
POLICY TRANSMITTAL NO. 07-33	DATE: JUNE 22, 2007
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-3, Table of Contents; 75-3-8.4 through 75-3-8.5; 340:75-4, Table of Contents; 75-4-14; and 75-13-28 through 75-13-29.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

The proposed revisions to Subchapters 3, 4, and 13 of Chapter 75 update and clarify: (1) that the Oklahoma Department of Human Services (OKDHS) is responsible for distributing Child Abuse Multidisciplinary Account (CAMA) monies to eligible multidisciplinary child abuse teams (MDTs) and children's advocacy centers; (2) the purpose and composition of MDTs; (3) procedures for developing an aftercare plan when Family-Centered Services are terminated; (4) criteria for youth to receive Social Security Administration (SSA), Veterans Affairs (VA), or Supplemental Security Income (SSI) benefits; (5) criteria for OKDHS, placement provider, or youth to become the payee of benefits; (6) protocol for a Child Protective Services (CPS) assessment; and (7) language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-3-8.4 is amended to clarify the purpose and composition of MDTs, participation of Child Welfare (CW) staff in the team process, and responsibility of OKDHS in distribution of CAMA monies to eligible MDTs and children's advocacy centers.

340:75-3-8.5 is amended to clarify the existing rule by deleting obsolete language and updating terminology to reflect current OKDHS usage.

340:75-4-14 is amended to add procedures for developing an aftercare plan when Family-Centered Services are terminated.

340:75-13-28 is amended to: (1) clarify OKDHS as payee of SSA benefits when OKDHS is paying the full amount of the child's cost of care; (2) clarify that a youth who remains in school beyond age 18 to complete high school remains eligible to receive SSA and VA benefit payments until graduation or reaching the age of 19; (3) include that if a youth is not competent to manage the payment, OKDHS will remain the payee for benefits; (4) require that a statement of evidence of the youth's inability to manage the

payment be submitted to the Children and Family Services Division (CFSD) Administrative Services Unit (ASU); (5) require that the CW worker assist the youth in applying for a Disabled Adult Child case with SSA; (6) add procedures for placement providers and beneficiaries to become payees of the SSA or VA benefits; (7) reconcile CFSD numbered forms with the OKDHS Enterprise Document Generation System; and (8) clarify punctuation and syntax to bring the rules into conformance with current OKDHS language and usage.

340:75-13-29 is amended to clarify: (1) that the SSI recipient remains eligible for SSI if the recipient's income, resources, and disability continue to meet SSI program criteria; (2) procedures for OKDHS, placement providers, and beneficiaries to become the payee for a child's benefits; (3) reconcile CFSD numbered forms with the OKDHS Enterprise Document Generation System; and (4) clarify punctuation and syntax to bring the rules into conformance with current OKDHS language and usage.

Original signed on 4-18-07

Linda Smith, Director
Children and Family Services Division

Sharon Neuwald, Coordinator
Office of Legislative Relations and Policy

WF # 07-01 (NAP)

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 an "OKDHS" number, such as personnel policy at OKDHS:2-1 and personnel rules at OAC 340:2-1. The "340" is the Title number that designates OKDHS 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, OKDHS 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, OKDHS: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 405-521-4326.

REMOVE

340:75-3, Table of Contents

340:75-3-8.4

340:75-3-8.5

340:75-4, Table of Contents

340:75-4-14

340:75-13-28

340:75-13-29

INSERT

340:75-3, Table of Contents, 1 page only, revised 7-1-07

340:75-3-8.4, pages 1-4, revised 7-1-07

340:75-3-8.5, pages 1-7, revised 7-1-07

340:75-4, Table of Contents, pages 1-2, revised 7-1-07

340:75-4-14, pages 1-3, revised 7-1-07

340:75-13-28, pages 1-3, revised 7-1-07

340:75-13-29, pages 1-5, revised 7-1-07

SUBCHAPTER 3. CHILD PROTECTIVE SERVICES

Section

- 340:75-3-1. Purpose, philosophy, legal base, and authority
- 340:75-3-2. Definitions
- 340:75-3-3. Purposes of Child Protective Services **[REVOKED]**
- 340:75-3-4. Scope of Child Protective Services (CPS)
- 340:75-3-5. Relationship of Child Protective Services and other entities in child abuse and neglect investigations
- 340:75-3-6. Intake process for reports of child abuse or neglect
- 340:75-3-6.1. Exceptional reports of child abuse and neglect
- 340:75-3-7. Screening of reports
- 340:75-3-7.1. Priority guidelines
- 340:75-3-7.2. Reports of abuse or neglect by someone other than the person responsible for the child (PRFC)
- 340:75-3-7.3. Assessment and investigation decision guidelines
- 340:75-3-8. Investigation protocol
- 340:75-3-8.1. Protocol for addressing reports regarding foster or trial adoptive homes
- 340:75-3-8.2. Protocol for investigating reports of abuse in child care centers or homes
- 340:75-3-8.3. Alleged medical neglect of infants born alive and infants with disabilities
- 340:75-3-8.4. Multidisciplinary child abuse team
- 340:75-3-8.5. Child Protective Services assessment protocol
- 340:75-3-8.6. General protocols for investigations and assessments
- 340:75-3-8.7. Methamphetamine safety precautions
- 340:75-3-9. Information gathering **[REVOKED]**
- 340:75-3-9.1. Critical incidents and child death or near death review procedure
- 340:75-3-10. Interviewing the alleged victim **[REVOKED]**
- 340:75-3-10.1. Safety determination and responses
- 340:75-3-10.2. Findings for Child Protective Services investigations
- 340:75-3-10.3. Confirmation protocol
- 340:75-3-11. Reports to the District Attorney regarding child abuse or neglect investigations
- 340:75-3-12. Child Abuse and Neglect Information System
- 340:75-3-13. Completion of the investigation or assessment process
- 340:75-3-13.1. Service planning **[REVOKED]**
- 340:75-3-13.2. Levels of service and models of intervention **[REVOKED]**
- 340:75-3-14. Statewide hotline and after hours response

340:75-3-8.4. Multidisciplinary child abuse team

(a) Purpose of multidisciplinary child abuse team. It is the primary responsibility of the district attorney to develop a multidisciplinary child abuse team (MDT) in the district attorney's county or contiguous group of counties, per Section 7110 of Title 10 of the Oklahoma Statutes (10 O.S. § 7110). The MDT approach is:

(1) used whenever feasible for investigations and treatment planning involving cases of child sexual abuse, serious physical abuse, and serious neglect;

(2) used to enhance the investigative process and maximize services provided to the affected children and families; and

(3) not required when there is reasonable cause to believe that a delay in investigation or interview of a child victim could place the child at risk of harm or threatened harm.

(b) Multidisciplinary child abuse team members. The MDT members include, but are not limited to:

(1) mental health professionals;

(2) law enforcement;

(3) medical personnel;

(4) Oklahoma Department of Human Services (OKDHS) Child Welfare (CW) staff;

(5) MDT coordinators or child advocacy centers personnel; and

(6) the county district attorney or assistant district attorney.

(c) Multidisciplinary child abuse team functions. The function of the MDT is dependent upon available resources and includes, but is not limited to:

(1) joint investigations of child abuse reports by law enforcement and CW staff whenever possible; ■ 1

(2) development of written protocol for investigations and for interviewing children; ■ 2

(3) identification, improvement, and delivery of services to child victims and their

families;

(4) training in the multidisciplinary team approach; and

(5) formalized case reviews.

(d) Participation of CW staff in the multidisciplinary child abuse team process. CW staff participates as members of the MDT in joint investigations and attends meetings and case reviews pertaining to child sexual abuse, serious physical abuse, and serious neglect by the person responsible for the child. ■ 3

(e) Child abuse multidisciplinary team account. Funds collected from fees for civil cases filed in district courts of Oklahoma are deposited with OKDHS and are designated as child abuse multidisciplinary team account (CAMA) monies, per 10 O.S. §§ 7110.1 and 7110.2.

(1) OKDHS distributes CAMA monies to functioning freestanding MDTs approved by the Child Abuse Training and Coordination Council (CATCC) and to child advocacy centers (CACs) accredited by the National Children's Alliance (NCA).

(2) CAMA monies are:

(A) provided for the maintenance of eligible MDTs and CACs;

(B) distributed each calendar year to MDTs and CACs by a weighted formula;

(C) made available to:

(i) one functioning MDT per county;

(ii) one hospital team; and

(iii) one accredited CAC per district attorney's district.

(3) After the NCA's five-year accreditation, the CAC must secure a third-year interim review in order to continue to be eligible for CAMA monies.

(A) The Children's Advocacy Centers of Oklahoma, Inc. (CACO) administers the review by procuring an NCA site reviewer who resides outside of Oklahoma and has no conflict of interest. The CAC submits to the reviewer 60 days prior to the on-site review:

(i) current Interagency Agreement;

(ii) current Multidisciplinary Child Abuse Team Protocol;

(iii) current financial audit;

(iv) current program budget;

(v) proof of general and professional liability coverage for the CAC board of directors and officers;

(vi) Internal Revenue Service letter of 501(c)(3) status or government affiliation statement letter;

(vii) demographic information for the community;

(viii) statistical data; and

(ix) NCA accreditation standards certifying documents.

(B) The site reviewer makes a one-half day on-site visit to the CAC and administers the review in the same manner as the NCA accreditation process.

(C) The CAC demonstrates performance of the essential components of the NCA accreditation process with full cooperation and availability of requested personnel.

(4) Failure of the third-year review requires a fourth-year review, but does not make the CAC ineligible for CAMA monies. If the CAC fails the fourth-year review:

(A) the CAC may submit, within ten working days from the site reviewer's written notice of failure:

(i) a written request for further review by the CACO board of directors; and

(ii) documents pertaining only to the CAC's understanding of the compliance issues. Information for the purposes of improvement or change of practice is not considered; and

(B) the CACO board of directors secures three additional NCA site reviewers from outside Oklahoma to review the written findings.

(5) When the review failure is upheld or when the CAC does not request further review of a failure notice, the CAC is no longer eligible for CAMA monies until reaccredited by the NCA.

INSTRUCTIONS TO STAFF 340:75-3-8.4

1. Joint investigations.

(1) Child Welfare (CW) staff is involved in joint investigations with law enforcement only when the alleged perpetrator of the child abuse or neglect is the person responsible for the child (PRFC). CW staff does not have authority to investigate child abuse or neglect by a non-PRFC.

(2) The CW worker must be present during a forensic interview with a child victim in order to consider the interview face-to-face.

2. Written protocol. The written protocol of the multidisciplinary child abuse team (MDT) does not override the role of CW staff in adhering to Oklahoma Department of Human Services (OKDHS) policy.

3. Team participation.

(1) The Children and Family Services Division Child Protective Services Programs Section is available when there is a concern as to whether a team meets MDT criteria.

(2) CW staff attends case reviews involving CW investigations and cases, except when the MDT is reviewing a case:

(A) in which CW has no authority, such as a non-PRFC; or

(B) with participants other than the authorized MDT members and there is a question as to whether OKDHS confidentiality requirements can be met.

340:75-3-8.5. Child Protective Services assessment protocol

The Child Protective Services (CPS) assessment, like an investigation, must address any allegations resulting from a report of abuse or neglect, be as thorough as possible in identifying risk factors, and address the safety needs of each child, per Section 7106 of Title 10 of the Oklahoma Statutes. A home visit must be made as part of the CPS assessment, and all alleged victims must be observed.

(1) The approach with the family during the CPS assessment differs from an investigation. ■ 1 An assessment addresses allegations of abuse or neglect that do not indicate immediate risk of serious harm to the child.

(2) The CPS assessment does not have a strong emphasis on incident-based fact finding. The family is encouraged to participate in addressing any safety concerns.

INSTRUCTIONS TO STAFF 340:75-3-8.5

1. (a) **Assessment documentation.** Information gathered for the assessment is documented on Form 04KI007E, CPS Family Assessment. The assessment form is the guide for the Child Welfare (CW) worker in getting detailed information about the family, their social history, their perception of any problems in the home and the specifics about the incidents that led to a referral of abuse or neglect.

(b) **Initial contact with the family.** A home visit must be made as part of the assessment. [10 O.S. § 7106] If there is reason to believe there is an extreme safety risk to the child or worker in making a home visit, an investigation is initiated. If the worker determines, as a part of the assessment, that it is necessary to interview the child victim or siblings in a setting other than the home, a home visit with the person responsible for the child's health, safety, or welfare (PRFC) is attempted the same day the child victim or siblings are interviewed.

(1) Upon initial contact with the family the CW worker:

(A) introduces himself or herself and explains the reason for the visit in a non-accusatory, courteous manner;

(B) provides the family with an employee identification card showing the agency represented;

- (C) gives the PRFC a copy of Oklahoma Department of Human Services (OKDHS) Publication No. 87-02, "Questions and Answers for Parents About Child Protective Services";
- (D) informs the family that the law requires that OKDHS respond to a report of abuse or neglect and determine whether the report is handled as an assessment or an investigation;
- (E) informs the family that an assessment process has been determined to be the most appropriate approach to address any concerns regarding the safety of their children and describes the assessment process to the family;
- (F) does not enter the home unless invited and if ordered out of the home, the CW worker must leave immediately. The CW worker never enters the home if there is not an adult present, per OAC 340:75-3-8.6 Instructions to Staff (ITS) 2. If children are found alone, the CW worker leaves immediately to contact law enforcement. An investigation rather than an assessment is conducted if very young children are left alone;
- (G) emphasizes that the report must be addressed in accordance with Section 7106 of Title 10 of the Oklahoma Statutes. If hostility, anger, or other defensive reactions are encountered, the CW worker assures the family that their concerns about the process will be addressed;
- (H) when admitted to the home, discusses the allegations within the report with the family without revealing the name of the reporter; and
- (I) asks to see all children in the home and for an opportunity to interview the children and all family members for an assessment.
- (2) If the family agrees to the assessment, the CW worker asks the family about the best way to conduct the interviews, while making it clear that the assessment process must be completed. The CW worker explains to the family that the assessment includes separate and joint interviews with all family members and may include information gained from other sources to determine what services, if any, are needed to address identified concerns.
- (A) Sufficient time must be allowed for assessment interviews to obtain all of the needed information and to make the observations necessary to assess risk.

- (B)** Initial assessment interviews are conducted in private before bringing the family together for a discussion of the assessment.
- (C)** In order to properly conduct assessment interviews, it may be necessary, after the initial contact with the family, to set a time for the full assessment interviews.
- (3)** If the family prefers to set an appointment to conduct most of the assessment, the worker can set the appointment with the family, but must see any alleged child victims and their siblings at the initial contact to ensure their safety. A visual inspection of the children is conducted if injuries are alleged or noted during the worker's interview with the children, per OAC 340:75-3-8.6 ITS.
- (4)** If the worker determines in the initial stages of the assessment that the family's circumstances or the risk to the children fit the criteria for an investigation, an investigation is initiated by the same worker immediately and the family is told that an investigation rather than an assessment is necessary.
- (c)** Assessment interview process. When the assessment begins in the home, the first step may occur with all or most of the family members present. Interviews are conducted in whatever approach seems most appropriate. It may be helpful to interview the alleged child victim and a sibling together or separately. The PRFCs may be interviewed first separately or together. The interviewing process may be a joint decision between the worker and the family.
- (1)** The information obtained from assessment interviews must allow the CW worker to determine or measure the family's overall functioning. The interview questions include social and family history, information about whether abuse or neglect occurred, the level of risk present to all children in the home and the willingness and ability of the family to make needed changes if there are safety risks to the children in the home.
- (2)** Any time there appears to be a significant threat of harm to the children in the home, an investigation is conducted, per OAC 340: 75-3-8. Although the protocol may vary according to case circumstances, all interviews occur before the assessment is considered complete.

(d) Assessment interview protocol. The method of obtaining assessment information from each participant is detailed in (1) through (5) of this subsection. If it is not possible to complete all of the assessment interviews, (6) of this paragraph may be applied, with supervisory approval:

(1) Alleged victim(s). Interviewing the alleged child victim is the most critical step in the assessment process. The allegations that are appropriate for an assessment do not represent imminent harm, so it is unlikely that it will be necessary to interview an alleged child victim without the knowledge of the PRFC.

(A) If necessary, interviews with and examination of the alleged child victim may be conducted at any reasonable time and at any place including, but not limited to, the child's school. [10 O.S. § 7106] If it is determined that it is necessary to interview the child in a neutral setting first because of the nature of the allegations, refer to OAC 340:75-3-8(f).

(B) When the alleged victim is a child old enough to be interviewed, it is generally best to conduct the first in-depth interview with the child even if a brief interview is first conducted with the PRFC or other caretaker.

(C) The child's age, developmental level, and emotional state guide the CW worker's interviewing approach. Although a separate interview may be needed to ensure the child victim's safety, with some children it may be necessary to have the older sibling or another significant person present in order to obtain information.

(D) All alleged victims must be observed. Even non-verbal children can provide information when observed. An attempt must be made to interview every verbal child victim. Although a very young child may not have extensive verbal skills, the child may provide critical statements or phrases that assist in the assessment.

(E) The CW worker carefully observes each alleged victim's physical, developmental, and emotional condition and pays particular attention to how the child interacts with others and his or her environment. Only face-to-face contacts that have been attempted or completed with the alleged child victim are counted in the KIDS system as initiated assessments.

(F) When an injury is alleged or observed, OAC 340:75-3-8.6, ITS is followed.

(2) Sibling(s). All siblings are observed and an attempt made to interview each verbal sibling. Interaction is initiated with non-verbal siblings to determine the child's functional level. The CW worker's interview with the siblings, as with the alleged child victim, must be directed at determining whether or not the siblings have been victims of abuse or neglect. If one child in the family is at risk, the other children may also be at risk. Even if the alleged victim's siblings are not at risk of physical harm, it is likely that they are impacted by the family conditions and frequently have important information. Corroboration of the child victim's statements is also one of the objectives of the interview with the sibling. The same principles for interviewing children as in (1) of this Instruction are used.

(3) Person(s) responsible for the child(ren). Sometimes it is not clear who is the perpetrator of the alleged abuse or neglect so it is important to evaluate all persons who are parents, custodial, and non-custodial, and anyone performing a parenting role in the household. The relationship between the adults in the household and any parent living outside the household must be evaluated. It is critical to determine the willingness and ability of the PRFCs to protect the child(ren). The presence of any stress factors in the home, such as financial difficulties or lack of support systems, must also be evaluated with each PRFC to determine if there are contributing factors to the risk in the home.

(4) Alleged perpetrator. If there is an identified perpetrator, it is important to evaluate the person's ability to accept responsibility for the abuse and neglect. It may be necessary to interview the perpetrator last so that what has been learned from the previous interviews can be discussed with the perpetrator. This will assist in addressing any defensiveness or denial.

(5) Family meeting. This is a closing interview during which the family is observed together. A summary of the assessment information obtained up to that point is discussed with the family with the opportunity provided for clarification and additional information. The next steps in the process are discussed with the family. The CW worker tells the family whether supportive information from collateral contacts is required and whether the CW worker has determined that services would assist the family.

(6) Protocol modification. When the assessment protocol is modified or not followed, the reason(s) and approval by the supervisor is documented in the assessment. The assessment protocol may be modified, with supervisory approval, when:

(A) emergency conditions require immediate action to protect the child;

(B) the emotional atmosphere is volatile, for example, people are emotionally immobilized or violent; or

(C) contact with all family members has been attempted and all members are not available.

(d) Observations. Observation is critical. It is important to support observations with facts. While making observations, the CW worker considers that cultural differences and differences in life styles may affect the family and their response. There are two types of observations, physical and emotional.

(1) Examples of physical observation are the physical setting of the home, including the sleeping arrangements for all family members, the degree to which the house is a safe and healthy environment for a child, and physical descriptions of the PRFCs and children, including hygiene, affect, and injuries.

(2) Information about emotional factors is generally obtained through interviews. Observation can also be an important tool in assessing the family's statements as compared to their emotional reactions and functioning.

(e) Supportive information. Families may not always provide factual information during the assessment process, because of fear of the assessment process or lack of awareness about family concerns. If the CW worker believes the family is not forthcoming about information that could place the child at risk, supportive information must be obtained from appropriate collateral sources. The decision to interview collaterals is based on whether there is sufficient risk to necessitate gathering information outside of the family.

(1) Reports that are appropriate for an assessment do not include allegations of serious risk of harm to the child, so interviews with the family may be sufficient.

(2) Medical reports, information from school personnel or other persons closely involved with the family, psychological evaluations, police reports, photographs, and other similar material provide the CW worker with a means for balancing the subjective aspects of interviewing and observing.

(3) References given by the family may be a source of support for the family. Interviews with references are directed at determining whether the reference is available to assist the family. The reference may or may not have information related to risk factors in the home. For example, the family may give as a reference an employer who has little knowledge of the family's functioning, but, with the family's permission, could be a source of support, per OAC 340:75-3-8, Instructions to Staff 6(3)(E).

(f) Professional consultation. It may be helpful to seek consultation with those who have additional expertise in areas related to the family's service needs, per OAC 340:75-3-8, Instructions to Staff 9.

SUBCHAPTER 4. FAMILY-CENTERED AND COMMUNITY SERVICES**PART 1. VOLUNTARY FAMILY-CENTERED SERVICES**

- 340:75-4-1. Purpose and authority **[REVOKED]**
- 340:75-4-2. Referrals to Preventive Services **[REVOKED]**
- 340:75-4-3. Worker responsibilities for Preventive Services cases **[REVOKED]**
- 340:75-4-4. Provision of Preventive Services **[REVOKED]**
- 340:75-4-5. Implementing the initial contacts with the family **[REVOKED]**
- 340:75-4-6. Crisis intervention **[REVOKED]**
- 340:75-4-6.1. Child Welfare (CW) contingency fund **[REVOKED]**
- 340:75-4-7. Collateral contacts **[REVOKED]**
- 340:75-4-8. Termination of Preventive Services **[REVOKED]**
- 340:75-4-9. Purpose, philosophy, legal base, and authority
- 340:75-4-10. Definitions **[REVOKED]**
- 340:75-4-11. Scope of voluntary Family-Centered Services (FCS) **[REVOKED]**
- 340:75-4-12. Initiation of Family-Centered Services (FCS) **[REVOKED]**
- 340:75-4-12.1. Voluntary Family-Centered Services procedures
- 340:75-4-12.2. Determining appropriate referrals to Oklahoma Children's Services
- 340:75-4-13. Ongoing voluntary Family-Centered Services
- 340:75-4-14. Termination of voluntary Family-Centered Services

PART 3. FAMILY FOCUS [REVOKED]

- 340:75-4-25. Scope **[REVOKED]**
- 340:75-4-26. Values and beliefs **[REVOKED]**
- 340:75-4-27. Goals **[REVOKED]**
- 340:75-4-28. Program Overview **[REVOKED]**
- 340:75-4-29. Target population **[REVOKED]**
- 340:75-4-30. Service description **[REVOKED]**
- 340:75-4-31. Determining appropriate child welfare referrals to Family Focus Services **[REVOKED]**
- 340:75-4-32. Family eligibility requirements **[REVOKED]**
- 340:75-4-33. Guidelines for referral of child welfare protective service cases **[REVOKED]**
- 340:75-4-34. Physical abuse **[REVOKED]**
- 340:75-4-35. Sexual abuse **[REVOKED]**
- 340:75-4-36. Neglect **[REVOKED]**
- 340:75-4-37. Substance abuse **[REVOKED]**
- 340:75-4-38. Mental health **[REVOKED]**
- 340:75-4-39. Physical illness or limitation **[REVOKED]**
- 340:75-4-40. Referrals for family reunification services **[REVOKED]**

- 340:75-4-41. Referral procedure **[REVOKED]**
- 340:75-4-42. Contracting agency, right to decline case, and contingency allocation **[REVOKED]**
- 340:75-4-43. Guidelines for the early termination of Family Focus Services **[REVOKED]**
- 340:75-4-44. Role of the CW/JSU gatekeeper **[REVOKED]**
- 340:75-4-45. Role of the CW worker **[REVOKED]**
- 340:75-4-46. Role of the Family Focus Services worker **[REVOKED]**

PART 9. SOONERSTART EARLY INTERVENTION PROGRAM [REVOKED]

- 340:75-4-120. Purpose **[REVOKED]**
- 340:75-4-121. Eligibility **[REVOKED]**
- 340:75-4-122. Background and authority **[REVOKED]**
- 340:75-4-123. Structure **[REVOKED]**
- 340:75-4-124. Services **[REVOKED]**
- 340:75-4-125. Funding **[REVOKED]**
- 340:75-4-126. Referrals **[REVOKED]**
- 340:75-4-127. Children in Foster Care **[REVOKED]**
- 340:75-4-128. Transition **[REVOKED]**

340:75-4-14. Termination of voluntary Family-Centered Services**(a) Conferring with the CW supervisor regarding case closure.**

(1) When the family demonstrates progress in treatment plan goals and objectives, the Child Welfare (CW) worker determines with the family, and other service providers, the family's readiness for decreasing the frequency of contacts. The CW worker obtains approval from the CW supervisor.

(2) Before initiating steps to close the case, the CW worker and CW supervisor meet to staff the case.

(b) Terminating CW involvement. The primary criterion for closing a case is the determination that the child's health, safety and welfare will be maintained by the family without CW involvement. The family, CW worker, and CW supervisor are involved in the determination that the child's health, safety, and welfare is ensured. ■ 1

(c) Developing an aftercare plan. An aftercare plan is jointly developed with the family. The CW worker:

(1) determines whether the family needs further services or assistance, and provides any needed referrals for community services;

(2) advises the family of signs that might indicate a need for services in the future; and

(3) provides the family with information about whom to contact for help.

INSTRUCTIONS TO STAFF 340:75-4-14**1. Termination of voluntary Family-Centered Services (FCS).**

(1) Determining whether to close the case. The Child Welfare (CW) worker uses the criteria outlined in **(A)** through **(C)** in determining whether to close the case.

(A) Children are safe. From the ongoing risk and safety assessments, judgments are made about risk and safety in respect to absence of threat, no maltreatment, absence of fear, and general sense of security. The CW worker completes, 04K1023E Safety Assessment, prior to initiating the case closure discussion meeting. The safety assessment:

(i) indicates the absence of any threats to harm; or

(ii) sufficiently demonstrates that any threats to harm are adequately addressed through in-home safety plans that are based on either informal supports, such as extended family, friends, and neighbors or formal supports, such as child care services, medical services, Temporary Assistance for Needy families (TANF), and other community resources.

(B) Family has achieved case goals. The family and individual members' behaviors indicate the desired outcomes have been obtained.

(C) Family functioning has improved. Minimally acceptable family functioning exists, evidenced by:

(i) the ability of the person(s) responsible for the child's health, safety, or welfare (PRFC(s)) or other family members to demonstrate a commitment to protect the child; and

(ii) the presence of effective protective behaviors within the family.

(2) Preparing the family for case closure. Bringing the working relationship between the CW worker and family to closure before closing the case is essential. The CW worker must separate from the family while continuing to support and encourage them. The CW worker increases the emphasis on the family initiating their own efforts. Family contacts from the CW worker during this stage are gradually decreased while family self-help efforts are increased.

(A) The determination to close a case is a joint decision with the CW worker and the family. The CW worker discusses and reviews with the family all critical elements of CW intervention, at which time the family is empowered to express their opinions and feelings, and encouraged to provide constructive feedback to CW.

(B) The CW worker submits the aftercare plan for the family to the CW supervisor for review and approval.

(i) When the written documentation for case closure and aftercare planning are approved, the CW worker formalizes the case closing with the family.

(ii) The CW worker meets with the family to discuss the aftercare plan. The family is encouraged to contact the Oklahoma Department of Human Services in the future if help is needed.

(C) The CW worker closes the case record by completing all appropriate documentation on KIDS and submitting it to the CW supervisor for final approval.

340:75-13-28. Social Security Administration and Veterans Affairs benefits

(a) **Benefits.** Social Security Administration (SSA) benefits are based on the child's wage earner's work record and are paid due to the death, retirement, or disability of the wage earner. Entitlement to Veterans Affairs (VA) benefits may be due to a service connected or nonservice connected military record of a deceased, disabled, or retired parent.

(b) **OKDHS as payee for a child's benefits.** When a child who receives or may be eligible to receive SSA or VA benefits, and for whom the Oklahoma Department of Human Services (OKDHS) is paying the full amount of the child's cost of care, is placed in OKDHS custody and out-of-home placement, Children and Family Services Division (CFSD) Administrative Services Unit (ASU) applies to become payee for these benefits.

(1) To ensure the application for and transfer of SSA or VA benefits, the:

(A) Child Welfare (CW) worker, within ten working days after the child's placement or when potential eligibility is recognized, completes and submits to ASU Form 04MP029E, Report of Social Security and Veterans Benefits for Children in Out-of-Home Placement, requesting an initial eligibility determination;

(B) assigned custody specialist, within ten working days after the child's placement, completes and submits to ASU Form 04MP029E, requesting the payee be changed to OKDHS; and

(C) CW worker, within ten working days, notifies ASU via e-mail when the:

(i) child's placement type changes; or

(ii) child is released from OKDHS custody or OKDHS paid care. ■ 1

(2) The youth who remains in school beyond age 18 to complete his or her high school education remains eligible for SSA and VA benefit payments until the youth turns age 19 or graduates if still in high school. If the youth is not competent to manage his or her money and pay for his or her cost of care, OKDHS remains the payee for benefits. The CW worker:

(A) submits Form SSA-1372, Student Statement Regarding School Attendance, to SSA when SSA is the source of the benefits, attaches a statement of evidence that the youth is not able to manage money, and sends that information to CFSD ASU;

(B) assists the youth in applying for a Disabled Adult Child case with SSA; or

(C) if the youth does not wish to make the benefit payments available to OKDHS to defray the cost of care, explores with the youth alternatives to OKDHS paid care that are consistent with the goals of self-support and self-sufficiency.

(c) **Placement provider as payee for a child's benefits.** The kinship, paid, or non-paid placement provider submits completed Form 04FC011E, Placement Agreement for Out-of-Home Care, to the local SSA office to apply as the eligible child's payee. The CW worker assists the placement provider complete the form.

(1) **Benefits.**

(A) If the SSA benefit is equal to or greater than the foster care payment, the placement provider receives the full benefit and no payment from OKDHS for the child's care.

(B) If the SSA benefit is less than the foster care payment, the placement provider may receive a partial foster care payment that is reduced dollar for dollar based on the amount of the SSA benefit.

(2) **Eligibility for paid placement provider.** The OKDHS paid placement provider may apply as representative payee for a child when the child is an SSA recipient placed with the placement provider continuously for nine or more months.

(d) **Beneficiary as payee for a child's benefits.** The youth who remains in school beyond age 18 to complete his or her high school education remains eligible for SSA and VA payments until the youth turns age 19 or graduates if still in high school.

(1) If the youth is capable of managing money, the CW worker or placement provider:

(A) submits to the local SSA office Form SSA-1372, Student Statement Regarding School Attendance;

(B) explains to the youth that the youth must pay the placement provider at the current rate;

(C) explores with the youth alternative placements that are consistent with the goals of self-support and self-sufficiency if the youth does not wish to pay the cost of care; and

(D) notifies the placement provider that OKDHS may pay a foster care payment reduced dollar for dollar based on the SSA benefit if the benefit is less than the foster care payment.

(2) If the youth is not capable of managing money and OKDHS is not paying the youth's full cost of care, the placement provider works with SSA to determine the payee for the youth's benefits.

INSTRUCTIONS TO STAFF 340:75-13-28

1. SSA and VA benefits. Children and Family Services Division Administrative Services Unit (ASU) is notified by the:

(1) Child Welfare (CW) worker when requesting an initial eligibility determination for the child's Social Security Administration (SSA) or Veterans Affairs (VA) benefits via Form 04MP029E, Report of Social Security and Veterans Benefits for Children in Out-of-Home Placement, along with copies of the child's:

(A) certified birth certificate. If the child was not born in Oklahoma, the actual certified birth certificate must be attached;

(B) legal document showing the date the child was placed in Oklahoma Department of Human Services (OKDHS) custody; and

(C) Form 04KI027E, Placement History; and

(2) assigned custody specialist when requesting a change of payee for SSA or VA benefits via Form 04MP029E, along with a copy of the legal document showing the date the child was placed in OKDHS custody.

340:75-13-29. Supplemental Security Income - Disabled Children's program

(a) **SSI program.** Supplemental Security Income (SSI) is a federal program for which recipients must qualify based on disability criteria, household income, and resource criteria designated by the Social Security Administration (SSA).

(1) To remain eligible for SSI, recipients may not accrue more than the maximum allowed by SSA.

(2) Some children in the legal custody of Oklahoma Department of Human Services (OKDHS) receive or may be eligible to receive SSI benefits on the basis of physical, mental, or emotional criteria.

(3) The SSI recipient remains eligible for SSI if the recipient's income, resources, and disability continue to meet SSI program criteria.

(b) OKDHS as payee for a child's benefits.

(1) The initial application is made by Children and Family Services Division Administrative Services Unit (ASU) for a child who receives or may be eligible to receive SSI when the child:

(A) is in OKDHS custody and OKDHS is paying the total cost of the child's care; and

(B) appears eligible for SSI based on disability. ■ 1

(2) To ensure the application for and transfer of benefits, the:

(A) CW worker completes and submits to ASU, within ten working days after the child's placement or as soon as the child's disabling condition is identified, Form 04MP029E, Report of Social Security and Veterans Benefits for Children in Out-of-Home Placement, requesting an initial eligibility determination;

(B) custody specialist completes and submits to ASU, within ten working days after the child's placement, Form 04MP029E, requesting the payee be changed to OKDHS; and ■ 2

(C) CW worker, within ten working days, e-mails ASU when the child's placement type changes or the child is released from OKDHS custody or out-of-home placement.

(3) OKDHS receives and monitors the child's benefits.

(A) OKDHS receives the child's benefits until the child leaves OKDHS out-of-home placement if OKDHS is paying the full cost of the child's care. ■ 3

(B) ASU monitors each child's accrued funds and notifies the CW worker when the limit is approached to give specific instructions regarding the spenddown of that child's money. Purchases made with the child's accrued benefits must be items that benefit the child and are specifically for that child. These items must follow the child to all subsequent placements. ■ 4

(c) Placement provider as payee for a child's benefits. The kinship, paid, or non-paid placement provider submits completed Form 04FC011E, Placement Agreement for Out-of-Home Care, to the local SSA office to apply as the eligible child's payee. The CW worker assists the placement provider complete the form.

(1) Benefits.

(A) If the SSI benefit is equal to or greater than the foster care payment, the placement provider receives the full benefit and no payment from OKDHS for the child's care.

(B) If the SSI benefit is less than the foster care payment, the placement provider may receive a partial foster care payment that is reduced dollar for dollar based on the amount of the SSI benefit.

(2) Eligibility for paid placement provider. The OKDHS paid placement provider may apply as representative payee for a child when the child is an SSI recipient placed with the placement provider continuously for nine or more months.

(d) Beneficiary as payee for a child's benefits. The youth who remains in school beyond age 18 to complete his or her high school education remains eligible for SSI if the youth's income, resources, and disability continue to meet SSI program criteria.

(1) If the youth is capable of managing money, the CW worker or placement provider:

(A) submits to the local SSA office Form SSA-1372, Student Statement Regarding School Attendance;

(B) explains to the youth that the youth must pay the placement provider at the current rate;

(C) explores with the youth alternative placements that are consistent with the goals of self-support and self-sufficiency if the youth does not wish to pay the cost of care; and

(D) notifies the placement provider that OKDHS may pay a foster care payment reduced dollar for dollar based on the SSI benefit if the benefit is less than the foster care payment.

(2) If the youth is not capable of managing money and OKDHS is not paying the youth's full cost of care, the placement provider works with SSA to determine the payee for the youth's benefits.

(e) **Referrals.** Section 1615 of the Social Security Act provides for the referral by SSA of SSI recipients younger than 18 years of age to a designated state agency for provision of services to improve the child's disability. The Omnibus Reconciliation Act of 1981, Public Law 97-35, authorizes Oklahoma to operate a program for these children as a component of the Maternal and Child Health Block Grant. OKDHS is designated to administer this program in Oklahoma.

(1) The purpose of SSI-Disabled Children's Program (DCP) is to ensure that all available services and resources are used, as necessary, to assist each eligible child to become a self-sustaining and self-supporting adult.

(2) The Department of Rehabilitation Services Disability Determination Unit determines SSI eligibility for SSA and refers every SSI recipient, younger than 18 years of age, to Family Support Services Division Health Related and Medical Services to maintain a control on all referrals.

INSTRUCTIONS TO STAFF 340:75-13-29

1. SSI benefits. For an initial Supplemental Security Income (SSI) application, the Child Welfare (CW) worker completes and submits to Children and Family Services Division (CFSD) Administrative Services Unit (ASU) Form 04MP029E, Report of Social Security and Veterans Benefits for Children in Out-of-Home Placement, within ten working days from the date the child's disabling condition is identified. The child's information that must accompany Form 04MP029E for the initial determination of SSI includes:

(1) a full-certified copy of the birth certificate;

(2) the legal document showing the custody date;

(iv) name and address of the store where the items will be purchased. An e-mail reply is sent in return indicating approval or denial of the request;

(B) attaches to a copy of the spenddown approval e-mail the:

(i) receipt for items purchased;

(ii) voided receipt;

(iii) store invoice; or

(iv) layaway receipt specifying the items and total cost, including any tax or delivery charge;

(C) faxes the documents to the assigned ASU Social Security specialist;

(D) completes Form 23CO135E, Vendor Information, posted on the OKDHS InfoNet under Contracts & Purchasing forms, at the request of CFSD, if the vendor is not listed in the Office of State Finance database. Form 23CO135E is faxed to the assigned ASU Social Security specialist; and

(E) once the purchase is made, faxes the final receipt to the assigned ASU Social Security specialist.

(2) Upon completion and submission of the paperwork for payment, a check is sent to the placement provider for the amount of the spenddown, regardless whether the check is made out to the placement provider or the store where the items were purchased. The check amount includes any down payment required for layaway of the items. Finance Division does not send a check to a county OKDHS office.