
POLICY TRANSMITTAL NO. 04-09
CHILDREN & FAMILY SERVICES
DIVISION

DATE: APRIL 22, 2004
DEPARTMENT OF HUMAN SERVICES
OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-1-18.1; 75-1-22; 340:75-6, Table of Contents; 75-6-30;
75-6-31; 75-6-31.4; 75-6-40; 75-6-40.1; 75-6-40.4; and 75-6-40.5.

EXPLANATION: The revisions to Subchapters 1 and 6 of Chapter 75 modify procedures for arranging the permanency meeting; clarify existing permanency goals and the provisions of the Supported Permanency program; provide for the utilization of KIDS generated Form CWS-KIDS-24, Individualized Service Plan, and Form CWS-KIDS-25, Individualized Service Plan Progress Report; update statutory citations; and improve readability and coordination with the KIDS system.

340:75-1-18.1 is revised to clarify procedures regarding the CW worker's role in the permanency meeting held three weeks prior to the permanency hearing.

340:75-1-22 is revised to improve readability and introduce Form CWS-KIDS-24 and Form CWS-KIDS-25 in the administrative case review process.

340:75-6-30 is revised to include Form CWS-KIDS-24 when determining the child's visitation schedule.

340:75-6-31 is revised to introduce the planned alternative permanent placement goal, formerly known as long-term out-of-home placement, and the adoption preparation goal, and the utilization of Form CWS-KIDS-24 as a source for determining the child's permanent plan.

340:75-6-31.4 is revised to clarify that the Supported Permanency program is contingent upon the availability of funding.

340:75-6-40 is revised to improve readability and delete a reference to accreditation standards.

340:75-6-40.1 is revised to include the filing of Form CWS-KIDS-24 in conjunction with Form CWS-KIDS-8, Placement Plan Report, when applicable.

340:75-6-40.4 is revised to reflect updated statutory cites and provide information on the contents of Form CWS-KIDS-24.

340:75-6-40.5 is revised to reflect the issuance, utilization, and information on the contents of Form CWS-KIDS-25.

Original signed on 3-11-04

Linda Smith, Director
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WF # 03-34 (DT)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

REMOVE

INSERT

340:75-1-18.1	340:75-1-18.1, pages 1-3, revised 4-26-04
340:75-1-22	340:75-1-22, pages 1-4, revised 4-26-04
340:75-6, Table of Contents	340:75-6, Table of Contents, pages 1-3, revised 4-26-04
340:75-6-30	340:75-6-30, pages 1-8, revised 4-26-04
340:75-6-31	340:75-6-31, pages 1-11, revised 4-26-04
340:75-6-31.4	340:75-6-31.4, pages 1-4, revised 4-26-04
340:75-6-40	340:75-6-40, pages 1-2, revised 4-26-04
340:75-6-40.1	340:75-6-40.1, pages 1-2, revised 4-26-04
340:75-6-40.4	340:75-6-40.4, pages 1-6, revised 4-26-04
340:75-6-40.5	340:75-6-40.5, pages 1-3, revised 4-26-04

340:75-1-18.1. Permanency hearings

(a) **Permanency hearing.** Oklahoma statutes comply with federal regulations and set out certain requirements for permanency hearings. The responsibility for conducting the permanency hearing resides with the court, per Section 7003-5.6d of Title 10 of the Oklahoma Statutes. The Oklahoma Department of Human Services (OKDHS) Child Welfare (CW) workers are responsible for providing the court with the necessary information to conduct the hearing. Permanency hearings are held for every case regarding a child alleged or adjudicated deprived no later than:

(1) six months from the date of the child's placement in out-of-home care for a child who, on the date of initial removal from the physical custody of the parent(s), was younger than three years, and at least every 12 months thereafter;

(2) 12 months from the date of the child's placement in out-of-home care for a child who, on the date of initial removal from the physical custody of the parent(s), was three years or older, and at least every 12 months thereafter; or

(3) 30 days after a determination that reasonable efforts are not required and at least every 12 months thereafter. ■ 1 through 3

(b) **Permanency meeting.** At least three weeks prior to a permanency hearing, the CW worker arranges for a meeting to prepare a report regarding the child for the court's review. This does not apply to 30-day permanency hearings scheduled when the court makes a finding that reasonable efforts are not required. ■ 4

(c) **Notification of hearing and opportunity to be heard.** Prior written notice of the hearing is provided by OKDHS to the present foster parent of the child, any pre-adoptive parent or relative caring for the child, and the child's guardian ad litem. An opportunity to be heard is provided by the court. Such notice and opportunity to be heard is not construed as requiring any foster parent, pre-adoptive parent, or relative to be made a party to such action. ■ 5

INSTRUCTIONS TO STAFF

1. **Oklahoma statutes.** The exact wording of the statute regarding permanency hearings is found in Sections 7003-5.6d and 7003-5.6g of Title 10 of the Oklahoma Statutes and online at www.oscn.net.
2. **Requests for permanency hearing.** The Child Welfare (CW) worker requests on Form CWS-KIDS-11, Court Report, or Form CWS-KIDS-25, Individualized Service Plan Progress Report, as applicable, in the Recommendations section,

that the court set a permanency hearing no later than six or 12 months from the child's placement in out-of-home care, depending on the child's age. This recommendation is made on Form CWS-KIDS-11 or Form CWS-KIDS-25 for any hearing held prior to the permanency hearing due date.

3. **Court orders.** As a judicial finding is required for continued Title IV-E eligibility for the child, the CW worker must provide the custody specialist with the court order within 30 days of the permanency hearing.

4. **(a) Permanency meeting.** The CW worker contacts:

(1) the child's current foster parent;

(2) the parent(s) or parent(s)' attorney;

(3) a post adjudication review board (PARB) member;

(4) the child's guardian ad litem, if applicable; and

(5) the child's attorney to assist in the preparation of Form CWS-KIDS-11 or CWS-KIDS-25, as applicable.

(b) Permanency report. The appropriate court report, Form CWS-KIDS-11 or Form CWS-KIDS-25 is completed by the CW worker and includes, at a minimum, the:

(1) efforts and progress demonstrated by the child's parent(s) to complete an individual treatment and service plan;

(2) extent to which the parent(s) or legal guardian cooperated and used the services provided;

(3) status of the child, including the child's mental, physical, and emotional health; and

(4) permanency plan for the child.

5. **Hearing notification.** The CW worker completes Form DCFS-83, Hearing Notification, and mails or hand-delivers to the current foster parent, pre-adoptive parent, or relative caring for the child, no later than 15 days after the hearing is set. If the child moves after the notification is provided, the CW

worker copies the Form DCFS-83 completed for the hearing and mails or hand-delivers the copy to the current foster parent(s), pre-adoptive parent, or relative no later than seven days prior to the court hearing. The CW worker documents notification in the KIDS Contacts screen.

340:75-1-22. Administrative review and procedures

(a) **Administrative review.** Title IV of the Social Security Act requires that a case review, either judicial or administrative, occur at least each six months following the date of placement for each child in out-of-home care. An administrative review may not substitute for the statutorily required hearings. An administrative review is held when a case involving a child placed in out-of-home care, or a youth age 18 to 21 in voluntary placement with the Oklahoma Department of Human Services (OKDHS) is not reviewed after a six month interval by the court of jurisdiction or the post adjudication review board (PARB). Child Welfare is responsible for providing an administrative review in these situations. ■ 1 & 2

(b) **Case review system.** Section 475(6) of the Social Security Act defines the administrative review as ... *a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.* The case review system ensures:

(1) each child adjudicated deprived in OKDHS custody living in out-of-home placement has a case plan designed to achieve placement in a safe setting that is least restrictive, in close proximity to the parent(s)' home, and is consistent with the best interests and special needs of the child;

(2) the child's status is reviewed at least each six months by either a court or administrative review to determine:

(A) the safety of the child;

(B) the continuing need for and appropriateness of the placement;

(C) the extent of progress made on the case plan toward alleviating the conditions that caused the placement of the child in out-of-home care; and

(D) a likely date that the child can be returned home or will obtain permanency through adoption, guardianship, or other placement, as applicable; and

(3) procedural safeguards, such as a permanency hearing, are made available to the child and family, as required by Sections 7003-5.6d and 7003-5.6g of Title 10 of the Oklahoma Statutes, per OAC 340:75-1-18.1.

INSTRUCTIONS TO STAFF

1. **Administrative review exception. A child born to a youth adjudicated deprived in Oklahoma Department of Human Services (OKDHS) custody is not required to have an administrative review and is considered to be in his or her own home when the child is in:**

(1) the same placement as the mother or father; and

(2) voluntary custody.

2. **Administrative review procedures. The procedures in (1) through (3) are required for the completion of an administrative review.**

(1) The Child Welfare (CW) county of jurisdiction worker is responsible for tracking the due date for the judicial review or review by the post adjudication review board (PARB). When the review is due, the CW worker confirms that the case is on the court docket or PARB schedule. A review of the dispositional order is required by statute at least once every six months.

(A) If the case is not scheduled, the CW worker contacts the court or PARB to schedule the review. If the case cannot be set for review within six months of the last review, the CW worker informs the CW supervisor who then notifies the CW field liaison (CWFL) that an administrative review is required. The circumstance most commonly requiring a review is a youth in voluntary foster care past age 18.

(B) The case is updated to ensure that the most current information is available. The CW worker updates Forms:

(i) CWS-KIDS-7, Placement Provider Information;

(ii) CWS-KIDS-8, Placement Plan;

(iii) CWS-KIDS-9, Family/Child Strengths and Needs Assessment;

(iv) CWS-KIDS-10, Treatment Plan, or CWS-KIDS-24, Individualized Service Plan; and

(v) CWS-KIDS-11, Court Report, or CWS-KIDS-25, Individualized Service Plan Progress Report, as appropriate.

(2) The CWFL convenes a panel of three to five OKDHS staff to review the case. The CWFL selects at least one local staff member, usually the CW worker, who is familiar with the case to participate in the review. One member of the panel must be a person outside the line of authority responsible for services to the child or family. Participation by the county director or designee is recommended.

(A) The CWFL schedules the administrative review within 30 days of the required six-month review.

(B) If the court of jurisdiction county differs from the county where the child or family is located, the CWFL is responsible for coordinating the participation of appropriate staff from the other county(s).

(C) The parent(s) and child, if of appropriate age or ability, are given the opportunity to participate in the review. The parent(s) is sent a letter at least five working days prior to the review, and if possible, the review is scheduled to allow for the parent(s)' participation. Other persons involved in the case, for example, placement provider, adult sibling, tribal representative, or service providers, are invited, if appropriate. Documentation of efforts to ensure parental participation and the participation of others is included in the KIDS Contacts screen.

(3) The panel members review updated Forms CWS-KIDS-7, CWS-KIDS-8, CWS-KIDS-9, CWS-KIDS-10 or CWS-KIDS-24, CWS-KIDS-11 or CWS-KIDS-25, and any other portions of the case record as appropriate. The CW county of jurisdiction worker or supervisor briefs the panel and persons involved in the case and responds to questions. The CWFL chairs the panel and guides the review. If necessary, time limits or other procedural requirements are used by the CWFL to ensure the orderly and timely presentation of necessary information and opinions.

(A) The panel is responsible for:

(i) determining the safety of the child and whether continued placement outside the home is necessary;

(ii) assessing the appropriateness of the placement;

(iii) judging the extent of compliance with the case plan and determining progress made toward alleviating the problems that caused the child's removal and placement; and

(iv) projecting a date that the child may be returned to and safely maintained in home, placed for adoption, or placed under the legal guardianship of another.

(B) The CWFL ensures that the panel obtains the information necessary during the review to evaluate the answers to the questions in (i) through (vi).

(i) Were the child's needs identified in Form CWS-KIDS-9 and services initiated to address those needs?

(ii) Were the risk factors in the family identified in Form CWS-KIDS-10 or Form CWS-KIDS-24 and services initiated to assist the parents in correcting these conditions?

(iii) Is continued out-of-home care necessary?

(iv) Are the child's needs being met in the current placement?

(v) Is progress being made to correct the conditions that required the child's removal from the home?

(vi) By what date might the child be returned home or other permanent plan achieved?

(C) The CW county of jurisdiction worker documents the results of the administrative review in the KIDS Contacts screen. The CWFL is responsible for ensuring that the required documentation is entered into KIDS. An email is sent by the CW supervisor to notify the Children and Family Services Division (CFSD) Permanency Planning Section programs manager that an administrative review was completed. The case name and number is included in the email. The appropriate CW worker implements any corrective action or change in the plan for the child's care identified during the administrative review.

SUBCHAPTER 6. PERMANENCY PLANNING**PART 1. GENERAL PROVISIONS**

Section

- 340:75-6-1. Purpose and philosophy
- 340:75-6-2. Legal base and authority **[REVOKED]**
- 340:75-6-3. Values and goals **[REVOKED]**
- 340:75-6-4. Definitions

PART 3. PROGRAM OVERVIEW [REVOKED]

- 340:75-6-10. Program responsibilities **[REVOKED]**
- 340:75-6-11. Judicial findings and Child Welfare worker role **[REVOKED]**
- 340:75-6-12. Provision of casework treatment services **[REVOKED]**
- 340:75-6-13. Relative placement **[REVOKED]**
- 340:75-6-14. Service delivery system **[REVOKED]**

PART 5. PERMANENCY PLANNING SERVICES

- 340:75-6-24. Scope of court involved permanency planning services **[REVOKED]**
- 340:75-6-24.1. Multidisciplinary teams in the permanency planning process **[REVOKED]**
- 340:75-6-25. Purpose of treatment planning **[REVOKED]**
- 340:75-6-26. Development of treatment needs **[REVOKED]**
- 340:75-6-27. Prioritization of treatment needs **[REVOKED]**
- 340:75-6-28. Client involvement in treatment planning **[REVOKED]**
- 340:75-6-29. Consequences **[REVOKED]**
- 340:75-6-30. Child's visitation with parents and siblings
- 340:75-6-31. Permanency planning for custody children
- 340:75-6-31.1. Permanency Planning Review (PPR) System
- 340:75-6-31.2. Reunification services for Temporary Assistance for Needy Families (TANF) recipients
- 340:75-6-31.3. Court supervision of cases after reunification - Aftercare
- 340:75-6-31.4. Supported Permanency

PART 7. CASE PLANS

- 340:75-6-40. Case plan
- 340:75-6-40.1. Placement Plan
- 340:75-6-40.2. Placement Provider Information Report
- 340:75-6-40.3. Family/Child Strengths and Needs Assessment, Form CWS-KIDS-9

- 340:75-6-40.4. Treatment Plan and Individualized Service Plan
- 340:75-6-40.5. Court Report or Individualized Service Plan Progress Report
- 340:75-6-40.6. Case contacts
- 340:75-6-40.7. Family visitation screen
- 340:75-6-41. Family Strengths and Needs Assessment, Appendix X **[REVOKED]**
- 340:75-6-42. Treatment plan (Appendix P, Part B) **[REVOKED]**
- 340:75-6-43. Court reports (Appendix P court report, Part C) **[REVOKED]**
- 340:75-6-44. Case planning for heinous and shocking cases or reasonable efforts not required
- 340:75-6-45. Case planning for incarcerated parents
- 340:75-6-46. Services to Child Welfare (CW) youth involved in the juvenile justice system

PART 8. ROLE OF THE CHILD WELFARE WORKER

- 340:75-6-47. Role of the Child Welfare (CW) worker
- 340:75-6-48. Child Welfare (CW) worker contacts with child, placement providers, and parents
- 340:75-6-48.1. Role of the child's attorney
- 340:75-6-48.2. Role of the child's court-appointed special advocate or guardian ad litem
- 340:75-6-49. Religious and cultural observation
- 340:75-6-50. Education
- 340:75-6-51. Travel outside the county or state **[REVOKED]**

PART 9. MATERNITY SERVICES [REVOKED]

- 340:75-6-54. Provision of services to expectant parents **[REVOKED]**
- 340:75-6-55. Counseling services **[REVOKED]**
- 340:75-6-56. Protection and confidentiality **[REVOKED]**
- 340:75-6-57. Medical services **[REVOKED]**
- 340:75-6-58. Living arrangements **[REVOKED]**
- 340:75-6-59. Termination of pregnancy **[REVOKED]**
- 340:75-6-60. Planning for the child **[REVOKED]**
- 340:75-6-61. Transfer of case record **[REVOKED]**
- 340:75-6-62. Coordination with Juvenile Services unit **[REVOKED]**
- 340:75-6-63. Coordination with Institutional Services **[REVOKED]**
- 340:75-6-64. Coordination with Family Support Services **[REVOKED]**
- 340:75-6-65. Use of community service providers **[REVOKED]**
- 340:75-6-66. Referrals to service providers **[REVOKED]**
- 340:75-6-67. Community Based Services **[REVOKED]**
- 340:75-6-68. Case evaluation and case closure **[REVOKED]**

340:75-6-69. Divorce Home Studies **[REVOKED]**

PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES

- 340:75-6-85. Child Welfare (CW) worker placement decisions and responsibilities
- 340:75-6-85.1. Child Welfare (CW) worker responsibilities to DHS custody children
- 340:75-6-85.2. Diligent search for relatives and kin
- 340:75-6-85.3. Child Welfare (CW) worker placement responsibilities for siblings
- 340:75-6-85.4. Child Welfare (CW) worker placement responsibilities for child with goal of adoption
- 340:75-6-85.5. Child Welfare (CW) worker responsibilities for supervision only cases
- 340:75-6-85.6. Voluntary placement for a child(ren) born to custody youth
- 340:75-6-86. Changes in child's living arrangements
- 340:75-6-87. Placement of an Indian child **[REVOKED]**
- 340:75-6-88. Medical services to custody children
- 340:75-6-89. Travel outside the county or state
- 340:75-6-90. Community-based services
- 340:75-6-91. Child care services for Child Welfare (CW) clients
- 340:75-6-92. Services to DHS custody youth who are pregnant

PART 13. INDEPENDENT LIVING

- 340:75-6-110. Independent Living (IL) program
- 340:75-6-111. Preparation for adult life/independent living initiative **[REVOKED]**
- 340:75-6-112. Administration **[REVOKED]**
- 340:75-6-113. Eligibility **[REVOKED]**
- 340:75-6-114. Requirements
- 340:75-6-115. Independent Living (IL) support services
- 340:75-6-115.1. Community contracted services
- 340:75-6-115.2. Oklahoma Children's Services (OCS) **[REVOKED]**
- 340:75-6-115.3. Independent Living (IL) contingency funds
- 340:75-6-115.4. Independent Living (IL) incentive payments
- 340:75-6-115.5. Educational and scholarship assistance
- 340:75-6-115.6. Youth Advisory Board
- 340:75-6-115.7. Teen panels
- 340:75-6-115.8. Special Independent Living (IL) funding
- 340:75-6-115.9. Voluntary placement after age 18
- 340:75-6-116. Oklahoma Children's Services (OCS) **[REVOKED]**
- 340:75-6-117. Matrix of independent living services **[REVOKED]**

PART 5. PERMANENCY PLANNING SERVICES**340:75-6-30. Child's visitation with parents and siblings**

(a) **Parent-child visitation.** The frequency of a child's visits with his or her parent(s) is directly linked to the length of time the child stays in out-of-home placement. Visitation is the single most predictive factor in whether a child is successfully reunified. Parent-child visitation is a high priority of the Child Welfare (CW) worker and serves the functions of:

- (1) reassuring the child that the parent(s) has not abandoned him or her and that the parent(s) still cares for him or her;
- (2) reassuring the parent(s) that CW is serious about maintaining family relationships and helping the parent(s);
- (3) strengthening familial relationships;
- (4) demonstrating new parenting skills by the parent(s);
- (5) evaluating parenting skills;
- (6) evaluating parent-child interaction;
- (7) assessing the parent(s)' level of interest and ability to parent;
- (8) preparing families for reunification; and
- (9) identifying continued risks to the child's safety that make reunification unfeasible.
■ 1 & 2

(b) **Visitation is a right.** The child and parent(s) have a right to regular visitation.

(1) The parent(s) is notified of this right on either Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan. Denial of family visitation, sibling contact, or the exchange of letters and phone calls is not used to reward or punish the child or family.

(2) Visitation is available to the children and families involved with CW, provided there is no:

(A) documentation that the child is endangered;

(B) documentation that visitation is damaging to the child; or

(C) court finding that efforts to reunite are not required or have been made and failed and visitation cease. ■ 3 & 4 When the court has made a finding that reasonable efforts are not required, visitation may continue in some situations until the permanency hearing.

(3) Only election of the parents to decline to participate, a permanency plan goal other than reunification, or the special circumstances described in OAC 340:75-6-30(c) rule out regular visitation.

(4) Prior to discontinuing visitation with the parent(s), the CW worker discusses this with the district attorney, child's attorney, and child's therapist if appropriate, and advises the court. Written notice of this decision with a detailed explanation is provided to the; ■ 5

(A) court;

(B) child's attorney; and

(C) parent(s).

(c) Frequency of parent-child visitation. Family visitation begins no later than two weeks after removal of the child and is arranged a minimum of every four weeks thereafter until the child is returned or the permanency plan is no longer reunification. ■ 6 Exceptions are made when the:

(1) parent(s) fails to cooperate with visitation arrangements;

(2) court orders no visitation;

(3) whereabouts of the parent(s) are unknown; or

(4) visitation, even supervised, endangers or submits the child to highly damaging psychological stress.

(d) Visitation schedule.

(1) A schedule of visitation is designed jointly with the family, placement provider, and CW worker. Visitation increases in length and frequency and decreases in the level of supervision as the parents correct the conditions of intervention.

(2) A visitation schedule provides security for parent-child interaction and allows parents a reliable routine for practicing new parenting and relationship techniques. The schedule promotes time management skills for the parents and allows the CW worker an opportunity to observe the parent-child interaction.

(3) The CW worker determines the frequency, location, and arrangements for visitations. When safety is ensured, the placement provider may participate in visitation. The visitation schedule is written and signed by the family, placement provider, and CW worker, with copies for all, including the child as appropriate, and attached to Form CWS-KIDS-10 or Form CWS-KIDS-24.

(A) **Frequency.** Contact with the child occurs according to the safety situation for the child. Initially, frequency is increased by adding a schedule for letters and phone calls, followed by an increase in visits. Phone calls and visits are arranged with the parent(s), placement provider, and child, age permitting.

(B) **Length.** Initial visits are of short duration, one to two hours. Length of visits gradually increases as the parents become more proficient in parenting skills. Successful unsupervised day-long, overnight, and weekend visits are completed prior to planning for the child's return home.

(C) **Location.** In the beginning stages of a case, visits may require supervision by the CW worker, and when necessary, held in a sterile environment such as the Oklahoma Department of Human Services (OKDHS) office. As soon as safety permits, visits are held in locations conducive to parent-child interaction, such as parks, restaurants, and shopping malls. As the parents progress in eliminating the risk factors, the frequency and length of visits increase and the location moves to the placement provider's or parent(s)' home, as appropriate. The length, frequency, and location of visits are based on the needs of the child and the abilities of the parent(s).

(D) **Activities.** Visits are planned and structured to include age appropriate activities with the child. This allows the parent(s) the opportunity to learn about the child's development and to strengthen the parent-child relationship. As parental involvement progresses, school conferences and doctor appointments may be combined with the family visits.

(E) **Mail and phone contact.** Contact with the child's parent(s), extended family, and friends through phone calls and letters is encouraged. Mail, including email, and phone calls are not monitored or restricted unless it is essential for the child's protection. ■ 7 The court is advised when restrictions are warranted and

of OKDHS efforts to improve the quality of family contacts. Restrictions may be considered when:

(i) threats are made to the child;

(ii) the contact causes harm to the child's emotional well-being;

(iii) there is an attempt to influence the child's testimony; or

(iv) an attempt is made to undermine a present or future placement.

(e) **Contact with siblings.** All efforts are made to place sibling groups together in both temporary and permanent placements, per OAC 340:75-6-85.3. When this is not possible, siblings have frequent contact. A child who is in out-of-home care is normally in compelling need of closeness with siblings. Sibling contacts approved by the CW worker may be arranged by placement providers. ■ 2

(f) **Child's visits or contacts with relatives.** When a child is in emergency or temporary OKDHS custody, the CW worker evaluates requests for visitation or contact from relatives or extended family members based on information from the child's parent(s) and the significance of the relationship to the well-being of the child. The decision is discussed with the child's attorney when there is disagreement with the child's parent(s) regarding the contact or visitation with relatives. ■ 8

(g) **Child's visits or contacts from outside entities.** The CW worker determines who is appropriate to have visitation or contact with a child in care. When the child is in emergency or temporary OKDHS custody, the parent(s) has input into this decision. For the child in permanent OKDHS custody, the CW worker may approve contact, based upon the child's wishes and the case plan goal. ■ 8

INSTRUCTIONS TO STAFF

1. **Importance of visitation.** The Child Welfare (CW) worker stresses to the parent(s) the importance of regular visits with the child. Parents are informed that a child in out-of-home placement anticipates and is positively or negatively affected by family visits. The worker explains that attendance at scheduled visits is essential and when a parent(s) fails to attend a scheduled visit, this is harmful to the child and is utilized in considering the parent(s)' compliance with Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan.

2. Visitation documentation. The occurrences and interactions during family visitation provide essential information utilized in making case decisions. The parents' progress in parenting skills, the development of the parent-child relationship, and significant events are recorded in the KIDS Contacts and Visits screens and provided to the court in Form CWS-KIDS-11, Court Report, Visitation section, or Form CWS-KIDS-25, Individualized Service Plan Progress Report, for disposition and review hearings.

(1) Failure to attend visitation. When parents do not attend a scheduled visit, the CW worker discusses this with the parents to determine the cause. Failure generally falls into the categories listed in (A) through (C).

(A) The parents were unable to attend due to circumstances beyond their immediate control. In this event, another visit is scheduled as soon as it can be arranged and services, such as transportation, are provided to alleviate the cause of the missed visit and promote future visits.

(B) There is frequent absenteeism even after services were offered. An evaluation of the reasons for the parents' failure to attend is made with the parents' participation. The parent(s) is informed that failure to keep scheduled visits is harmful to the child's emotional and mental well-being and to the parent-child relationship. When feasible, the CW worker attempts to minimize the harm to the child due to the parent(s)' failure to attend. One method requires the parent(s) to arrive at the visitation location prior to the child.

(C) The parents chronically miss visits. When a parent(s) does not attend visits after services are offered and he or she is aware of resulting harm to the child, this is an indication that the parent(s) may be unwilling or unable to assume parenting responsibilities. Visit absenteeism may be accompanied by arriving late, leaving early, or poor parent-child interaction. The CW worker uses this information in permanency planning for the child.

(2) Anxiety demonstrated during visitation. Visits with parents are often stressful to a child. The child may be upset by the parent(s)' behaviors, have a loyalty conflict between the parent(s) and the placement provider, or feel anger, fear, or uncertainty about the separation and the future. Placement providers often attribute a child's difficult behaviors before and after visits to negative feelings the child may have toward the parent(s) or

to negative events that might have occurred during the visit. Pre- and post-visit behaviors are documented in the KIDS Visits screen and, when appropriate, Form CWS-KIDS-11 or Form CWS-KIDS-25. When a child demonstrates anxiety surrounding family visits the actions in (A) and (B) are considered.

(A) The CW worker holds a discussion with the parent(s), placement provider, child, and appropriate professionals, such as a counselor or therapist, to determine whether changes will make the visits more satisfactory. With the parents' participation, the CW worker designs a plan of action to correct the situation and assists the parents in making necessary changes.

(B) If the behavior persists after the CW worker has talked to the child, counseling is provided to determine the cause for the reaction. The CW worker maintains awareness of the child's feelings, fears, and desires by conducting visits with the child and observing family visitation a minimum of every four weeks.

(i) When abuse or neglect occurs during visitations, a new investigation is conducted, per OAC 340:75-3.

(ii) Significant events and reactions by the child are documented in the appropriate KIDS screens and Form CWS-KIDS-11 or Form CWS-KIDS-25.

(3) Sibling visitation. When sibling contact is detrimental to one or more of the siblings, a temporary exception to visitation is documented in the case record. The CW worker arranges services, including counseling, if indicated, to correct the situation. The CW worker reports the status of sibling contact in the Visitation section of Form CWS-KIDS-11 or Form CWS-KIDS-25.

3. Continuation of visitation. After the court makes a finding that reasonable efforts to reunite are not required or have been made and failed, the visitation between the child and parent(s) is evaluated on a case-by-case basis to determine whether to continue visitation. Either finding alone does not indicate that visitation ceases. At the court hearing, the CW worker addresses the need for termination of parental rights and visitation issues.

4. Visitation with a parent whose rights were terminated. In some cases, contact and visitation of an older child or teenager and a parent whose rights were

terminated may be appropriate. Teens and older children in other permanent placements, excluding adoptive homes, may desire a relationship with a parent who has made changes and matured since parental rights were terminated.

5. Suspension or termination of visitation prior to adjudication. Decisions to suspend or terminate visitation prior to adjudication are not made without court involvement.

6. (a) Visitation frequency. Parent-child visitation is essential to the reunification process and the CW worker attempts to facilitate the most frequent visitation schedule possible. If the CW worker is unable to arrange parent - child visitation every four weeks, due to conflicts in work schedule or other job related demands, the worker arranges a visit no later than six weeks from the last parent - child visit.

(b) Visitation delays. Since parent - child visitation is critical to reunification efforts and to the child's well-being, the CW worker only delays visits beyond the four week intervals for documentable good cause.

7. Opening and reading the child's mail. Mail for a child in the Oklahoma Department of Human Services (OKDHS) custody is not opened or inspected except by the child. When the CW worker believes the mail contains:

(1) contraband, the worker opens the mail in the child's presence without reading; or

(2) inappropriate or harmful information, the worker immediately notifies the CW supervisor, as court approval is required to open or read the child's mail.

(A) The CW supervisor consults with the CW field liaison (CWFL) regarding any concerns for the child and procedures to open or inspect the mail.

(B) If deemed necessary, the CW supervisor contacts the district attorney for assistance in obtaining an order from the court providing appropriate restrictions.

8. Visitation with relatives, extended family, and significant others. Since contact and visitation with relatives and extended family is important for the child's

well-being, the CW worker facilitates this type of contact and visitation. When school teachers, church personnel, or other members of the community who know the child request ongoing visitation or contact with the child, the CW worker considers the parent(s)' feelings and opinions, wishes of the child, and case plan goal.

340:75-6-31. Permanency planning for custody children

(a) **Permanency planning.** Permanency planning begins immediately after a child is placed in the Oklahoma Department of Human Services (OKDHS) custody and continues until the child is living in a permanent home and the Child Welfare (CW) case is closed. Once a child is removed from the custody of the child's parent(s), OKDHS immediately begins concurrent permanency planning so that permanency occurs at the earliest opportunity. Consideration of the initial placement is given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child. The first permanency hearing is held as required by Sections 7003-5.6d and 7003-5.6g of Title 10 of the Oklahoma Statutes, and in accordance with OAC 340:75-1-18.1.

(1) The permanency plan goal preferences are to:

(A) reunite the child with his or her family;

(B) terminate parental rights and place the child for adoption;

(C) establish guardianship; or

(D) provide a planned alternative permanent placement.

(2) The purpose of permanency planning is to ensure that every child who enters the CW system has a plan that addresses the child's immediate and long-term needs for safety, well-being, and permanence.

(3) CW staff are required to be diligent in the development and implementation of a permanency plan. ■ 1 & 2

(b) **Sources for determining the child's permanent plan.** Sources that assist the CW worker and supervisor in determining the best permanency plan for the child are:

(1) Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan, containing current documentation of the parent(s)' progress, correspondence, consultations, or conferences with service and placement providers and professionals who interact with the child and the parent(s);

(2) the KIDS Contacts and Visits screens, containing pertinent information gained from visits and CW worker contacts with the child, parent(s), placement provider, and service providers;

- (3) statements by the parent(s) that indicate the parent(s)' perceptions of the child, parenting the child, and the abuse and neglect issues that required corrections;
- (4) statements by the child regarding the parent(s)' and the child's desire to reunite, that are obtained from the CW worker's monthly visitation with the child, placement provider, and service providers;
- (5) staffing with the CW supervisor;
- (6) recommendations by the post adjudication review board (PARB);
- (7) conclusions or recommendations by a multidisciplinary staffing;
- (8) consultation with the Children and Family Services Division (CFSD), Adoption Section;
- (9) the permanency planning review process, per OAC 340:75-6-31.1; and
- (10) coordination with tribal officials, for a child who falls under the Indian Child Welfare Act, to explore the tribe's interest and ability in providing for the child's permanent placement.

(c) **Reunification.** In most situations, the initial permanency plan case goal is to reunite the child with the family. These services are implemented until:

- (1) the child is returned home, the family home has stabilized, and the court case is dismissed; or
- (2) it is determined that the conditions that necessitated intervention have not been corrected even though sufficient time and services have been provided.

(d) **Exceptions to reunification as the initial case plan goal.** Situations that require an alternative permanent plan to reunification as the initial case plan goal include:

- (1) voluntary relinquishment by all parents, natural, legal, putative, and alleged;
- (2) a Petition for Termination is filed on the parent(s), legal guardian, or custodian; or
- (3) the court finds that reasonable efforts to reunite are not required, per OAC 340:75-1-18.4.

(e) **Reunification services.** Prior to reunification with a parent(s) who has contributed to the abuse or neglect of the child, a court order granting approval is required. ■ 3 through 6 In preparation for reunification and to provide to the court for consideration, the CW worker ensures the activities in (1) through (7) occur.

(1) Visitation is increased in frequency and duration with reduced supervision as described in OAC 340:75-6-30.

(2) The age appropriate child is made aware that the parent(s) has progressed in treatment to the point that reunification may occur, with the court's approval.

(3) Any issues involving the child's apprehensions, indecisiveness, or reluctance to return home are managed through family consultation, counseling, or both.

(4) Support services are utilized including, but not limited to, temporary child care, assistance in contacting community service providers, in-home services, or continued Temporary Assistance for Needy Families (TANF) eligibility, if applicable, per OAC 340:75-6-31.2.

(5) The placement provider is informed of the possibility of reunification and is included in and provided with information regarding the child for permanency planning.

(6) Service providers present supporting information about the degree of safety in the family.

(7) The case is staffed with the CW supervisor and the requirements for the permanency planning review process are met, per OAC 340:75-6-31.1.

(f) **Criteria for reunification.** Indications for reunification are listed in (1) through (6).

(1) The risk that necessitated the intervention is minimized and a plan is in place to address the child's safety.

(2) The parent(s) has complied with the treatment and service plan in such a manner that those adjudication conditions the court determines essential and fundamental to the child's health, safety, and welfare are met.

(3) Visitation is successful and has increased in length and frequency.

(4) The child has dealt with the feelings about the separation through counseling or some other effective means.

(5) The child is prepared for the reunion and received support in handling his or her feelings about returning home and separating from the current placement.

(6) The court gives prior approval of the return of the child to the parent(s)' home in accordance with OAC 340:75-6-31(e). ■ 3 through 9

(g) **Reunification with the custodial parent.** When the child's parents do not live together, the priority for reunification relates primarily to the custodial parent; however, the noncustodial parent is assessed for the possibility of placement or custody, if appropriate, per OAC 340:75-1-13. Prior to closure of the court case, modification of the divorce decree or any other custody order may be necessary if the parent who had custody prior to CW involvement is no longer the custodial parent.

(h) **Indicators to proceed with concurrent permanency plan.** The conditions in (1) through (8) may be indicators of the need to expedite the concurrent permanency plan for the child.

(1) Completion of the treatment and service plan is irregular or sporadic, and has not eliminated the risk in the home, which may indicate a lack of interest in or commitment to reunification.

(2) Family visitation indicates the parent(s):

(A) lacks a close and positive relationship with the child;

(B) visits irregularly;

(C) frequently misses scheduled visits; or

(D) arrives late and leaves early.

(3) Indications of maltreatment are reported during unsupervised visitations. Examples of maltreatment include, but are not limited to, referrals regarding the reoccurrence of abuse or failure of the parent(s) to comply with any recommended treatment for the child.

(4) The child was returned to the home and removed again for safety reasons.

(5) The parent(s) receives negative reports from service providers or other entities, such as permanency planning review members, PARB members, and the court-appointed special advocate (CASA).

(6) The length of time reunification has been the case plan goal, per OAC 340:75-6-47(c)(18).

(7) The finding of the permanency hearing.

(8) A judicial finding that reasonable efforts to reunite are not required.

(i) **Adoption.** When a child cannot return safely to his or her own home, adoption is the preferred permanency plan in essentially every case. Adoption is usually possible regardless of the child's age or special needs. Adoption provides a child with a lifelong, committed family, a permanent home, connection, belonging, and identity, and the same legal status he or she would have with a biological family. Consultation about adoptive placement for the child is initiated with the county's adoption specialist to discuss permanency planning options when reunification appears no longer feasible. This consultation is held regardless whether termination of parental rights was recommended to the court.

(j) **Legal guardianship or permanent custodian.** A guardianship or permanent care and custody transferred to another person or kinship guardian may be the permanency plan for a child, per OAC 340:75-1-18.2 and 340:75-1-18.3, when a child is placed with a person who is reluctant to adopt due to extenuating circumstances. Guardianship or permanent custodian is not preferred over adoption because this option does not provide the same level of family permanency. Subject to the availability of funds, financial assistance is available to the legal guardian or custodian, provided the eligibility requirements are met, per OAC 340:75-6-31.4.

(k) **Planned alternative permanent placement.** A plan for planned alternative permanent placement may be appropriate for a child when OKDHS documents a compelling reason for the court to determine that to return home, be placed for adoption, or guardianship is not in the best interests of the child. Long-term out-of-home care does not always provide a child with the emotional and physical support or life-long family attachments and is only an option when:

(1) all other permanency plans have been explored and are not feasible or in the child's best interests; or

(2) the child chooses not to be adopted after adoption has been thoroughly explored, explained, and the opportunities demonstrated.

(l) **Emancipation.** The federal definition of emancipation is the age at which the child reaches the age of majority. In Oklahoma this age is 18.

INSTRUCTIONS TO STAFF

1. **Concurrent planning.** Concurrent planning provides for reunification services while simultaneously developing an alternative plan, if reunification efforts fail or are no longer feasible. Placement resources are evaluated regarding the potential to develop into a permanent placement for the child to prevent unnecessary movement. The parent(s) is kept informed of the planning for the child and the reasons are explained. The Child Welfare (CW) worker informs the parent(s) of all of the alternatives from the outset to assist in choosing what is best for the child and the parent(s).
2. **Selecting the appropriate case plan goal.** To establish an appropriate plan, a goal is selected on Form CWS-KIDS-10, Treatment Plan, or CWS-KIDS-24, Individualized Service Plan, and Form CWS-KIDS-25, Individualized Service Plan Progress Report, as applicable, that best serves the child's interests and long-term needs, including safety, well-being, and permanence. The CW worker reassesses the appropriateness of this goal at each update of Form CWS-KIDS-10 or Form CWS-KIDS-25. Permanency planning is directed toward one of the case plan goals listed in (1) through (7).

(1) **Maintain in own home.** The child's own home is determined by CW to be the appropriate, safe, and permanent living situation. The child is in the home of the parent(s) and the short-term risk of abuse or neglect is under control. The family is working with CW to reduce the long-term risk of abuse or neglect.

(2) **Return to own home.** The child's own home is determined by CW as the appropriate, safe, and permanent living situation. The child was removed from the home for protection from abuse or neglect. CW is providing services to the family to reduce the risk of abuse or neglect enough for the child to return home and live there safely. The family, with CW assistance, is willing and able to reduce the risk of abuse or neglect enough for the child to return home, per OAC 340:75-6-31(c).

(3) **Guardianship.** The home of a relative, kin, or another person is determined by CW as the appropriate, safe, and permanent living situation. The child was removed from the home for protection from abuse or neglect and the child's parent(s) is unwilling or unable to reduce the risk of abuse or neglect enough for the child to return home and live there safely. The relative, kin, or another person is willing and able to protect the child, assume responsibility for the child's care and upbringing, and assume

guardianship of the child. Permanent placement is usually preceded by temporary placement with the relative, kin, or another person.

(4) Adoption. An adoptive family is determined by CW as the appropriate, safe, and permanent living situation. When the court rules that efforts to reunite the child have been made and failed and the parent(s) has relinquished parental rights or parental rights are terminated, a relative, kin, or foster parent may choose to adopt the child. The child's CW worker explores this as an option. The CW worker contacts the county's adoption specialist to begin the adoptive planning process. Adoptive placement options are adoption by a:

- (A) relative or kin;
- (B) foster parent; and
- (C) non-related person.

(5) Adoption preparation. An adoptive family is determined by CW as the appropriate, safe, and permanent living situation but other factors must be addressed prior to pursuing adoption as a goal. Examples include, but are not limited to, the child has unresolved psychological issues or there are pending court issues related to termination of parental rights. The child's CW worker immediately changes the goal to adoption when the factors preventing adoption are resolved through progressive casework.

(6) Planned alternative permanent placement. Continued placement in out-of-home care is determined by CW as the appropriate, safe, and permanent living situation. This goal is only an option when all other permanent placement options are explored and determined as not feasible or not in the child's best interests.

(7) Emancipation. The definition of emancipation used when addressing this goal is the age at which the child reaches the age of majority. In Oklahoma, certain rights of majority may be given to a minor in special circumstances, but this is not the purpose of this goal.

3. Guide for determining feasibility of reunification. The questions used as a guide in assessing the potential for successful reunification and as a checklist for determining inhibitors to reunification are listed in (1) through (12).

- (1) Has the parent(s) demonstrated learning and behavioral change related to the abuse or neglect that caused the intervention?**
 - (2) Does the parent(s) have the ability and interest to provide a safe home for the child?**
 - (3) If the abuse or neglect that precipitated intervention was severe, brutal, or cruel, has the perpetrator changed, is the perpetrator no longer present in the home, or is the non-offending parent able to protect the child?**
 - (4) If the child has special needs, does the parent(s) have the ability and interest to meet these needs and access community resources, when necessary?**
 - (5) Are there regular visits between the child and the CW worker in which the child's feelings about the child's family and placement(s) are discussed?**
 - (6) Has the child resolved personal issues regarding the abuse and separation?**
 - (7) Has the perpetrator assumed responsibility for the abuse?**
 - (8) Is the child aware of the parent(s)' progress on the treatment and service plan?**
 - (9) Are there community services, schools, child care centers, neighbors, or relatives who have the knowledge and willingness to report if the situation warrants?**
 - (10) Does the parent(s) keep medical appointments and have an interest in the child's school functioning?**
 - (11) Has parent-child visitation increased in length and frequency in order for the child and CW worker to observe changes in the parent(s)?**
 - (12) Is there healthy, age appropriate communication between the parent(s) and the child?**
- 4. Protocol when a child wants to return home but risk continues. In some cases the child expresses a strong desire to return home, but the parent(s) has not**

reduced the risk sufficiently to reunify. In these circumstances the CW worker:

- (1) informs the parent(s) of the child's desire to return home;
 - (2) explains to the parent(s) the consequences of failure to eliminate the risk and complete the treatment and service plan and the child's need for a permanent home;
 - (3) examines the treatment and service plan and encourages the parent(s)' input to ensure the parent(s)' understanding. If changes to the plan are required, refer to OAC 340:75-6-40.4(d);
 - (4) assesses whether the services are available, realistic, and necessary; and
 - (5) arranges a consultation with the parent(s), child, if appropriate, CW worker, and key service providers to eliminate confusion or uncertainty for the parent(s).
5. Protocol when a child is reluctant to return home. When the parent(s) has corrected the conditions leading to CW intervention but the child is reluctant to return home, the parent(s) is informed of the child's preference and is involved in the resolution, whether through family counseling, consultation with the CW worker, or a gradual reunification process. This requires involvement of the placement provider, child's counselor, or other service provider to explore the possibility of:
- (1) abuse or neglect that has not been disclosed or discovered;
 - (2) family violence, substance abuse, or conflicts that have not been resolved;
 - (3) fears about the parent(s)' treatment of the child;
 - (4) belief that the parent(s), stepparent, or other adults and children in the home feel negatively toward the child;
 - (5) fear or disapproval of the stepparent or other adults and children involved or living with the parent(s);

- (6) concerns that conditions in the home, such as reliable meals, cleanliness, housekeeping conditions, appropriate clothing, and similar necessities, are not available; and
- (7) preferential treatment by the parent(s) of other children or persons who are involved with the parent(s).
6. Trial reunification - OKDHS custody. When requesting the court's approval for reunification with a parent(s) on Form CWS-KIDS-11 or Form CWS-KIDS-25, the CW worker recommends that the child remain in the custody of the Oklahoma Department of Human Services (OKDHS) for six months, to continue the child's Title IV-E eligibility. If the court authorizes trial reunification and the child remains in OKDHS custody, the CW worker:
- (1) end dates the current placement episode with the exit reason of Trial Reunification; and
- (2) enters a Trial Reunification placement episode. This placement episode does not automatically end date after six months. If no action is taken by the CW worker to change the end date, the case turns blue in the CW worker's workload until action is taken to either extend or end date the Trial Reunification episode.
7. Reunification - OKDHS supervision. If the court returns custody to the parent(s) under the supervision of OKDHS, the CW worker end dates the current placement episode with the exit reason of Reunification. The removal episode automatically end dates.
8. Protocol when a child must be removed from the home while in trial reunification status.
- (1) When removal of a child is necessary due to abuse or neglect, the CW worker completes a referral and investigation, per OAC 340:75-3.
- (A) When the child is in OKDHS custody, the CW worker completes for the court, prior to or within one working day after the removal of the child, Form DCFS-113, Request for Termination of Trial Reunification, with the reasons trial reunification must be terminated.
- (i) The CW worker requests an ex parte order authorizing OKDHS to terminate the trial reunification and offers to the court Form

DCFS-114, Order Terminating Trial Reunification. Form DCFS-114 is utilized at the court's discretion.

(ii) The court's authorization is required for continued eligibility for Title IV-E funding. The CW worker provides to the custody specialist within five calendar days of the child's removal a copy of the Order Terminating Trial Reunification.

(B) When the child is not in OKDHS custody, the CW worker completes Form DCFS-113 with the reasons the child must be removed from the home.

(i) The CW worker presents Form DCFS-113 to the district attorney (DA) who prepares an application for an emergency custody order.

(ii) The DA obtains an emergency custody order with judicial findings of "contrary to the welfare" and "reasonable efforts to prevent removal."

(2) Title IV-E redetermination. After the child is removed from the home, Title IV-E eligibility is redetermined, per OAC 340:75-13-15.

9. Protocol when trial reunification - OKDHS custody is successful. If at the end of the first six months, the reunification process appears successful the CW worker asks the court to return legal custody to the parent(s) and relieve OKDHS of legal custody and supervision.

(1) If OKDHS is relieved of legal custody, supervision, or both, the CW worker end dates the Trial Reunification episode with the exit reason of Reunification and closes the CW case. The removal episode automatically end dates.

(2) If the court orders OKDHS to continue custody, supervision, or both, the CW worker follows the contact requirements as outlined in OAC 340:75-6-48.

340:75-6-31.4. Supported Permanency

When a child in the custody of the Oklahoma Department of Human Services (OKDHS) is placed in a paid kinship foster home with a relative who resides in Oklahoma and meets the specified degree of relationship as defined by the Temporary Assistance for Needy Families (TANF) program, per OAC 340:10-9-1(a), Supported Permanency may be explored, subject to the availability of funds. ■ 1

(1) Supported Permanency is appropriate when the:

(A) court makes a finding that reasonable efforts to reunite are not required or have been made and failed, and the permanency plans of reunification and adoption have been ruled out;

(B) relative has completed all requirements to be an approved OKDHS foster home;

(C) child is currently residing with the relative in Oklahoma and has been for four of the previous six months;

(D) relative is willing to assume legal responsibility; ■ 2

and

(E) court and, if appropriate, the child are in agreement with the plan for the relative to obtain legal responsibility.

(2) Supported Permanency provides the relative with:

(A) monetary reimbursement to an attorney for the legal costs incurred in the transfer of legal responsibility of the child; ■ 3

(B) a monthly cash benefit for the child based on the standard foster care rates; ■ 4

(C) a medical card for the child; and ■ 5

(D) an assigned Family Support Services worker to provide referrals for services, if needed.

INSTRUCTIONS TO STAFF

1. (a) Exploration of permanency options. Prior to the consideration of Supported Permanency, the child's Child Welfare (CW) worker explains the differences between adoption and guardianship to the child, as appropriate for the child's age, and foster parent in order that the child and foster parent understand the various forms of permanency that are available. In addition, the CW worker provides the foster parent with Oklahoma Department of Human Services (OKDHS) Publication No. 01-40, *Supported Permanency*, and OKDHS Publication No. 03-18, *Permanent Connections*.

(b) Supported Permanency for children eight years of age or younger. Prior to proceeding with Supported Permanency for any child age eight or younger, steps listed in (1) through (3) must be completed.

(1) The CW worker staffs the case with the CW supervisor and CW field liaison (CWFL).

(2) If the CWFL determines that Supported Permanency is appropriate, the CWFL arranges within five working days of the staffing for an in person or phone consultation with the CW supervisor, CWFL, and Children and Family Services Division (CFSD), Permanency Planning Section to discuss the case and ensure that all permanency options for the child are addressed.

(3) The CW worker documents the consultation in the KIDS Contacts screen.

(c) Supported Permanency protocol for the CW worker. Upon determination that Supported Permanency is appropriate for the child, the CW worker is responsible for:

(1) contacting the Permanency Planning Section to determine the availability of funding;

(2) obtaining the approval of the court and, if appropriate, the child to proceed;

(3) assisting the relative in locating an attorney to obtain legal responsibility;

(4) obtaining authorization for the attorney's service and payment through the Finance system, obtaining required signature(s), and sending the authorization form to the attorney. There is a \$500 limit for the reimbursement of attorney fees.

(A) The worker authorizes contingency funds, per OAC 340:75-1-28, using the object code designated for attorney fees for the Temporary Assistance for Needy Families (TANF) Supported Permanency program.

(B) These funds are only used for a relative obtaining guardianship for Supported Permanency;

(5) requesting that visitation and child support are addressed in the transfer order;

(6) making a referral to TANF using Form DCFS-77, Supported Permanency Referral, within five calendar days of the relative assuming legal responsibility. The CW worker includes in the referral or attaches information regarding the identified needs of the child(ren) and suggestions for continued services for the family and attaches the order transferring legal responsibility and email authorization from the Permanency Planning Section. A face-to-face staffing between the CW worker and the Family Support Services (FSS) worker is recommended;

(7) informing the relative to contact the local county Oklahoma Department of Human Services (OKDHS) office to complete the TANF application if the relative has not had a personal contact from an FSS worker within ten calendar days of assuming legal responsibility; and

(8) closing the CW case upon completion of the custody transfer and referral to TANF.

2. Types of legal custody transfer. The transfer of legal custody may be through a permanent care and custody transfer in a juvenile proceeding, custody transfer to a kinship guardian, or traditional guardianship, as described in OAC 340:75-1-18.2 and 340:75-1-18.3.

3. Attorney fees. The \$500 limit applies to each transfer of legal responsibility, not to each child. Requests are not made to override the \$500 limit when a relative is obtaining legal responsibility for more than one child. If there are

multiple relatives obtaining legal responsibility for different children in the case, each legal action has a limit of \$500.

4. **Monthly cash benefit.** The monthly cash benefit is based on the age of the child. The cash benefit is automatically adjusted when the child enters a different age category. Difficulty of care payment rates and clothing vouchers are not included in Supported Permanency. Other income, such as Social Security disability, death benefits, and child support, reduces the amount of the cash benefit, or, if in excess of the cash benefit, eliminates the child's eligibility for Supported Permanency, per OAC 340:10-3-26.
5. **Medical coverage.** The child's medical coverage is changed from fee-for-service to managed care. Transportation for medical appointments is provided through the Sooner Ride program.

PART 7. CASE PLANS

340:75-6-40. Case plan

(a) **Written case plan.** The reports that comprise the case plan encompass and document the scope of permanency planning services for the child and family. These reports include essential information that complies with state statutes and federal regulations. The case plan information documented is the:

- (1) reason(s) for Child Welfare (CW) involvement;
- (2) information about the child's placement;
- (3) case plan goal(s);
- (4) desired results that must be achieved for reunification to occur;
- (5) services and steps identified to assist the parent(s) in developing the ability to protect and care for the child;
- (6) evaluation of the parents' progress and case status;
- (7) Oklahoma Department of Human Services (OKDHS) recommendations for the child's permanency plan;
- (8) assessment of the family;
- (9) assessment of the child; and
- (10) services to the child that address the identified needs and the child's well-being.

(b) **Case plan components.** The case plan is made up of:

- (1) Form CWS-KIDS-8, Placement Plan, per OAC 340:75-6-40.1;
- (2) Form CWS-KIDS-7, Placement Provider Information, per OAC 340:75-6-40.2;
- (3) Form CWS-KIDS-9, Family/Child Strengths and Needs Assessment, per OAC 340:75-6-40.3;
- (4) Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan, per OAC 340:75-6-40.4;

(5) Form CWS-KIDS-11, Court Report, or Form CWS-KIDS-25, Individualized Service Plan Progress Report, per OAC 340:75-6-40.5;

(6) KIDS Contacts screen information, per OAC 340:75-6-40.6; and

(7) KIDS Visits screen information, per OAC 340:75-6-40.7.

340:75-6-40.1. Placement Plan

Form CWS-KIDS-8, Placement Plan, is completed for the initial and all subsequent changes of placement, except own home and shelter, of a child in the custody of the Oklahoma Department of Human Services (OKDHS). Form CWS-KIDS-8;

(1) is completed within 30 days of removal of a child and updated when changes occur. Changes are submitted to the court at review and dispositional hearings;

(2) is filed with the court in conjunction with Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan;

(3) includes information that assists the judge in determining whether:

(A) continuation of the child in the home is contrary to the health, safety, or welfare of the child;

(B) reasonable efforts were made to prevent removal;

(C) an emergency existed that required the removal of the child; or

(D) independent living services are appropriate, if applicable, per OAC 340:75-6-40.4; and **■ 1**

(4) includes, in part, the:

(A) reason for removal;

(B) reason placement outside the home was necessary and return to the home not appropriate;

(C) services offered to the family to prevent removal, if applicable, **■ 2** or if services were not provided or appropriate, the emergency that existed that required removal of the child;

(D) description of the safe and proper placement setting and the safety and appropriateness of the placement to meet the child's special needs;

(E) determination of the least restrictive placement, consistent with the best interests and special needs of the child, including efforts to place with relatives or kin;

(F) independent living services, if appropriate;

(G) determination whether the placement is in close proximity to the child's family; and

(H) services provided to the child and the placement provider to ensure safe and proper care and meet the needs of the child. ■ 3

INSTRUCTIONS TO STAFF

1. **Form CWS-KIDS-8, Placement Plan. The Conditions of Removal and Why Out-of-Home Placement is Necessary are the sections of Form CWS-KIDS-8 that assist the judge in making the finding of whether continuation of the child living in the home is contrary to the health, safety, and welfare of the child and whether reasonable efforts were made to prevent removal, or that an emergency existed that required the removal of the child.**
2. **Preventive services. The Child Welfare (CW) worker documents all preventive services provided to the family by the Oklahoma Department of Human Services (OKDHS) or any other community resource.**
3. **Targeted Case Management (TCM) services. The CW worker ensures that every child receives the service(s) required to meet the child's medical per OAC 340:75-6-88, educational per OAC 340:75-6-50, and social services needs. The CW worker documents the provision of these services to the child by completing Form CWS-KIDS-8, which includes selecting:**
 - (1) **medical and educational services from the picklist in KIDS/Placement/Place Plan/Child Info./Services tab; and**
 - (2) **any other service needed by the child.**

340:75-6-40.4. Treatment Plan and Individualized Service Plan

(a) **Family plan.** The Child Welfare (CW) worker and family develop the initial treatment and service plan, either Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan, after the strengths and needs assessment is completed and prior to the dispositional hearing. ■ 1 Participation or input from the parent(s), legal guardian, placement provider, child, if appropriate, child's attorney, and guardian ad litem, if applicable, are also utilized in the development of the plan. An age appropriate child, regardless of legal status, participates, if feasible. ■ 2 The plan;

(1) is initiated prior to the dispositional hearing or no later than 60 days from the child's removal or the filing of the petition in order that services to correct conditions that created the risk to the child may begin. Regardless of the status of the case in court, the plan is completed within this time frame and filed with the court prior to the dispositional hearing or no later than 30 days after adjudication if the dispositional hearing has not been held;

(2) addresses the conditions the parent(s), legal guardian, custodian, stepparent, or other adult person living in the home must change in order to alleviate the risks to the child and the conditions of deprivation set out in the petition;

(3) is individualized and specific to each child and parent with specified time frames; ■ 3

(4) contains all of the risk related needs and safety issues in order to prevent the return of the child to an unsafe home. The allegations in the deprived petition are the risk factors that must be addressed.

(A) Risk factors that relate to those identified in the petition may also be included in the plan, for example, neglect is alleged in the petition but the basis for the neglect is substance abuse.

(B) The parent's improvement on identified non-risk related needs is not used as a basis for recommending reunification unless the parent has made significant progress on the risk related needs;

(5) is recommended to the court by the CW worker at the first disposition hearing. Prior to the dispositional hearing, the plan is initiated with the parents on a voluntary basis;

(6) is revised after the first disposition hearing to conform to the court's order;

(7) is updated regarding the parent's progress toward completion every six months or prior to every review and disposition hearing, whichever is earlier, and submitted three days prior to the hearing;

(8) including each plan submitted for review hearings, is signed by the parents, age appropriate child, CW worker, and CW supervisor and a copy is provided to the designated persons; ■ 2

(9) in accordance with Section 7003-5.3 of Title 10 of the Oklahoma Statutes (O.S.), includes this statement: TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU;

(10) is written by the CW worker in simple and clear language that is understood by the parents or the persons for whom the plan is intended. If the person does not read or understand English, an effort is made to translate the plan to the person's principal language, per 10 O.S. § 7003-5.3;

(11) is provided to the child's attorney, guardian ad litem, placement provider, and parent(s) after it is approved by the court;

(12) includes the permanency goal for the child and an explanation for this goal; ■ 4

(13) specifically provides for the safety of the child, in accordance with state and federal law, and clearly defines what actions or precautions are necessary to provide for the safety and protection of the child;

(14) includes a description of any visitation rights and addresses the parent(s)' obligation to assist in the financial support of the child.

(A) The amount of financial support is based on the child support guidelines, per Sections 118 and 119 of Title 43 of the Oklahoma Statutes, which the court must follow when entering a child support order in a deprived court action.

(B) The child support order must be a separate document from the plan and have a child support computation form attached as required per Section 120 of Title 43 of the Oklahoma Statutes; and ■ 5

(15) includes documentation, when applicable, that parents are unwilling to participate in the development or implementation of the plan.

(b) Child only plan.

(1) When the court determines that reasonable efforts have been made and failed or are not required, a Petition for Termination is filed or rights of the parent(s) are terminated, the CW worker develops a plan that addresses the permanency goal for the child. Participation or input from the placement provider, child, if age appropriate, child's attorney, and guardian ad litem, if applicable, are utilized in the development of this plan. If the child, age 12 years or younger, is unable to sign, the placement provider signs for the child.

(2) When the permanency plan for the child is adoption or other permanent placement, information is provided in the plan regarding child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges, including electronic exchange systems. The plan documents the steps the Oklahoma Department of Human Services (OKDHS) takes to:

(A) find an adoptive family or other permanent living arrangement for the child;

(B) place the child with an adoptive family, a fit and willing kinship relation, legal guardian, kinship guardian, or in another planned permanent living arrangement; and

(C) finalize the adoption, guardianship, kinship guardianship, or other permanent placement.

(c) Independent living plan. Federal law requires the initiation of an individualized independent living (IL) plan with every child in the custody of OKDHS and in out-of-home placement upon reaching the age of 16 years, per OAC 340:75-6, Part 13.

(d) Revisions to the plan. A court-ordered plan or portion of a plan cannot be changed except by further action by the court. All changes to the plan are developed with the family and child, as appropriate, and recommended to the court at the next hearing. The placement provider is informed of any change that impacts the child's care. Changes are made when one of the circumstances in (1) through (4) exists.

(1) Abuse or neglect allegations. When new allegations of abuse or neglect are confirmed and result in an amended or new petition, a request is made to the district attorney for an accelerated hearing to consider the revisions.

(2) **Underlying causes.** The discovery is made of additional underlying causes, such as substance abuse, that require treatment.

(3) **New adult in the household.** An additional adult, such as the mother's new husband, becomes a part of the family home.

(4) **Court-ordered standards.** When the court orders that the parent(s) change or correct some conditions that were not previously identified in the plan, the plan is either revised to include the court-ordered standards or the standards are attached to the plan. The parent(s) is informed of the additions and that the orders are binding. A copy of the court-ordered standards is given to the parent(s).

(e) **More than one plan for the child and family.** There are some circumstances in which more than one plan is necessary. For example, if the child's parents are living separately with separate families and both are involved with the child in OKDHS custody either as the custodial parent with whom reunification is the case plan goal, or the noncustodial parent who has visitation through the divorce court, a plan for each family is appropriate.

(f) **Custody child who is a parent.** A plan is developed with a child in OKDHS custody who is the parent of a child in OKDHS care, regardless whether in OKDHS custody. Services are identified and provided to assist the child in OKDHS custody in parenting his or her child, per OAC 340:75-6-85.6.

(g) **Substance abuse treatment.** Section 7003-5.3 of Title 10 of the Oklahoma Statutes specifies that when a child who at birth tested positive for alcohol or a controlled dangerous substance and who was determined at risk for future exposure to these substances, was removed from the home, the plan, subject to court approval, may require:

(1) the mother of such child to complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the child's return home;

(2) the father, legal guardian, legal custodian, stepparent of the child, or other adult person living in the home, who is an alcohol or drug-dependent person, as defined by Section 3-403 of Title 43A of the Oklahoma Statutes, and whose conduct contributed to the child's or mother's dependency on alcohol or drugs or to the conditions that caused the deprived adjudication of the child, complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the child's return to the safe home; or

(3) monthly testing for substance abuse of the mother, father, legal guardian, legal custodian, stepparent, or other adult person living in the home, for a 12-month period after completing the substance abuse program and the child's return home. A positive test must be presented to OKDHS and the district attorney. Testing ordered by the court is admissible only for the purpose of juvenile and custody proceedings.

INSTRUCTIONS TO STAFF

1. **Forms CWS-KIDS-10 and CWS-KIDS-24.** The information that is included in either Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan, is outlined in the forms instructions prepared for each form. These instructions are located on the Oklahoma Department of Human Services (OKDHS) InfoNet under Forms.
2. **Age appropriate child.** An age appropriate child is age ten or older with the exception of a child with severe developmental disabilities or a child younger than age ten who is intellectually capable of understanding and communicating ideas and opinions concerning the development and completion of the plan.
3. **Estimated completion dates.** Every plan has an overall estimated completion date. For a family plan, the estimated completion date is not changed when adequate time is given to the parent(s) and the parent(s) fails to complete the plan. The parent(s) is:
 - (1) informed that services have time constraints due to statutory requirements and of the psychological and emotional harm that may occur to the child in out-of-home placement; and
 - (2) advised that the child, if age appropriate, is made aware of the parent(s)' progress on the plan.
4. **Case plan goals and permanent plan.** OKDHS recommends the case plan goal and concurrent goal. OKDHS recommends the permanency plan goals in order for the court to make a judicial finding regarding "reasonable efforts."
 - (1) The recommendation for the case plan goal and recommendation for the judicial finding must be consistent.

- (A) When OKDHS recommends the court modify the judicial finding, the recommended modification and a concise explanation supporting the reason for the modification is provided in the Recommendations section of Form CWS-KIDS-11, Court Report, and Form CWS-KIDS-25, Individualized Service Plan Progress Report, as applicable.**
- (B) The case plan goal is updated to be consistent with the modified recommendation to the court. An example of inconsistency between the judicial finding and the case plan goal is when the Child Welfare (CW) worker requests the court enter a finding that reasonable efforts have failed but the case plan goal is Return to Own Home.**
- (2) The CW worker's recommendation regarding the case plan goal is based on the child's best interests, not on the expected response or receptivity of the court.**
- 5. Child support. When the court has not addressed child support, the CW worker recommends that child support be court-ordered. When child support is court-ordered and the parent fails to comply, the CW worker recommends that the court address this matter with the parent.**

340:75-6-40.5. Court Report or Individualized Service Plan Progress Report

Form CWS-KIDS-11, Court Report, or Form CWS-KIDS-25, Individualized Service Plan Progress Report, is submitted for the initial disposition hearing, review hearings held no later than six months after the date of the child's out-of-home placement and at least every six months thereafter, and permanency hearings held as required by Sections 7003-5.6d and 7003-5.6g of Title 10 of the Oklahoma Statutes and OAC 340:75-1-18.1. Form CWS-KIDS-11 or Form CWS-KIDS-25 is prepared and submitted three days prior to each hearing. A copy of Form CWS-KIDS-11 or Form CWS-KIDS-25 is provided to and discussed with the parent(s). Reports, correspondence, and information provided by other professionals working with the family, including the foster parent, are attached or incorporated into Form CWS-KIDS-11 or Form CWS-KIDS-25. ■ 1 through 5

INSTRUCTIONS TO STAFF

1. **Court Report information.** The information that is included in Form CWS-KIDS-11, Court Report, and Form CWS-KIDS-25, Individualized Service Plan Progress Report, is outlined in the forms instructions prepared for each form. These instructions are located on the Oklahoma Department of Human Services (OKDHS) InfoNet under Forms.
2. **OKDHS recommendations.** A recommendation regarding disposition of the child's case is made by the CW worker on every Form CWS-KIDS-11 or Form CWS-KIDS-25. This includes, but is not limited to, child's custody arrangement, legal status, and requests for court action or approval.

(1) The recommendation is made after staffing the current case status with the CW supervisor and is based on the parent(s)' progress and the child's need for permanency. The recommendation is not based on the anticipated response or receptivity of the court.

(2) A concise explanation is provided to support the reasons for the recommendation. If the CW worker recommends OKDHS be relieved of legal custody, supervision, or both in accordance with OAC 340:75-6-31.3 Instructions to Staff, the CW worker includes this statement:

"This worker recommends that legal custody be returned to [name of person(s)] and OKDHS be relieved of custody, supervision, or both. Section 7003-5.5a of Title 10 of the Oklahoma Statutes provides that once any child of a family is returned to a person named in a petition, supervision by the court continues for a minimum of 12 months, subject

to availability of funds. This statute provides that supervision by OKDHS is in accordance with rules approved by the Commission for Human Services. Those rules state that OKDHS supervises for six months, and, if conditions in the home appear to be stable, recommends OKDHS be relieved of legal custody, supervision, or both."

- 3. Recommended findings.** At each dispositional or review hearing, the court makes findings based on the circumstances of the case. The recommended findings in KIDS and the documentation that is required on Form CWS-KIDS-11 or Form CWS-KIDS-25 for the judicial finding are described in (1) through (9).

(1) Active efforts are being made to reunite the child with his or her family. This finding is used in cases where the court makes a judicial finding that the Indian Child Welfare Act (ICWA) applies. The CW worker describes the active efforts made, such as involving and assisting the parent(s) in completing the plan, visiting the child, or obtaining the parent(s)' compliance, if the parent(s) is not working the plan.

(2) Active efforts have been made and failed and are no longer feasible. This finding is used in cases where the court makes a judicial finding that ICWA applies. The CW worker describes the active efforts made to obtain the parent(s)' compliance and the reason(s) that further efforts are no longer feasible.

(3) Reasonable efforts are being made to reunite the child with his or her family. The CW worker describes efforts to refer to, arrange for, or develop reasonable supportive and rehabilitative services that assist the family in the safe reunification of the child or the efforts made to obtain the parent(s)' compliance, if the parent(s) is not working the plan.

(4) Reasonable efforts are being made to reunite or have been made and failed. The CW worker describes efforts to refer to, arrange for, or develop reasonable supportive and rehabilitative services that assist the family in the safe reunification of the child and the reason(s) that further efforts are no longer feasible.

(5) Reasonable efforts are being made to secure an alternate permanent placement for the child. The CW worker describes the activities to locate an alternative permanent placement for the child when other options, including adoption, relative or kinship placement, or guardianship have

been explored but are not appropriate.

(6) Reasonable efforts are being made to place the child in a timely manner in accordance with the permanency plan. The CW worker describes the necessary steps taken to finalize the child's permanency plan.

(7) Reasonable efforts to reunite the child with the family are not required. The CW worker describes the reasons reasonable efforts are not required based on the statutorily defined reasons, per OAC 340:75-1-18.4.

(8) Independent living (IL) services are appropriate. For any youth, age 16 or older, in out-of-home care, the CW worker describes the services provided to assist the youth in the development of the IL skills needed to successfully transition into adulthood.

(9) Independent living (IL) services are not appropriate. For any youth in out-of-home care, age 16 or older, for whom the determination is made that the youth is not capable of receiving IL services, the CW worker describes the basis for this determination.

4. Child(ren)'s situation. When completing the information for the Children's Situation section, the CW worker does not list the:

(1) proper name of the placement provider, but refers to the title, for example, relative, foster parent, or trial adoptive parent;

(2) placement provider's address, phone number, or county of residence; and

(3) the name or location of the school the child attends.

5. Documentation of court hearings. The CW worker updates the KIDS Court Hearing screen no later than 15 days after a court hearing is held.