
POLICY TRANSMITTAL NO. 04-44	DATE: AUGUST 11, 2004
CHILDREN & FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-7-52.

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

The revisions to Subchapter 7 of Chapter 75 are required as a result of funds appropriated pursuant to House Bill (HB) 2048 that became effective July 1, 2004. The rule revisions provide the flexibility to increase payments to foster resource families as specified in HB 2048. The revisions modify the rule that sets forth foster care payment rates. HB 2048 appropriates funds to provide a \$0.50 increase per child per day to foster care families. The rate increase improves the overall Child Welfare (CW) system by increasing funds that are utilized to provide clothing, room, board, and other essentials for children in the custody of Oklahoma Department of Human Services (OKDHS).

340:75-7-52 is revised to move specified foster care payment rates to OKDHS Appendix C-20, Children and Family Services Division Rates Schedule, which sets forth rate payments in correspondence to the child's age.

Original signed on 7-28-04

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WF # 04-15 (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 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

340:75-7-52

INSERT

340:75-7-52, pages 1-5, revised 8-9-04

340:75-7-52. Foster care contracts and rates of reimbursement

(a) **Foster care contracts.** The rules in OAC 340:75-7-52 and the provisions of a contract for services define the responsibilities of foster parents and Oklahoma Department of Human Services (OKDHS) regarding the care of children in a foster home. Foster care contracts are signed when all conditions for approval are met, per OAC 340:75-7-18.

(1) Foster care contracts are perpetually renewed and considered in effect unless a specific action by one of the parties to the contract terminates the contract. Foster parents are eligible for foster care reimbursement effective the date the contract is signed. Kinship parents are eligible for foster care reimbursement effective the date the home is approved.

(2) Reimbursements are authorized for intervals of care provided to a child in foster care placed through OKDHS or a tribe with an approved Tribal State Agreement with OKDHS.

(3) Kinship families may be approved for expedited reimbursements, per OAC 340:75-7-24.

(4) Kinship families who meet the degree of relationship, per OAC 340:10-9-1, may apply for assistance through Temporary Assistance for Needy Families (TANF) at the local OKDHS office pending foster home approval and entry into a contract, per OAC 340:75-7-52(a)(1) through (3).

(b) **Foster care reimbursement.** The foster care contract authorizes reimbursement to offset the cost of each child's care and a difficulty of care (DOC) adjustment to address the additional expense of caring for a child with extraordinary needs. The OKDHS Committee on Rates and Standards authorizes the amount of reimbursement available through the foster care reimbursement and DOC adjustment, per OAC 340:75-7-53.

(1) Foster care payments correspond to the child's age set out in OKDHS Appendix C-20, Children and Family Services Division Rates Schedule, as amended from time to time, as approved by the Commission for Human Services.

(2) Foster care payments are provided to address the costs of room, board, clothing, and incidentals.

(3) Foster parents receive a clothing allowance for each child, per OAC 340:75-13-45.

(4) The medical expense of a child in foster care is covered through Medicaid when private insurance is not available to the child, per OAC 340:75-13.

(5) Reimbursement received through the foster care contract is not considered income pursuant to Section 131 of Title 26 of the United States Code Annotated and the foster family does not receive Form 1099 from OKDHS at year's end. Foster parents should consult their own tax advisor for advice.

(6) Foster care reimbursement and DOC rates are a fixed monthly amount.

(7) When a partial month of foster care service is provided, reimbursement begins on the child's date of entry to the home and concludes on the day before the child's departure from the home. A prorated sum is paid based on the number of days of service provided multiplied by the daily rate, per OKDHS Appendix C-20.

(8) When a change in the child's age qualifies for a new rate, the new rate becomes effective on the first day of the month following the child's birthday.

(9) When a child is out of the foster home for family reunification purposes or is absent without leave (AWOL) for up to seven consecutive days, the foster parent receives reimbursement if the child is expected to return to the foster home.

(10) The foster parent is eligible for prorated foster care reimbursement and DOC payments when the child attends an Indian boarding school, Oklahoma School for the Deaf, Oklahoma School for the Blind, or a similar residential program and returns to the foster home for weekends or school vacations. When the child returns to the foster home for a summer vacation, the monthly rate is used.

(11) The foster parent is eligible for foster care reimbursement and DOC payment for up to 20 days of each event of hospitalization for the child's treatment of health or mental health concerns when there is no evidence of foster parent misconduct contributing to the event.

(12) The foster care reimbursement is an automatic electronic filing system based on the child's placement episode in the KIDS system.

(13) A foster care contract is signed for approved Interstate Compact on the Placement of children (ICPC) foster families residing in another state providing care for children in OKDHS custody, per OAC 340:75-1-86. No foster care contract is signed for ICPC foster families living in Oklahoma caring for children in the custody of another state. ■ 1 & 2

(14) There is no reimbursement after the effective date of cancellation or termination of the contract.

(c) **Cancellation of the foster care contract.** Cancellation of the foster care contract occurs when:

(1) the foster family fails to meet the terms and conditions of the contract. Cancellation of the contract results from:

(A) a criminal felony conviction, per OAC 340:75-7-15(h)(1);

(B) the receipt of findings of the Oklahoma State Bureau of Investigation (OSBI) records search and Federal Bureau of Investigation (FBI) national criminal history records search when a child has been placed through kinship or in the home initially approved; or

(C) a serious and significant violation of the foster care contract, OKDHS rule, or law. Serious and significant violations include, but are not limited to, behaviors by the foster parent or other person in the foster home that place the child at significant risk of harm;

(2) OKDHS closes a foster family home that no longer meets OKDHS requirements, per OAC 340:75-7-12; or

(3) the foster parent fails to implement provisions of Form DCFS-115, Written Plan of Compliance, per OAC 340:75-7-94, designed to resolve conditions that present a risk to the child and do not conform with the requirements of the foster care contract or rules, per OAC 340:75-7-52. ■ 3

(d) **Termination of the foster care contract.** A foster parent requests termination of the foster care contract verbally or in writing. Verbal requests are witnessed whenever possible.

(1) Contract termination occurs subsequent to a request by the foster family only when there are no pending issues of concern.

(2) When the relationship between the foster parents is dissolved, and the person who wishes to continue providing foster care services, per OAC 340:75-7-18, is not the primary foster parent, that foster parent signs a new foster care contract. Removal of the child from the home is not necessary during contract transition when the foster parent is determined fit and continued placement is in the child's best interests.

INSTRUCTIONS TO STAFF**1. Foster care contract. Upon approval of the home, the resource specialist:**

- (1) explains the contract to the foster family;**
- (2) has the foster family sign two original contracts with the foster parent(s)' name listed on the contract;**
- (3) ensures both contracts have original signatures and attaches a legible copy of the primary contractor's Social Security card to each contract. The name on the contract must be the same as the name listed on the Social Security card;**
- (4) provides a copy of the signed contract to the foster family at the time of signing;**
- (5) submits two contracts with original signatures to Children and Family Services Division (CFSD) Administrative Services Unit for OKDHS signature and assignment of the contract number. The Administrative Services Unit returns one of the two contracts to the county within ten working days; and**
- (6) files the contract in the resource record.**

2. Claims. Foster care claims are generated automatically through KIDS when the child's placement is updated. Child Welfare (CW) staff approves the claims for foster families, kinship foster families, and tribal foster families. The claim must include:

- (1) the payee's Social Security number;**
- (2) the payee's name and address the same as on the signed foster care contract; and**
- (3) a vendor update sent to the Finance Division for any change of address.**

3. Cancellation of the foster care contract. When a foster family verbally requests closure of the foster home, the resource specialist confirms the verbal request by sending Form DCFS-17, Notice of Closure to OKDHS Foster Parents, to the foster family. The resource specialist closes the KIDS

resource within two working days of the contract cancellation.