

State of Oregon
Department of Human Services
Child Welfare Program
500 Summer St. NE E62
Salem, OR 97301-1067

In the Matter of:

Chehalem Youth and Family Services

Notice of Intent to Deny Application for
Renewal of License to Operate a Child
Caring Agency and Opportunity for a
Hearing

To: Deborah Cathers-Seymour
Executive Director
Chehalem Youth and Family Services
504 Villa Road, Suite 3
Newberg, OR 97132

I. Notice of Intent to Deny Application for Renewal of License and Relevant History

This is a notice of intent to Deny Application for Renewal of License to Operate a Child Caring Agency (“License”) held by Chehalem Youth and Family Services. (“CYFS”).

This Notice of Intent to Deny Application for Renewal of License to Operate a Child Caring Agency and Opportunity for a Hearing (“Notice”) is issued to you pursuant to Oregon Revised Statute (ORS) Chapter 183; ORS 409.050; ORS 418.005; ORS 418.205 through ORS 418.327; Oregon Laws 2016, Chapter 106, and Oregon Administrative Rules (OAR) OAR 413-215-0000 through OAR 413-215-0131 (Licensing Umbrella Rules), OAR 413-215-0501 through OAR 413-215-0586 (Licensing Residential Care Agencies).

On or about June 6, 2016, DHS issued a Notice of Intent to Revoke License of Approval to Operate a Child Caring Agency (referred to hereafter as “Notice of Revocation”). On or about June 29, 2016, DHS received CYFS’ request for a hearing on the Notice of Revocation. DHS referred the hearing request to the Office of Administrative Hearings (OAH) on or about July 6, 2016. A pre-hearing telephone conference is scheduled for August 29, 2016 at 9:00 a.m. A hearing date has not been set.

CYFS’ license to operate a Child Caring Agency was due to expire on July 31, 2016 and CYFS submitted a timely application to renew its license on July 1, 2016.

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Notice of Intent to Deny Application for Renewal of License to Operate a Child Caring Agency and Opportunity for a Hearing – Chehalem Youth and Family Services

II. Background

ORS 418.005(1)(a) gives DHS the authority to adopt “all necessary rules and regulations for administering child welfare services” in order “to establish, extend, and strengthen welfare services for the protection and care of homeless, dependent or neglected children or children in danger of becoming delinquent[.]”

The Department of Human Services (DHS) has adopted administrative rules that prescribe standards for licensing private child-caring agencies, including residential care agencies, and procedures for DHS to follow when it revokes or denies a license. OAR 413-215-0081 to OAR 413-215-0121. DHS conducts periodic inspections to determine whether a program is maintained and operated in compliance with the rules in OAR 413-215 and other applicable rules. DHS also screens all reports of abuse, dereliction, or deficiency in or by an agency. OAR 413-215-0106. Under this authority, DHS has licensed CYFS as Child Caring Agency for several years and most recently renewed CYFS’ license on August 1, 2014. Since that renewal, there have been multiple announced and unannounced site visits by the Office of Licensing and Regulatory Oversight (“Licensing”), including the most recent on April 26, 2016. CYFS provides residential treatment to approximately 24 children at its Newberg, Oregon facility. Many residents are wards of the juvenile court.

DHS staff have reviewed CYFS programs on numerous occasions throughout CYFS’ period of licensure. DHS staff have reviewed CYFS both periodically for licensing review and intermittently as necessary to investigate specific concerns or complaints.

The circumstances precipitating this Notice and the Notice of Revocation came to DHS’s attention from an increasing number of reports generated from CYFS since October 2015. The need for review arose after DHS received a series of concerning reports about unsupervised youth and unauthorized behavior management at the facility.

The Office of Adult Abuse Prevention and Investigations (OAAPI) has conducted multiple investigations of incidents occurring at CYFS since September 2015. Those investigations involve youth who were missing from the facility overnight unnoticed, failure to notify emergency technicians when a youth was unconscious for nearly one hour, and mandatory reporting failures involving sexual assault allegations. Seven of eight OAAPI reports completed since September 2015 have resulted in substantiated findings of neglect, maltreatment or failure to perform duties required to protect a youth’s health or safety. Numerous OAAPI reports are under investigation and pending at this time.

DHS conducted an unannounced site visit on January 6, 2016 after receiving multiple reports of abuse and neglect and subsequent OAAPI investigations. Concerns at the time of the site visit were focused on frequent runaways, concerns from the community, peer assaults, staff turnover, behavior management training, and sexual relationships between peers. DHS issued a list of corrective actions including compliance with and re-training regarding mandatory child abuse reporting laws in a format approved by DHS and formal training in behavior intervention protocols. CYFS was compliant with the corrective actions within the 45-day time period.

Nevertheless, CYFS has struggled to follow behavior intervention protocols and adequately supervise its clients. It has also failed to follow emergency medical protocols. CYFS is also experiencing financial difficulties and is on the path to insolvency, but has issued a response to DHS' corrective action regarding its finances that is currently under review.

To evaluate CYFS' ability to comply with Licensing Umbrella Rules, Licensing Residential Care Agency rules, and the above conditions, DHS has been monitoring CYFS closely on a regular basis since the October incident described above. To protect child welfare, admissions to CYFS have been closed since May 19, 2016. The last CYFS resident exited the program on August 8, 2016. There are currently no residents in CYFS' residential program.

DHS's findings underlying the proposed denial of application for renewal are summarized below. Excerpts of law are printed in italic.

III. DHS Findings

1. Failure to comply with mandatory reporting requirements and notify DHS of critical events within the prescribed timeline

ORS 419B.010

*(1) Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made in the manner required in ORS 419B.015 (Report form and content). *****

(3) The duty to report under this section is personal to the public or private official alone, regardless of whether the official is employed by, a volunteer of or a representative or agent for any type of entity or organization that employs persons or uses persons as volunteers who are public or private officials in its operations.

(4) The duty to report under this section exists regardless of whether the entity or organization that employs the public or private official or uses the official as a volunteer has its own procedures or policies for reporting abuse internally within the entity or organization.

ORS 419B.015

(1)(a) A person making a report of child abuse, whether the report is made voluntarily or is required by ORS 419B.010 (Duty of officials to report child abuse), shall make an oral report by telephone or otherwise to the local office of the Department of Human Services, to the designee of the department or to a law enforcement agency within the county where the person making the report is located at the time of the contact. The report shall contain, if known, the names and addresses of the child and the parents of the child or other persons responsible for care of the child, the child's age, the nature and extent of the abuse, including any evidence of previous abuse, the explanation given for the abuse and any other information that the person making the report believes might be helpful in establishing the cause of the abuse and the identity of the perpetrator.

Oregon Laws 2016, Chapter 106, Section 36

(1) "Abuse" means one or more of the following:

(h) Sexual abuse.

413-215-0000 Definitions

Unless the context indicates otherwise, these terms are defined for use in OAR chapter 413, division 215:

(9) "Child in care" means a person who is under 21 years of age who is residing in or receiving care or services from a child caring agency or proctor foster home.

(27) "Licensee" means a child-caring agency that holds a license issued by the Department.

413-215-0001 Regulation of Child-Caring Agencies

(3) A child caring agency must comply with all the of the Department rules that apply to the child caring agency.

(5) All child-caring agencies, their governing boards, and executive director, and program director, employees, contractors, and agents shall ensure the following standards, procedures, and protocols are met:

(b) The child-caring agency complies with abuse reporting and investigation requirements including, but not limited to, having and following abuse reporting procedures as required in OAR 413-215-0056 and providing training as required in OAR 413-215-0061.

(f) The child-caring agency ensures the safety of children.

(m) The child-caring agency is in full compliance with the standards of care and treatment in these rules

413-215-0091 Responsibilities of Licensees

A licensee is responsible to do all of the following:

- (1) Ensure that children in care are well cared for and safe from self-harm, physical harm, and abuse from others.
- (2) Adhere to and comply with all policies and procedures of the licensee and ensure that the licensee's employees and volunteers adhere to and comply with the licensee's policies and procedures.
- (3) Comply with all federal, state, and local laws, rules, regulations, executive orders, and ordinances applicable to the licensee and ensure that the licensee's employees and

volunteers comply with all federal, state, and local laws, rules, regulations, executive orders, and ordinances applicable to the licensee.

(12) Notify a licensing coordinator in the Residential Treatment Services and Licensing Unit of the Department within one business day if a critical event occurs. As used in this section, a "critical event" is a significant event occurring in the operation of an agency that is considered likely to cause complaints, generate concerns, or come to the attention of the media, law enforcement agencies, first responders, Child Protective Services, or other regulatory agencies. Compliance with this notification requirement does not satisfy the mandatory reporting requirements under ORS 419B.005 to 419B.045.

OAR 413-215-0011 Requirement to Obtain and Comply with License

Except for a licensee subcontractor that provides limited services under OAR 413-215-0061(6)(b):

(1) A child-caring agency must have a license issued by the Department in accordance with Division 413-215. A licensee must at all times comply with the provisions of the license and with all laws (including rules) applicable to the child-caring agency.

OAR 413-215-0021 Governance

(4) The executive or program director must be responsible for all of the following:

(a) The daily operation and maintenance of the agency and its facilities in compliance with the rules in division 413-215 and the established program budget.

(b) Administration of policies and procedures to ensure clear definition of staff roles and responsibilities, lines of authority, and equitable workloads that ensure safe and protective care, supervision, and treatment of the children served by the agency.

(c) Ensuring that only individuals whose presence does not jeopardize the health, safety, or welfare of the children served by the agency are employed or used as volunteers.

(h) Complying with all laws, and ensuring that all child-caring agency employees, contractors, and agents comply with all laws, including mandatory child abuse reporting laws.

(i) Ensuring that the child-caring agency, including its employees, contractors, and agents, complies with all licensing rules and regulations and internal policies and procedures of the child-caring agency.

CYFS has failed to comply with mandatory reporting requirements and DHS licensing rules. A youth reported to a counselor on December 31, 2015 the youth was raped at least eleven times since March 2015. The youth had previously reported incidents of rape in August 2015. The CYFS Operations Manager, a mandatory reporter, conducted an independent investigation in August 2015 and concluded the youth had engaged in consensual sexual contact, obviating the need to make report to either DHS or the child abuse hotline. The youth's counselor reported the December 2015 disclosure to the Operations Manager, who incorrectly determined the

allegations had already been reported. The counselor, also a mandatory reporter, did not make a child abuse report.

CYFS did not report the disclosure to DHS until January 13, 2016 and did not make a call to the child abuse hotline until January 14, 2016 at the prompting of the child welfare caseworker. Pursuant to OAR 413-215-0091, the licensee is required to notify the licensing coordinator of critical events within one business day. CYFS waited nearly two weeks to report the critical incident to DHS in violation of the rule. Additionally, CYFS failed to comply with the mandatory reporting statute, which is explicitly required in the provisions of 413-215-0091. The Operations Manager's independent investigation was inadequate because there was reason to believe the youth had suffered abuse given the youth's multiple disclosures in violation of OAR 413-215-0021's directive to administer policies that ensure safe and protective care of children. Nevertheless the Operations Manager failed to notify authorities immediately in violation of ORS 419B.040 and ORS 419.015 and OAR 413-215-0091. Furthermore, the Operations Manager and the counselor failed to comply with the mandate in OAR 413-215-0021 to follow all laws.

A high volume of critical incident reports were received in the six months prior to DHS issuing the Notice of Revocation, some of which were not been reported to DHS within the prescribed timeline in violation of OAR 413-215-0091.

2. Inability to provide adequate supervision and protection to children

413-215-0051 Resources Required

(2) An agency must employ or contract for a sufficient number of competent and qualified employees to perform the functions regulated by these rules and to provide adequate care, safety, protection, and supervision of the children in care and families the agency serves.

413-215-0056 Policies and Procedures

(1) For each program it is licensed to operate, a licensee must have and adhere to comprehensive policies and procedures that are well organized, accessible, and easy to use.

413-215-0561 Minimum Staffing Requirements

A residential care agency must meet all of the following requirements:

*(1) Minimum staffing patterns. The residential care agency must establish staff-to-child ratios that will provide adequate supervision and protection for children in care. The ratios must be adequate for the type of program, location of program, the age and type of children in care served, physical plant design, location and ability of the supervisor to respond, electronic backup systems, and other means available to ensure a high standard of supervision and protection.*****

(2) Overnight staffing requirements.

(a) A residential care agency must have policies and procedures regarding overnight

*supervision of children in care. The procedures must describe how staff must monitor and ensure the safety of children in care during sleeping hours. *****

OAR 413-215-0021 Governance

- (4) The executive or program director must be responsible for all of the following:*
- (a) The daily operation and maintenance of the agency and its facilities in compliance with the rules in division 413-215 and the established program budget.*
 - (b) Administration of policies and procedures to ensure clear definition of staff roles and responsibilities, lines of authority, and equitable workloads that ensure safe and protective care, supervision, and treatment of the children served by the agency.*
 - (c) Ensuring that only individuals whose presence does not jeopardize the health, safety, or welfare of the children served by the agency are employed or used as volunteers.*

- (i) Ensuring that the child-caring agency, including its employees, contractors, and agents, complies with all licensing rules and regulations and internal policies and procedures of the child-caring agency.*

CYFS has failed and continues to fail to provide adequate supervision to its clients despite meeting minimum staffing requirements set out in OAR 413-215-0561. The inability to adequately supervise clients with its current staffing ratio is a violation of OAR 413-215-0561, which requires a staff-to-child ratio that will provide adequate supervision and protection for children.

CYFS fails to employ a sufficient number of staff who trained and equipped with the skills necessary for effective supervision of youth in violation of 413-215-0051 and 413-215-0561. For example, in October 2015, three youths eloped from the facility through a youth's window for approximately seven hours without being noticed. During that time the youth consumed alcoholic beverages and engaged in sexual intercourse. A staff member documented completing expected room checks, but video surveillance confirmed those checks did not in fact occur. The youths reported having snuck out from the facility overnight unnoticed on numerous occasions. Staff assigned to the overnight shift reported receiving no training beyond a five-minute course conducted by a coworker. Staff was instructed at that time to check on the youth "every once in a while" by shining a cell phone light into their rooms. The staff member also reported being afraid of one of the clients and did not check on him very often due to personal safety concerns. OAAPI conducted an investigation and substantiated findings for failure to supervise.

On April 22, 2016, four CYFS residents were contacted in the community by law enforcement after officers received reports of vehicle prowling. The youths indicated they had left CYFS premises around 6 o'clock that evening. At the time officers made contact with the youths at 10:14 p.m., CYFS had not reported any residents missing from its program. The youths found prescription drugs in one of the vehicles and ingested nitroglycerin requiring assistance from fire medics. The youths were cited with multiple criminal charges, including Theft II, Criminal

Trespass II, and Unlawful Entry into a Motor Vehicle. OAAPI is currently conducting a formal investigation of this incident.

OAAPI is investigating numerous incidents that occurred at CYFS recently. For example, two youths engaged in a physical altercation on May 31, 2016 while staff members were not in the vicinity to adequately supervise the youth. Incidents have also occurred involving youth eloping from the facility that CYFS does not report because staff were not aware the youth were missing.

OARs 413-215-0051, 413-215-0561, and OAR 413-215-0021 require CYFS to employ sufficient staff to provide adequate care, safety, protection, and supervision of the children. While CYFS may be meeting minimum staffing ratios, the facility is not employing staff who provide adequate supervision. The result of this inadequacy led to youth engaging in dangerous and illegal behavior.

3. Incomplete training and inadequate behavior management

413-215-0556 Staff Training

In addition to the orientation requirements in OAR 413-215-0061(4), a residential care agency (defined in OAR 413-215-0506) must meet all of the following training requirements with respect to its staff (defined in OAR 413-215-0506):

- (1) Staff of the residential care agency must be provided with orientation training prior to or within 30 days of hire. The orientation must include training on all of the following:*
 - (a) Discipline and behavior management protocols including de-escalation skills training, crisis prevention skills, positive behavior management, and disciplinary techniques that are non-punitive in nature and are focused on helping children in care build positive personal relationships and self-control.*
 - (b) If restraint and seclusion are utilized by the residential care agency, which techniques are approved by the residential care agency and how use of these procedures is monitored. The training must be clear that the policy of the residential care agency is that restraint or seclusion is used as an intervention of last resort.*

413-215-0076 Behavior Management (Excluding Adoption Agencies)

(1) A child-caring agency except a child-caring agency licensed only to provide adoption services under OAR 413-215-0401 to 413-215-0481 must meet all of the requirements of this rule.

(3) Behavior Management.

- (a) The child-caring agency must have and follow behavioral management policies consistent with the requirements of this rule. Copies of the policies shall be provided to the Department annually and at any time that they are adopted, amended, or deleted.*
- (b) The behavior management policy of the child-caring agency must identify appropriate and positive methods of behavior management based on a child's needs, developmental level, and behavior.*

(c) *The policies must include a description of the model, program, or techniques used and its use of each of the following:*

(A) *Non-violent crisis intervention. For purposes of this rule, "non-violent crisis intervention" means a nationally recognized, holistic system for defusing escalating behavior and safely managing physically aggressive behavior. The agency's choice of a "non-violent crisis-intervention system" must be conveyed to and approved by the Department.*

(e) *Physical restraint.*

(C) *The child-caring agency must report each use of physical restraint on a child in care to the child in care's parent or legal guardian, caseworker, or probation officer within five working days, and must document the notification in the child in care's case file.*

CYFS staff are not adequately trained to engage in appropriate behavior management techniques. OAAPI substantiated findings of willful infliction of pain or injury and the use of profanity toward a youth. A staff member became upset when a youth kicked him during a restraint. The staff responded by kicking the youth in the leg and cursing at him. The youth complained of pain in his leg. During the OAAPI investigation, the staff admitted he was "set up for failure" because CYFS did not provide proper training on interventions with clients. Inadequate training is a violation of OAR 413-215-0556. Furthermore, the staff did not follow approved behavior management policies and procedures by kicking the youth in violation of OAR 413-215-0076's directive to follow behavioral management policies.

OAAPI substantiated a finding of maltreatment and neglect on May 27, 2016 regarding an incident that occurred on January 22, 2016. A staff member lost their temper when working with a youth and made verbal assaults toward the youth and used an unauthorized restraint that escalated into a physical assault. The youth fell and received physical injuries to the chest. Staff actions in this incident are violations of OAR 413-215-0556 and 413-215-0076. Prior to this incident, Licensing conducted a program review to ensure staff received proper physical intervention training and mandatory reporter training pursuant to the corrective actions issued January 6, 2016. These incidents were not reported as required in OAR 413-215-0076. Licensing continues to monitor CYFS.

OAAPI is investigating a number of incidents involving youth receiving physical injuries during staff restraints.

4. Failure to comply with emergency procedures and protocols

413-215-0546 Health Services

(5) *A residential care agency must have established protocols for accessing routine and urgent care for the children in placement with the residential care agency.*

413-215-0056 Policies and Procedures

(1) For each program it is licensed to operate, a licensee must have and adhere to comprehensive policies and procedures that are well organized, accessible, and easy to use.

On September 27, 2015 two youths engaged in a physical altercation. When one youth was in a staff hold, the other youth threw multiple items at the restrained youth, including a heavy, metal watch. The watch struck the youth on the back of the head and the back of the youth's head then hit the wall at approximately 7:50 p.m. The youth lost consciousness, experienced interrupted breathing, and mucus was running from his nose. Staff positioned the youth on the youth's side to prevent choking. At 8:20 p.m., the youth began shaking, still unconscious. Staff moved the youth to a bed. At approximately 9:00 p.m., staff contacted emergency services. The youth was transported via ambulance and arrived at the hospital at approximately 9:25 p.m.

According to CYFS' "Emergency Procedures – Medical," "an emergency is a serious illness, including severe pain that *you believe* might result in death or serious injury if not treated." According to the procedure, staff must call 911 or take the individual to the nearest emergency room in the event of an emergency.

CYFS staff did not comply with the facility's procedure regarding medical emergencies. A youth was unconscious for over one hour before staff contacted emergency responders, despite the protocol to call 911 immediately or transport the individual to an emergency room. OAR 413-215-0056 requires a residential care agency to follow its established protocols and procedures, including those for emergencies requiring urgent care.

5. Financial mismanagement

413-215-0026 Financial Management

(1) Budget. An agency must operate under an annual line-item budget, showing planned expenditures and sources of income, which has been approved by the governing board as the plan for management of its funds.

(2) Funding. The annual budget of a licensee must document that the licensee has sufficient funds to meet the requirements of licensure, to operate the programs the licensee is licensed to operate, and to provide the services the licensee has stated the agency will provide.

There are concerns regarding CYFS' assets and ability to project revenues and expenses. A DHS auditor concluded on March 30, 2016 CYFS projected a \$25,202 profit during the eight month period ending February 29, 2016, but the actual result was a \$201,518 loss. CYFS has expressed doubt about its ability to meet payroll deadlines and has requested advances for services provided ahead of DHS's reimbursement schedule. The agency further concluded CYFS is on a trajectory to insolvency and issued a number of corrective actions. The corrective actions included completing a financial audit and submitting an updated projected budget explaining CYFS' aggressive revenue increase and expense reduction projections. CYFS responded to agency corrective actions on May 20, 2016. Based on DHS' preliminary review, the response is not adequate to address the financial condition. DHS is currently conducting a more thorough

review of CYFS' response. At this time, CYFS remains on a trajectory to insolvency which would render it unable to meet program funding requirements in violation of ORS 413-215-0026.

6. Denial of Application

413-215-0096 Renewal of License

(1) To renew a license, a licensee must submit to the Department an application for renewal prior to the expiration of the current license (see OAR 413-215-0081). If the Department receives an application for renewal before the license expires, the license remains effective until the Department issues a decision on the application.

413-215-0121 Denial, Suspension, or Revocation of License and Placing Conditions on a License

(4) The Department will deny issuance or renewal of a license, certificate, or other authorization to a child-caring agency if the child-caring agency is not or will not be in full compliance with all of the standards, procedures, and protocols in OAR 413-215-0001(5) or other applicable requirements in OAR 413-215-0001 to 413-215-1031.

CYFS submitted a timely application for renewal of its license. Pursuant to under OAR 413-215-0096, its license will remain effective until DHS issues a decision on the application.

CYFS is not in full compliance with OAR 413-215-0001 through OAR 413-215-0131 and OAR 413-215-0501 through OAR 413-215-0586. Pursuant to OAR 413-215-0121(4) DHS will deny an application for a license renewal upon finding that an agency is not or will not be in full compliance with the rules in Division 413-215.

CYFS' practices and actions described herein constitute a danger to the health and safety of children in care and prevent the accomplishment of DHS's purposes—to provide safety and well-being. CYFS' failures have resulted in multiple substantiated findings of neglect, abuse, and maltreatment. In consideration of the numerous critical events reported from CYFS in the recent past, CYFS is not and will not be in full compliance with agency rules, which is a ground for denial of its application for a renewed license to operate a Child Caring Agency.

The above-described violations and practices constitute failures to comply with the applicable statutes and administrative rules. To qualify for continued licensure, CYFS is obligated to comply with the administrative rules regulating licensing residential care agencies and the broader licensing umbrella rules. CYFS fails to do so as indicated by its past and continuing actions including: (1) failing to comply with mandatory reporting requirements, and the requirement to report critical events to DHS within one business day; (2) providing inadequate supervision and protection to children in care that has resulted in OAAPI substantiated findings of neglect while children in care engaged in dangerous and criminal activities; (3) failing to provide adequate training so that staff can perform their duties effectively and safely for themselves and the clients; (4) failing to comply with emergency procedures and protocols in a life-threatening situation; and (5) failure to demonstrate adequate funding. CYFS has violated essential requirements relating to the necessary care and services to its residents on a continuing

basis and therefore amounts to a failure to comply with the applicable statutes and administrative rules.

Based on the reasons set forth above, DHS hereby provides notice of its intent to deny CYFS' application for renewal of its License to operate a Child Caring Agency, pursuant to OAR 413-215-0121.

During this period while the proposed denial is pending, DHS reserves the right to take further and/or immediate action if necessary to protect the health, safety, and welfare of youth.

IV. Notice of Opportunity for Hearing

Pursuant to the Administrative Procedures Act (ORS Chapter 183) and OAR 413-215-0121, you have the right to a contested case hearing in this matter. To request a hearing, you must submit your request in writing to the Department of Human Services' Licensing Unit within 30 days of the date DHS mailed the notice of intent to deny the application. The hearing would be held before an administrative law judge pursuant to the Administrative Procedures Act described in the contested case procedures (ORS 183.310 through 183.550) and the Attorney General's Model Rules of Procedure (OAR 137-003-0000 through 137-005-0070).

If you request a hearing, you will be notified of the time and place of the hearing. You will also be given information on the procedures, right of representation, and other rights of parties related to the conduct of the hearing before commencement of the hearing. You may request a hearing by sending your request to:

Harry Gilmore, Manager, Children's Care Licensing Unit
Department of Human Services Licensing Unit
PO Box 14530
Salem, OR 97309

If you do not request a hearing within 30 days of the mailing of this notice, you will have waived your right to hearing and DHS may issue a final order by default and deny your application for a license. If you waive your right to a hearing, withdraw a hearing request, notify DHS or the Administrative Law Judge that you will not appear at the hearing as scheduled, DHS may also issue a final order by default and deny your application for a license. DHS has designated the relevant portion of its files on this matter, including all materials that you have submitted relating to this matter, as the record in this case for the purposes of proving a prima facie case upon default.

V. Notice of Right to Legal Representation

You have the right to be represented by counsel. Legal aid organizations may be able to assist those with limited financial resources. If you are an agency, corporation, partnership, limited liability company, trust, government body or an unincorporated association, you must be represented by an attorney licensed in Oregon.

VI. Notice to Active Duty Servicemembers

Active duty servicemembers have a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

Dated this 26th day of Aug 2016.



8/26/2016

Harry Gilmore
Manager, Children's Care Licensing Unit
Office of Licensing & Regulatory Oversight
Department of Human Services