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In reviewing my file I see that the parties entered a protective action plan on [Date more than 60 days ago]. To my knowledge, no report has been submitted to myself, client, or [list anyone else involved] providing notice that there has been a finding of abuse or threat of harm to [child/ren]. Accordingly, it would seem that the agency is behind schedule on completing a CPS assessment.

As you know, a CPS assessment must be completed with 30 days of initial report of abuse. OAR 413-015-0475 (2). In some instances a CPS supervisor can grant an additional one-time 30-day extension. OAR 413-015-0480. To my knowledge, no such extension has been applied for or obtained. However, I have copied your supervisor to this message so that [s/he] can correct me if necessary.

As I mentioned previously, [describe what protection action plan requires]. [S/he/they] [has/have] abided by the protective action and [has/have] been waiting patiently. The agency has had plenty of time to conduct an investigation and determine next steps. Since no determination has been issued, we can only assume that the case will be dismissed as unfounded for threat of harm and/or neglect. However, we request clarification.

In any event, this letter notifies you that, should the agency escalate this case to a formal proceeding, I will immediately file a written motion urging the Juvenile Court to find that the agency has failed make reasonable efforts given its failure to abide by its own rules. You either didn't complete your investigation in time or you failed to notify necessary parties.

This letter also serves as your tort claim notice. My client reserves all rights, including the right to file suit against the Department and the individuals involved in this case.

Please let me know what you intend to do with this case. As you can imagine, [Client] is eager to have this matter behind her/him/them. The government's intervention in this case has already caused great disruption to the family. If you have any questions, please feel free to contact my office. Thank you for your attention to this matter.

Yours truly,

Meghan S. Bishop

cc: Client
File