

30-Day CIRT REVIEW REPORT
Report Date: July 5, 2006

I. INTRODUCTION

Oregon Department of Human Services adopted the Critical Incident Response Team (CIRT) protocol on November 1, 2004. This protocol was developed for the following purposes:

- To specify the Department of Human Services, Child Welfare procedures that will be used when a critical incident occurs;
- To increase the Department's accountability to the public;
- To ensure timely responses by the Department with respect to any critical incident in Child Welfare; and
- To increase the Department's ability to recommend necessary changes to statutes, administrative rules, policies and procedures, practices, training and personnel matters.

II. CIRT REASON/CASE BACKGROUND

On May 31, 2006, the county child welfare office received a report that a child, age 13 months, died as a result of drowning while in the care of his mother. The police responded to the scene and placed the deceased child's siblings in protective custody and DHS staff placed the children in emergency foster care. Neglect was suspected in the drowning death of the child.

This family had an open case with the child welfare office at the time of the child's death. The DHS Director identified this as a CIRT on June 6, 2006.

III. CIRT RESPONSE/CASE STATUS UPDATE

a. Criminal Investigation and CPS Assessment

The County District Attorney's (DA's) office has not released information related to the criminal investigation and there have been no charges filed as of the date of this report.

The CPS assessment has been completed. Child Welfare staff continue to work closely with LEA and no information will be released regarding this

assessment prior to DA's office approval. Release of information gathered under the child abuse reporting law is confidential and protected by state statutes, including but not limited to ORS 419B. 035.

b. Media Response

No media contact reported on this case to date.

IV. CIRT REVIEW PROCESS

a. Case Review Process

CAF child welfare program staff reviewed and evaluated case record information including documents related to prior screening and assessment contacts with or about the family. Areas of interest for this review were with the interface of policy, statute and practice and the focus on child safety in casework practice. The case review also focused on collaboration and communication with community partners and the impact of domestic violence and other family dynamics on child safety.

b. Staff Interview Process

DHS Administration and HR staff have been assigned to complete interviews of all identified staff and managers who worked on this case. Staff interviews are in process and will be completed within the next two weeks.

V. IDENTIFIED ISSUES AND PENDING RECOMMENDATIONS

a. Identified Issue: The department and community response to domestic violence; parental protective capacity determination for the non-offending parent survivor of domestic violence, and access to community resources related to family violence.

Pending Recommendations:

- Assess the need for services, at both the state and local levels, to parents who are survivors of domestic violence when child safety concerns are paramount.

- Review supervisor and caseworker training, at both the state and local levels, in the following areas related to domestic violence:
- Interviewing, assessing and evaluating the need for services in a parent who is the identified domestic violence batterer.
- Conducting a protective capacity assessment and evaluating the need for services in a parent who is a domestic violence survivor and who may also be the primary caregiver.

b. Identified Issue: Was notification to the Mexican Consulate required by policy and statute in this case? Is there confusion either at the local or statewide level regarding laws and policies that control when working with Mexican Nationals? Is there a clear understanding about what is required by the Vienna Convention when a child is a citizen of Mexico as opposed to a dual citizen, or child of a Mexican National?

Pending Recommendations:

- The local office will review with supervisors and caseworkers the written protocol regarding Notification of Consulates – Vienna Convention and the written protocol regarding Substitute Care Services and International Placements.
- The state program office will review statewide practice related to compliance with the Vienna Convention and explain the differences between what is required by the Convention and what is required by policy in dealing with children who are dual citizens or Mexican Nationals. This will include review of training strategies and informational materials available to local offices.

c. Identified Issue: Are there barriers to services that exist when a parent or child is undocumented? Are there barriers to services that exist when a parent is not a native English speaker or does not speak English at all? How can DHS address an undocumented or non-native English speaking parent's access to medical cards, mental health services or family support services?

Pending Recommendations:

- CAF administration will communicate to DHS administration the challenges faced by undocumented families in accessing services when involved in the child welfare system.

- DHS is developing cultural competency training for all department staff. CAF administration will support the prioritization of this updated training.
- The local child welfare office will access the program office to provide activities to increase cultural competency of caseworkers and how to access specific community services or resources available to meet the needs of culturally diverse clients.
- The local office will maintain a current list of local resources available to non-documented citizens. The local office will utilize the Resource Developer, other bicultural staff and community partners to develop a list of providers and services. System Of Care (SOC) funds for child specific (family specific) needs are intended for development of services to meet needs when not otherwise available.

d. Identified Issue: Are CPS assessments being conducted according to the rules? Are all parties being interviewed as part of the assessments? If not, are supervisors approving an exception to the requirement to interview all parties, and is that approval being documented?

Pending Recommendations:

- The local office will reinforce the rule requirement that both parents and all children in the household be interviewed and observed during the CPS assessment process.
- DHS will review CPS practices at a statewide level and determine whether this is a statewide issue.

e. Identified Issue: Is cross reporting of child abuse occurring as it should according to ORS 419B.017 and DHS administrative rule?

Pending Recommendations:

- The local child welfare office will request a review of the cross reporting statute and administrative rule by their County MDT to support compliance with this requirement by all local law enforcement, as well as DHS.
- DHS will review the cross reporting practices on a statewide level and determine whether this is a statewide issue.

f. Identified Issue: Where a family or family member is a non-native English speaker, are meetings, documents, and service plans provided verbally and in written form in the family's first language? Is there sufficient documentation regarding the services provided and intervention with families when the worker is dealing with a non-native English speaking family?

Pending Recommendations:

- The local DHS office will provide direction and additional training to supervisors and workers in timely and sufficient case recording requirements. Supervisors will be directed to assure that case recording sufficiently supports safety and service planning activities.
- The local child welfare supervisors will be directed to assure that all case related information and interaction occurs in the family's first language and that it is documented in the case file that these interactions occurred.
- DHS will review whether meetings, documents and service plans are being provided to non-native English speakers in their first language across the state, and whether this is a statewide issue.

VI. NEXT STEPS

As a part of the CIRT Protocol, DHS will complete the following activities within this next 60 days:

- Staff and supervisor interviews will be completed and recommendations forwarded to the CIRT review team.
- The local child welfare and central program office will work together to finalize the recommendations and identify action steps and timelines in response to the CIRT findings.