* is missing, the caseworker must comply with OAR 413-080-0053.
- (2) A parent or guardian on a child welfare case.

- (a) When there is an in-home *ongoing safety plan*, Department staff must have *monthly face-to-face contact* in the home with the parents or guardians living in the home with the *child*.
- (b) A caseworker must have *face-to-face contact* with the *child* and the child's parent or guardians within five working days of learning any of the following:
 - (A) A condition of the *ongoing safety plan* has been violated.
 - (B) A change in the *protective capacity*, the family circumstances, or the composition of the household of a *parent* or *guardian* may negatively impact the *ongoing safety plan*.
 - (C) The caseworker is assigned a case that had been assigned to another caseworker (case transfer).
- (c) Department staff must have *monthly face-to-face contact* with the parents or guardians, unless a supervisor approves an exception to *contact* with the non-custodial *parent* who has an in-home *ongoing safety plan* or, when there is an out-of-home *ongoing safety plan*, the *parent* or *guardian* is unavailable or the *contact* could compromise the caseworker's safety. The supervisor's exception must be documented in the Department's electronic information system and must document:
 - (A) The reason for the exception; and
 - (B) The length of time the exception is in effect, which is not longer than 90 days unless a longer period is approved by a Child Welfare Program Manager.
- (3) The substitute caregiver.
 - (a) Department staff described in subsection (1)(a) of this rule must have monthly *contact* with the *certified family* or *provider*.
 - (b) The *face-to-face contact* with the *child* or *young adult* required in subsection (1)(e) of this rule must include at least one of the certified adults or providers who provide direct care for the *child* or *young adult*.
- (4) A *child* or *young adult* placed through ICPC or placed internationally.
 - (a) When a *child* or *young adult* is placed in another state through the *ICPC* or placed internationally, the caseworker must request that officials from the receiving state or country have monthly *face-to-face contact* to monitor child safety, permanency, and well-being.

- (b) When the receiving state or country's child welfare office is unwilling or unable to have monthly *face-to-face contact* with the *child* or *young adult*, a plan must be developed to meet this requirement.
- (c) The caseworker must document in the case file the type and level of *contact* the receiving state or country will provide and how the *contact* is sufficient to confirm the safety and well-being of the *child* or *young adult*.
- (d) The documentation received from the receiving state or country must be filed in the Department's electronic information system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-080-0055

Monitoring an In-home Ongoing Safety Plan

(Amended 05/27/14)

- (1) To manage an in-home *ongoing safety plan* and monitor the child's safety when the *child* is in the home of the *parent* or *guardian*, Department staff must *contact* the following individuals, as described below:
 - (a) *Face-to-face contact* with the *child*, or review the documentation of the *contact* made by Department staff under OAR 413-080-0054;
 - (b) *Face-to-face contact* with the child's parents or guardians in the home of the parents or guardians;
 - (c) *Contact* with the child's non-custodial *parent* or *guardian*, except as provided in OAR 413-080-0054(2); and
 - (d) *Contact* with each participant in the *ongoing safety plan*.
- (2) To monitor and assure the safety of the *child*, during the *contact* required under section (1) of this rule, the caseworker must complete each of the following:
 - (a) *Contact* each participant in the *ongoing safety plan* and assess the documented information regarding all contacts made in section (1) of this rule.
 - (b) Look for and assess any changes in the *protective capacity* of parents or guardians, including changes in the ability or willingness of a *parent* or *guardian* to keep the *child* safe.
 - (c) Assess whether the in-home *ongoing safety plan* keeps the *child* safe by determining:

- (A) Whether the home environment is stable enough for safety service providers to be in the home and be safe; and
- (B) Whether the *parent* or *guardian* is:
 - (i) Agreeable to the *safety services* in the *ongoing safety plan*;
 - (ii) Cooperating in *safety services* provided as prescribed by the *ongoing safety plan*;
 - (iii) Cooperating with all participants in the *ongoing safety plan*;
 - (iv) Participating in the actions and the time requirements of the *ongoing safety plan*; and
 - (v) Meeting the expectations detailed in the *ongoing safety plan*.
- (d) Determine whether:
 - (A) The *child* is safe and the condition of the *child* is satisfactory; and
 - (B) *Impending danger safety threats* to the *child* are managed.
- (3) Through *contact* with the participants in the *ongoing safety plan*, required under section (1) of this rule, the caseworker must determine whether:
 - (a) Participants in the *ongoing safety plan* are engaged and active in the safety activities;
 - (b) The parents or guardians are cooperating with the *safety services* prescribed by the *ongoing safety plan*;
 - (c) The safety service providers are engaged with the parents or guardians;
 - (d) The safety service providers have fulfilled their established responsibilities in the *ongoing safety plan*;
 - (e) The level of intervention assures the ongoing safety of the *child*; and
 - (f) The services are the least intrusive available to assure the child's safety.
- (4) Whenever a participant in the *ongoing safety plan* or a *safety service provider* reports information indicating that there is a *present danger safety threat* or a new *impending danger safety threat*, the caseworker must comply with OAR 413-080-0051.

- (5) The caseworker must determine whether:
- (a) Behaviors, conditions, or circumstances within the family require an increase in the level of safety intervention;
 - (b) A less intrusive *ongoing safety plan* can assure the safety of the *child*; or
 - (c) The *ongoing safety plan* is keeping the *child* safe and provides the appropriate level of safety intervention.
- (6) If the caseworker determines the level of intervention of the in-home *ongoing safety plan* must be revised, the caseworker must:
- (a) End the in-home *ongoing safety plan* when there is no longer an *impending danger safety threat* to the *child*.
 - (b) Reduce the level of intervention whenever --
 - (A) The improved *protective capacity* of the *parent* or *guardian* is sufficient to impact his or her ability to cooperate with the *ongoing safety plan* to control impending danger safety threats as they are occurring within the family; and
 - (B) An *impending danger safety threat* can be managed with less intrusive actions or services.
 - (c) Increase the level of intervention whenever --
 - (A) A *parent* or *guardian* is unable or unwilling to cooperate with the *ongoing safety plan* to control the impending danger safety threats to the *child* as they are occurring within the family with the *ongoing safety plan*; or
 - (B) Any identified *impending danger safety threat* cannot be managed with the current *ongoing safety plan*.
 - (d) The revised *ongoing safety plan* must:
 - (A) Comply with the criteria of OAR 413-015-0450; and
 - (B) Be approved by the caseworker's supervisor.
- (7) Department staff must document in the Department's electronic information system:
- (a) The date, type, and location of each *contact* with the *child*, parents, or guardians;

- (b) The date and type of each *contact* with each participant in the in-home *ongoing safety plan*;
- (c) Observations and facts relevant to case planning and service delivery;
- (d) How the *ongoing safety plan* continues to manage the impending danger safety threats as they are occurring within the family, or any revised *ongoing safety plan* and the facts supporting that revision; and
- (e) Any *protective action plan* if required to assure the safety of the *child*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-080-0059

Monitoring the Out-of-Home Ongoing Safety Plan

(Amended 12/01/16)

- (1) To manage an out-of-home *ongoing safety plan*, the caseworker must have monthly *contact* with the following individuals:
 - (a) *Face-to-face contact* with the *child* or *young adult*, or review the documentation of the contact made by Department staff under OAR 413-080-0054(1);
 - (b) *Face-to-face contact* with the child's parents or guardians, except as provided in OAR 413-080-0054(2); and
 - (c) *Contact* with each *safety service provider*.
- (2) The caseworker must determine whether the *child* or *young adult* is safe.
- (3) The caseworker must determine whether:
 - (a) Behaviors, conditions, or circumstances within the family require an increase in the level of safety intervention;
 - (b) *Conditions for return* have been achieved and an in-home *ongoing safety plan* can assure the safety of the *child*; and if so, must develop an in-home *ongoing safety plan* under the criteria set forth in OAR 413-015-0450; or
 - (c) The *ongoing safety plan* is keeping the *child* or *young adult* safe and provides the appropriate level of safety intervention.

- (4) If the caseworker determines the out-of-home *ongoing safety plan* must still be in place but level of intervention of the out-of-home *ongoing safety plan* must be revised, the caseworker must:
 - (a) Reduce the level of intervention whenever --
 - (A) The improved *protective capacity* of the *parent* or *guardian* is sufficient to impact his or her ability to control the impending danger safety threats as they are occurring within the family; and
 - (B) An *impending danger safety threat* can be managed with less intrusive actions or services.
 - (b) Increase the level of intervention whenever an identified *impending danger safety threat* cannot be managed with the current *ongoing safety plan*.
- (5) The revised *ongoing safety plan* must:
 - (a) Comply with the criteria of OAR 413-015-0450; and
 - (b) Be approved by the caseworker's supervisor.
- (6) Department staff must document in the Department's information system:
 - (a) How the *ongoing safety plan* continues to manage the impending danger safety threats as they are occurring within the family, or any revised *ongoing safety plan* and the facts supporting that revision; and
 - (b) Any *protective action plan* if required to assure the safety of the *child* or *young adult*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-080-0062

Sex Trafficking Victim Identification

(Amended 01/01/17)

When information is gathered or observations made that indicate a *child* or *young adult* may be a victim of *sex trafficking*, the caseworker must determine whether a *child* or *young adult* is, or is at risk of being, a victim of *sex trafficking*.

- (1) If a determination is made that a *child* or *young adult* is a victim of *sex trafficking* the caseworker must:

- (a) Report to a *screener* the identification of a *child* or a *young adult* as a *sex trafficking* victim;
 - (b) Ensure law enforcement and the National Center for Missing and Exploited Children are notified immediately and in no case later than 24 hours after determination that the *child* or *young adult* is a *sex trafficking* victim;
 - (c) Identify and refer to appropriate services; and
 - (d) Document the *child* or *young adult* is a *sex trafficking* victim in the Department's Electronic Information System.
- (2) If a determination is made that a *child* or *young adult* is at risk of being a victim of *sex trafficking* the caseworker must identify and refer to appropriate services.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005

413-080-0065

Substance Affected Infant

(Adopted 6/29/2018)

When a child on an open case is identified as a *substance affected infant* , the caseworker must:

- (1) Ensure a *plan of care* is developed;
- (2) Ensure the *substance affected infant* and family are referred to services identified in the *plan of care* ; and
- (3) Document the *plan of care* and referrals made in the Department's electronic information system.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005, 42 U.S.C. 67

413-080-0067

Contact Requirements and Exceptions; Required Face-to-Face Contact

(Amended 01/15/13)

- (1) The Department may make scheduled or unscheduled *face-to-face* contacts with the *child* or *young adult* , *parent* , *guardian* , *certified family* , or *provider* .
- (2) The caseworker's supervisor may approve Department staff as described in OAR 413-080-0054(1) to make the *face-to-face contact* required by these rules (OAR 413-080-

0040 to 413-080-0067) when a caseworker's schedule or special circumstances prevent the caseworker from making the *face-to-face contact*.

- (a) Prior to conducting the required *face-to-face contact*, Department staff must have information regarding the case plan, the *ongoing safety plan*, the parents or guardians, and the *child* or *young adult*, including any special needs of the *child* or *young adult*.
- (b) The Department staff person making the *face-to-face contact* is responsible for monitoring the safety of the *child* or *young adult*.

Stat. Auth.: ORS 418.005

Stats. Implemented: ORS 418.005