
POLICY TRANSMITTAL NO. 04-28	DATE: JUNE 23, 2004
CHILDREN & FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-1, Table of Contents; 75-1-6; 75-1-8; 75-1-21; 75-1-233; 340:75-3, Table of Contents; 75-3-2; 75-3-6.1; 75-3-8.1; 75-3-12; 75-3-13.1 through 75-3-13.2; 340:75-12, Table of Contents; 75-12-1; and 75-18-2 through 75-18-3

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

The revisions to Subchapters 1, 3, 12, and 18 of Chapter 75: eliminate references to procedures that are no longer applicable; include references to investigative procedures relating to the Address Confidentiality program (ACP), the Indian Child Welfare Act (ICWA), and inquiries by a parent regarding child abuse and neglect information; revoke levels of services and service planning; clarify the State Post Adjudication Review Advisory Board's (State PARB) role; and correct scrivener's errors and rule and statutory citations.

340:75-1-6, 75-12-1, 75-18-2, and 75-18-3 are revised and 75-1-8 is revoked to eliminate references to procedures that are no longer applicable and delete unnecessary language.

340:75-1-21 is revised to eliminate the once required notification to the State PARB of exceptions to termination of parental rights for children in out-of-home care.

340:75-1-233 is revised to correct scrivener's errors.

340:75-3-2 is revised to update and add definitions relating to Child Protective Services (CPS).

340:75-3-6.1 is revised to include references to investigative procedures relating to ACP and ICWA.

340:75-3-8.1 is revised to include DDSD foster placements in the list of placements that fall within the scope of CPS investigative protocol.

340:75-3-12 is revised to include procedures for responding to inquiries by a parent regarding child abuse and neglect information.

340:75-3-13.1 and 75-3-13.2 are revoked as this information is incorporated in other Sections of policy.

Original signed on 4-23-04

Linda Smith, Director
Children & Family Services Division

Marilynn Knott, Administrator
Office of Planning, Policy & Research

WF # 04-01 (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 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

Table of Contents 340:75-1

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revised 6-25-04

340:75-1-6

340:75-1-6, pages 1-3, revised 6-25-04

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340:75-1-21

340:75-1-21, pages 1-2, revised 6-25-04

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340:75-3-6.1

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340:75-18-2

340:75-18-3

INSERT

340:75-18-2, 1 page only, revised 6-25-04

340:75-18-3, pages 1-2, revised 6-25-04

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340:75-1-3.	Philosophy of Child Welfare
340:75-1-4.	Mission of Child Welfare
340:75-1-5.	Goals of Child Welfare
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340:75-1-9.	Legal base and authority
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340:75-1-6. Organization and scope of Children and Family Services Division

(a) Children and Family Services Division (CFSD) is responsible for:

- (1) developing and modifying Child Welfare (CW) programs, policies, and procedures, based on state and federal law and best practices;
- (2) assessing CW programs through continuous quality improvement;
- (3) providing training and technical assistance to CW staff;
- (4) providing consultation and policy interpretation to CW staff; and
- (5) maintaining the Statewide Automated Child Welfare Information System (SACWIS), known as KIDS.

(b) The programs and services of CFSD are:

- (1) Child Protective Services, including:
 - (A) child abuse and neglect referrals, assessments, and investigations;
 - (B) Child Abuse and Neglect Information System; and
 - (C) child abuse and neglect grants and other federal grants;
- (2) Permanency Planning, including:
 - (A) family reunification services;
 - (B) services to children in out-of-home placements and placement providers;
 - (C) independent living services;
 - (D) contract support services;
 - (E) exploration of relatives and kin for temporary and permanent placements; and
 - (F) concurrent permanency planning, including permanency planning reviews;
- (3) Foster Homes, including:

- (A) recruitment, development, and approval of foster homes;
 - (B) foster parent training programs;
 - (C) foster home placements;
 - (D) emergency foster home program;
 - (E) kinship placement;
 - (F) tribal foster care; and
 - (G) therapeutic foster care;
- (4) Community-Based Residential Care, including recruitment, development, and implementation of residential resources;
- (5) Mental Health, including inpatient and outpatient services for children who are in Oklahoma Department of Human Services (OKDHS) custody;
- (6) Adoptions, including:
- (A) recruitment, development, and approval of adoptive resources;
 - (B) adoptive parent training program;
 - (C) adoptive staffing and selection;
 - (D) adoptive placement, approval, and finalization;
 - (E) adoption assistance;
 - (F) Interstate Compact on Adoption and Medical Assistance (ICAMA);
 - (G) post-adoption services; and
 - (H) reunion registry and central paternity registry and search;
- (7) emergency shelter and group home services, including:
- (A) two emergency shelter programs, in Oklahoma City and Tulsa, that care for children in need of protection; and

(B) two group homes in the Oklahoma City area, one for adolescent girls and one for adolescent mothers and their children;

(8) CW Comprehensive Training program, including:

(A) core curricula for new CW workers and supervisors; and

(B) specialized training curricula for CW staff;

(9) placement services, including placements for all children requiring placement above family foster care. The Interstate Compact on the Placement of Children (ICPC) facilitates the placement of children into and out of Oklahoma;

(10) voluntary Family-Centered Services, including services to non-court involved families and children through Oklahoma Children's Services (OCS); and

(11) Technology and Research including the development, maintenance, and training of KIDS.

340:75-1-21. Post adjudication review board

(a) Section 1116.3 et seq. of Title 10 of the Oklahoma Statutes mandates the establishment of review boards for each judicial district to review the case of every child alleged or adjudicated deprived. The child's court file is reviewed by the local post adjudication review board (PARB) at least once every six months until the court case is dismissed. The PARB's findings and recommendations are submitted to the court within ten days of any review hearing. The review includes consideration and evaluation of the appropriateness of the:

- (1) goals and objectives of the treatment and service plan;
- (2) services provided to the child, parent(s), stepparent, or other adult living in the home or legal guardian or custodian; and
- (3) goals and objectives of the permanency plan.

(b) When a child is alleged deprived and in out-of-home placement, the PARB reviews the child's case six months after removal and every six months thereafter until adjudication occurs or the child is released from out-of-home placement. The PARB's findings and recommendations are submitted to the court within ten days of any scheduled review hearing. The review includes consideration and evaluation of:

- (1) whether the continued out-of-home placement is in the best interests of the child in light of the child's need for permanency;
- (2) the appropriateness of continued out-of-home placement; and
- (3) in the absence of a court-approved treatment and service plan, the appropriateness of the services provided to the child and any other family member or adult living in the home of the child.

(c) A PARB member may attend any court hearing concerning the case of any child subject to review by PARB.

(d) The State Post Adjudication Review Advisory Board (State PARB), per Section 1116.6 of Title 10 of the Oklahoma Statutes, oversees the implementation of the State post adjudication review program in coordination with the Oklahoma Commission on Children and Youth (OCCY). The State PARB makes recommendations to the courts, OCCY, Governor, Legislature, Oklahoma Department of Human Services (OKDHS), Office of Juvenile Affairs (OJA), and other state agencies providing services to children regarding:

- (1) statutory revisions;
- (2) amendments to court rules and regulations;
- (3) permanency planning;
- (4) foster care; and
- (5) Child Welfare (CW) service delivery policies, guidelines, and procedures.

(e) PARB reviews the case of every child adjudicated deprived pursuant to the laws of another state or territory, when the child resides in Oklahoma and OKDHS has agreed to provide services to the child pursuant to the Interstate Compact on the Placement of Children (ICPC) or other agreement concerning the child. ■ 1 & 2 PARB reports its findings to OKDHS and may report these findings to the agency or court in the state having jurisdiction. The child and the child's custodian may be required to attend the local PARB meeting regarding the child.

(f) Any person participating in a judicial proceeding as a PARB member is presumed as acting in good faith and in so doing, immune from any civil liability that otherwise might be incurred or imposed.

INSTRUCTIONS TO STAFF

- 1. Information provided to local PARB. The CW worker or designee familiar with the case provides pertinent information to the local post adjudication review board (PARB) and attends the review if requested by PARB. Information from the Child Welfare (CW) case is made available to PARB at PARB's request.**
- 2. PARB reviews for out-of-state children in Oklahoma. The CW worker notifies the appropriate PARB of the location of the child and provides the PARB with any information received by the Oklahoma Department of Human Services (OKDHS) from the other state concerning the child and the placement, along with any reports made by OKDHS concerning the child or placement.**

340:75-1-233. Support services for CW staff

(a) **Critical incident stress debriefings.** Services are available for Child Welfare (CW) staff upon the death or serious injury of a child with whom CW has been involved or any other type of critical incident, including violence in the workplace. ■ 1

(b) **Case management services.** Case management groups are available to all CW supervisors. The purpose of this service is to enhance CW practice by providing Master of Social Work level clinicians to all CW supervisors. ■ 2

INSTRUCTIONS TO STAFF

1. **Critical incident stress debriefing.** Debriefing services are provided promptly wherever needed in Oklahoma. The Child Welfare (CW) supervisor or county director contacts the Children and Family Services Division CW Training Section to arrange debriefing services.

2. **(a) Case management services.** Each case management session focuses on critical decision-making categories, which are the:

(1) removal of a child from his or her home, reviewed after the fact;

(2) termination of parental rights, staffed prior to requesting the court to terminate;

(3) return of a child to his or her home after removal, staffed four to six weeks prior to the planned return of the child; and

(4) cases in which there has been no movement toward the case plan goal in 12 months.

(b) Case management group attendance. Attendance in a group is optional for CW supervisors.

(1) Enrollment in a case management group is completed through the CW Training Section.

(2) CW supervisors receive two hours of supervisory management training credit for each session attended.

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 (CPS) to other entities with responsibility in the investigation of child abuse and neglect
- 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 handicapped infants
- 340:75-3-8.4. Multidisciplinary team participation
- 340:75-3-8.5. Assessment protocol
- 340:75-3-8.6. General protocol for assessments and investigations
- 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
- 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 assessment or investigation 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

340:75-3-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Abandonment" means the person responsible for the child (PRFC) has deserted the child or the PRFC, through incapacitating behavior or absence, is severely limited or prevented from providing minimal care for the child and the PRFC has no ability or plans to resume care for the child. Abandonment includes the abandonment of an infant, per Title 10 of the Oklahoma Statutes.

"Abuse " means harm or threatened harm to a child's health or safety by a person responsible for the child's health or safety, per Section 7102 of Title 10 of the Oklahoma Statutes.

"Accepting the report for investigation or assessment" means the screening process has been completed, the report meets the definition of abuse, neglect, or both, is within the scope of Child Protective Services (CPS), and will be assigned.

"Administrative investigation" means an internal investigation initiated by the advocate general upon receipt of a notice of the death or near death of a child known to Child Welfare (CW).

"Advocate general" means the administrative head of the Office of Client Advocacy of the Oklahoma Department of Human Services (OKDHS).

"Assessment" means a systematic process utilized by OKDHS to respond to reports of alleged child abuse or neglect that, according to guidelines established by OKDHS, do not constitute a serious and immediate threat to the child's health or safety.

"CPS programs manager" means the administrative head of the CPS program for the Children and Family Services Division (CFSD) of OKDHS.

"Child" means any person younger than 18 years of age except a person who is convicted of a crime per Section 7306-1.1 of Title 10 of the Oklahoma Statutes, or any person who is certified as an adult per Section 7303-4.3 of Title 10 of the Oklahoma Statutes, and convicted of a felony.

"Child known to Child Welfare" means a child who at any time:

(A) within six months prior to the child's death or near death incident:

- (i) was the subject of a CPS investigation or assessment alleging child abuse or neglect;
 - (ii) was the subject of a CPS report that CFSD determines was improperly screened out;
 - (iii) resided in a household that included a member who was the subject of a CPS investigation or assessment alleging child abuse or neglect;
 - (iv) was in OKDHS custody or under OKDHS supervision as a child alleged or adjudicated deprived; or
 - (v) had an active CW case with OKDHS;
- (B) during the two years preceding the child's death or near death incident:
- (i) was the subject of more than five CPS reports or three investigations or assessments alleging child abuse or neglect; or
 - (ii) resided in a household that included a member who was the subject of more than five CPS reports or three investigations or assessments alleging child abuse or neglect.

"Child's parent" means either custodial or non-custodial parent.

"Custodian" means a person acting in the role of the parent with or without a legal order. A custodian is a person who provides for the child's health and welfare on an ongoing basis by performing such functions as enrolling the child in school, securing needed medical attention, and providing a home for the child.

"Domestic violence" means a pattern of assaultive and coercive behaviors that an adult uses against another adult when a child is present. The assaultive and coercive behaviors include, but are not limited to, sinister threats, physical injury requiring medical attention, and the presence of weapons. The child in the home is at risk of grave physical danger, significant neglect, or significant emotional consequences.

"Educational neglect" means that the child fails to attend school due to the PRFC's pattern of failure to ensure that the child is enrolled in, allowed to attend, or assisted in attending school, or provided other means of education. Per Section 10-105 et seq. of Title 70 of the Oklahoma Statutes, the school district must exhaust all available means to compel attendance prior to a CPS investigation of educational neglect. Truancy or home schooling does not constitute educational neglect.

"Emergency custody" means court-ordered custody of a child prior to adjudication of the child.

"Foster parent" means any person maintaining a Developmental Disabilities Services Division (DDSD), therapeutic, emergency, kinship, or foster family home, who is responsible for providing care, supervision, guidance, rearing, and other foster care services to a child.

"General counsel" means the administrative head of the Legal Division of OKDHS.

"Harm or threatened harm" means that the child's health or safety is at substantial risk as a result of the PRFC's actions, intention to act, omissions, or conditions that may result or have resulted in, per Section 7102 of Title 10 of the Oklahoma Statutes:

- (A) serious physical abuse;
- (B) sexual abuse or exploitation;
- (C) serious neglect;
- (D) failure or omission to provide protection; or
- (E) abandonment.

"Heinous and shocking" means abuse or neglect that is extreme, cruel, and results in severe emotional consequences, physical disfigurement, maiming, or death. ■ 1

"Infant" means a child 24 months of age or younger.

"Initiating a CPS investigation or assessment" means a good faith attempt to make face-to-face contact with all alleged child victims.

"Investigation" means an approach utilized by OKDHS to respond to reports of alleged child abuse or neglect that, according to guidelines established by OKDHS, constitute a serious and immediate threat to the child's health or safety.

"Medical neglect" means the withholding of medical treatment or prescription of any type that may significantly harm the child. The withholding of medical treatment is medical neglect when the:

- (A) medical treatment is, in the opinion of a physician, required to safeguard the

child from serious medical risk;

(B) medical condition of the child is an emergency or a life-threatening condition, constituting such a substantial risk to the child's health and well-being that a reasonable person would procure medical attention immediately and the PRFC does not do so; or

(C) needed medical treatment is withheld from an infant with disabilities if the infant's life-threatening condition will most likely improve or be corrected with medical treatment, per OAC 340:75-3-8.3.

"Mental injury - emotional abuse or neglect" means an injury to the child's intellectual or psychological capacity as evidenced by observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior with regard to the child's culture. Mental injury is the result of a pattern of cruel or unconscionable acts upon the child, or statements made or permitted to be made to the child, or within the child's environment, by the PRFC. ■ 2

"Minor injury" means a slight injury that results from inappropriate discipline to a child older than ten years of age and is located on the legs, shoulders, arms, or buttocks. ■ 3

"Munchausen syndrome by proxy" means a type of child abuse in which the PRFC fabricates medical conditions in the child.

"Near death" means a child who is in serious or critical condition as certified by a physician.

"Neglect" means a situation in which a PRFC either deliberately or through exceptional lack of attention to the child's basic needs causes the child to suffer emotionally or physically. Neglect involves either a chronic, long-standing problem that impacts several aspects of a child's life or is so severe that it is life-threatening. ■ 4

"Owner, operator, employee of the child care facility or home" means a facility or home that is licensed under Section 402 of Title 10 of the Oklahoma Statutes. If a facility or home is not licensed but meets the definition of a child care facility, the owner, operator, or employee meets the definition of a PRFC.

"Person responsible for the child (PRFC)" means:

(A) the child's parent, legal guardian, custodian, or foster parent;

(B) a person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child;

(C) an agent or employee of a public or private residential home, institution, or facility; or

(D) an owner, operator, or employee of a child care facility, per Section 402 of Title 10 of the Oklahoma Statutes.

"Physical abuse" means an injury, such as bruises and fractures, resulting from punching, beating, kicking, biting, burning, or otherwise harming a child. Even though the injury is not an accident, the PRFC may not have intended to hurt the child. The injury may have resulted from extreme physical punishment that is inappropriate to the child's age or condition. The injury may be the result of a single episode or repeated episodes and range in severity from significant bruising to death. Any action that involves hitting with a closed fist, kicking, inflicting burns, shaking, or throwing the child is child abuse, even when no injury was sustained and the action placed the child at risk of grave physical danger. Minor injury on a child older than ten years of age is not considered physical abuse unless the actions that caused the injury placed the child in grave physical danger.

"Physical injury" means temporary or permanent damage or impairment to the child's body by the PRFC.

"Protective custody" means a child taken into custody by a peace officer or employee of the court, without a court order when the child's surroundings endanger the child, per Section 7003-2.1 of Title 10 of the Oklahoma Statutes.

"Risk assessment" means determining the level of potential danger to a child and the extent to which the child's safety is jeopardized. ■ 5

"Risk factors" means the circumstances that affect the child's safety. ■ 6

"Safety" means freedom from serious danger due to abuse or neglect in the near or foreseeable future. The CW worker considers the risk factors within the child's home and family. ■ 7

"Serious abuse and neglect" means:

(A) abuse or neglect resulting in significant injury, such as burns, fractures, head trauma, genital injuries, extensive deep bruising on multiple sites of the body, or internal injuries;

(B) abuse or neglect resulting in life-threatening consequences, such as failure to thrive conditions, lack of supervision resulting in significant injury or danger, extreme malnutrition or dehydration, medical neglect involving a life-threatening illness or life-threatening conditions caused by the PRFC's impaired abilities resulting from substance abuse, mental illness, or other emotional condition; and

(C) sexual abuse.

"Sexual abuse" means rape, sodomy, incest, or lewd or indecent acts or proposals to a child. Sexual abuse is any sexual activity, including sexual propositioning between the PRFC and child or any acts committed or permitted by the PRFC, for the purpose of sexually stimulating the child, PRFC, or others. ■ 8

"Sexual exploitation" means allowing or encouraging a child to engage in sexual acts with others, prostitution, obscene photographing, filming, or depicting of the child and deliberate exposure to adult sexuality, such as allowing a child to observe pornography or adult sex acts. ■ 8

"Substance abuse" means the illegal or inappropriate use of any drug, including alcohol, that incapacitates or severely limits the PRFC in performing minimal basic care for the child. The substance abuse results in neglect of the child or creates the risk of grave physical danger or significant emotional consequences to the child. ■ 9

"Third party perpetrator" means a perpetrator other than the PRFC.

"Truancy" means that despite efforts by the PRFC to encourage and assist in school attendance, a child elects not or refuses to attend school.

INSTRUCTIONS TO STAFF

1. **Heinous and shocking examples.** Examples of heinous and shocking abuse or neglect include, but are not limited to, the:

(1) **sexual penetration of an infant or toddler;**

(2) **use of a child in acts of sexual depravity, such as sexual penetration or exploitation among several unrelated adults or multiple family members, sexual involvement with animals, sado-masochistic sexual behavior, involvement in child pornography rings or prostitution, and sexual activity that results in repeated physical injury;**

(3) **repeated battering of a child that results in several life-threatening**

injuries;

(4) systematic torture of a child with no regard for the child's pain or need for medical attention;

(5) purposeful or systematic withholding of life sustaining food or water from a child;

(6) previous incident(s) of a confirmed child fatality or other serious abuse or neglect by the same person responsible for the child (PRFC) or perpetrator and current abuse or neglect is serious; and

(7) deliberate and purposeful attempt to kill a child.

2. Mental injury examples. Situations that may indicate mental injury when the situation is observable, substantial, and a pattern are:

(1) acts or repeated statements directed at the child that degrade or belittle the child;

(2) exposure to repeated violent or intimidating acts or statements that may or may not be directed at the child, but have a harmful effect on the child;

(3) threatening the child with extreme or vague but sinister punishment, setting unrealistic expectations, or stating unpredictable threats;

(4) ignoring or being psychologically unavailable to the child, ranging from a lack of sustained attention to a barrier of silence;

(5) the PRFC seldom responds to, stimulates or shows affection toward an infant, and rarely, if ever, holds the infant during feeding;

(6) the PRFC shows unrealistic expectations by regularly scolding and yelling at the infant when the infant exhibits typical responses or needs, such as crying, or needing to be fed, changed, or held;

(7) the PRFC shows little or no attachment to the child and fails to provide minimum levels of nurturing;

(8) the PRFC regularly ignores, rejects, or curses the child when the child requires assistance from the PRFC;

- (9) the PRFC exploits the child by requiring the child to routinely carry out extreme tasks that are significantly beyond the child's capabilities;
- (10) the PRFC confuses the child's gender identity by forcing the child to dress in clothing that is inappropriate for the gender of the child in order to shame the child;
- (11) the PRFC exposes the child to maladaptive and harmful influences by engaging in serious criminal activity with the full awareness of the child, or by allowing or encouraging the child to engage in illegal acts. The CW worker gives consideration to the child's age and maturity level;
- (12) the PRFC consistently uses excessive threats and psychological punishments;
- (13) the PRFC consistently refuses to permit any professional to assess the child's serious emotional or behavioral problems. This may also be considered medical neglect;
- (14) Munchausen syndrome by proxy. Munchausen syndrome by proxy may also be considered abuse or medical neglect, depending upon the manifestation of the syndrome; and
- (15) chronic or highly volatile domestic violence that the child witnesses.
3. Minor injury examples. Examples of minor injury include, but are not limited to:
- (1) fingertip bruising to the child's arm; and
- (2) belt or slap marks or bruises on the child's buttocks or legs that are not extensive, deep, or located on various sites.
4. Neglect conditions. Factors considered in regard to neglect are listed in (1) through (4).
- (1) Children three years of age and younger are most vulnerable to life-threatening and significant developmental consequences from neglect.
- (2) Poverty, alone, does not constitute neglect, unless the PRFC does not access known and readily available resources to prevent serious emotional

or physical harm to the child.

(3) Poor parenting practices that do not result in emotional or physical suffering are not considered neglect.

(4) Neglect of a child may include, but is not limited to:

(A) dangerously inadequate supervision;

(B) extremely hazardous living conditions;

(C) malnutrition;

(D) failure to thrive;

(E) failure to obtain critically essential medical, dental, or mental health care; and

(F) mental injury.

5. Assessing risk. Key points for assessing risk occur:

(1) when screening referrals;

(2) when determining what information to gather in an investigation or assessment;

(3) when determining whether to remove a child from his or her home;

(4) prior to the development of safety plans;

(5) prior to the placement of a child in the home of a relative;

(6) prior to decision-making about court intervention;

(7) prior to deciding whether prevention services are appropriate;

(8) prior to the development of visitation plans; and

(9) when making plans for treatment and reunification.

6. **Risk factors.** Key risk factors are the:

(1) age of the child. Infants and toddlers are at highest risk of life-threatening consequences of abuse or neglect;

(2) physical and mental abilities of the child. A child with physical or mental special needs is at greater risk;

(3) level of cooperation by the PRFC;

(4) physical, mental, and emotional abilities of the PRFC;

(5) behavior of the perpetrator;

(6) access of the perpetrator to the child;

(7) location of any injury;

(8) extent and severity of injury;

(9) history of abuse or neglect of the alleged child victim or siblings;

(10) physical condition of the home;

(11) available support system for the family;

(12) stress level in the home as evidenced by such things as financial or relationship difficulties; and

(13) history of abuse or neglect in the family or childhood background of the PRFC.

7. **Safety assessment.** The factors addressed on Form DCFS-76, Safety Assessment, are considered in determining whether protective custody is required to protect a child, per OAC 340:75-3-10.1.

8. **Sexual behaviors that indicate sexual abuse or exploitation.** Sexual behaviors that may indicate possible sexual abuse or exploitation include the child's:

(1) extreme preoccupation with masturbation;

(2) sexual interaction with peers that is not within normal developmental limits;

(3) sexual aggression toward younger or more naive children;

(4) sexual accosting of older children or adults;

(5) seductive behavior in younger children; and

(6) demonstration of sexual behavior or knowledge or statements about sexual activity that indicate the child may have been exposed to adult sexuality or actual sexual molestation. Sexual knowledge beyond what would be expected for a child's normal developmental stage can signal, in young children, possible sexual abuse, repeated exposure to adult sexuality, exposure to sexually explicit materials, or pornography.

9. Substance abuse and newborns. If substance abuse by the PRFC results in an infant born drug exposed, the home of the PRFC is carefully evaluated to determine whether the infant can receive the proper nurturing, nutrition, and attention to hygiene necessary for the infant to thrive.

340:75-3-6.1. Exceptional reports of child abuse and neglect

(a) **Reports resulting from divorce or child custody actions.** If a report of abuse, neglect, or both, is made by a referring court resulting from a divorce or child custody action, an investigation or assessment is initiated, per OAC 340:75-3-7.1 and 340:75-3-8. ■ 1

(b) **Anonymous reports.** Anonymous reports that meet the definition of abuse or neglect are investigated. When a person reporting suspected child abuse, neglect, or both, is reluctant to identify himself or herself, the Child Welfare (CW) worker:

(1) uses good interview skills to obtain the reporter's identity. It is not always possible to obtain the name of the reporter; and

(2) attempts to determine the reporter's relationship to the child and family in question and any other relevant information.

(c) **Child Protective Services (CPS) reports on an OKDHS employee.** Specific procedures are followed when a report of neglect, abuse, or both is received that involves an Oklahoma Department of Human Services (OKDHS) employee or a member of the employee's immediate or extended family, with the exception of alleged abuse in an institution. ■ 2

(d) **CPS reports to other counties.** A referral is made to CW in the family's county of residence when a referral is received regarding a child and family who are in another county. ■ 3

(e) **Reports of abuse or neglect in an active permanency planning or voluntary FCS case.** Information regarding the injury is documented on Form CWS-KIDS-1, Referral Information Report, if a child, who is part of an ongoing permanency planning or voluntary Family-Centered Services (FCS) case, is reported or observed by the CW worker to have any injury to the face, head, neck, stomach, or genitals, even an allegedly accidental injury, or to have evidence of any abuse, neglect, or both, per OAC 340:75-3-6(d) and 340:75-4-13(10). ■ 4

(f) **Newborns in an active permanency planning or voluntary FCS case.** When a baby is born to a person responsible for the child (PRFC) with an open permanency planning or voluntary FCS case, the information is documented on Form CWS-KIDS-1, per OAC 340:75-3-6(d). ■ 5

(g) **Address Confidentiality program (ACP).** Reports regarding child abuse and neglect that fall within the scope of CPS are accepted for investigation or assessment

even though the actual finding address of the child is confidential, per Section 60.14 of Title 22 of the Oklahoma Statutes. ■ 6

(h) CPS reports on Indian children. In order to ensure compliance with the Indian Child Welfare Act (ICWA), procedures per OAC 340:75-19-9 and 340:75-19-10 are followed for all children reported or determined Indian.

INSTRUCTIONS TO STAFF

1. Submission of investigative findings or assessment conclusions to the referring court. Findings of the investigation or the conclusions of the assessment resulting from child custody actions are submitted to the referring court, utilizing Form CWS-KIDS-3, Report to District Attorney, within 30 days of the receipt of the referral. Form CWS-KIDS-3 is submitted to the district attorney, per OAC 340:75-3-11 Instructions to Staff (ITS). The Child Welfare (CW) worker notifies the parties to the proceeding when Form CWS-KIDS-3 is submitted to the court.
2. Procedures involving OKDHS employees or family members. The procedures in (1) through (6) are followed when a report of abuse or neglect involves an Oklahoma Department of Human Services (OKDHS) employee or member of the employee's immediate or extended family.

(1) If the report alleges that the child is seriously injured or is in need of medical attention, emergency intervention, or both, the CW worker immediately assists in ensuring protection for the child and other children in the home.

(2) The facts involved in the allegation are reported immediately to the district attorney for investigation. If the district attorney determines that the investigation or assessment must be conducted by CW, caution is exercised to avoid any potential conflict of interest or impropriety.

(3) A CW worker from another county or Field Operations Division (FOD) services area is assigned to investigate or assess to avoid any potential conflict of interest any time there is close proximity between the CW office and the work location of the OKDHS employee or when the CW worker is acquainted with the OKDHS employee or his or her family.

(4) The county director is advised when:

(A) it is necessary to arrange for an investigation or assessment outside of the county; or

(B) there is potential risk to any client.

(5) If the employee is housed in the county office where CW is located, is in a position of responsibility for children, or if the report alleges serious abuse or neglect, the Children and Family Services Division (CFSD), CPS programs manager and FOD area director are advised of the report.

(6) The initial contact with the OKDHS employee, as in any child abuse and neglect investigation or assessment, is an unannounced visit to the employee's home. Interviews are not conducted in the OKDHS office unless requested by the employee. As in any investigation or assessment, all information is confidential and not discussed with the OKDHS employee in the presence of his or her co-workers or supervisor. All case information related to the investigation or assessment is restricted in KIDS.

3. Coordination between counties. When the child victim is in one county and the family or caregiver in another, CW staff in the respective counties coordinate the investigation or assessment, as outlined in (1) through (2).

(1) The county in which the child is located has primary assignment on KIDS as the investigative or assessment interview with the child is the first step. Secondary assignment is given to those counties in which family members, caregivers, or collaterals reside. The primary and secondary assignment can be changed after contact is made with the child victim.

(2) For case management when CW services are provided, primary and secondary assignment may differ, per OAC 340:75-1-26 ITS. Only one Form CWS-KIDS-3 is completed on an investigation involving one family and multiple counties, per OAC 340:75-3-11 ITS.

4. Screening out the report. The CW supervisor may screen out the report if someone other than the direct caregiver verifies that the injury was the result of an accident. The information justifying the screen out disposition is documented in the Comments section of Form CWS-KIDS-1, Referral Information Report. If an investigation or assessment is not conducted, the CW worker documents all information concerning the injury in the KIDS Contacts screen in the child's case.

5. Investigation of newborns. The referral is assigned as an investigation to determine the immediate safety of and threat of harm to the newborn, per OAC 340:75-3-10.1 ITS 2 and 340:75-6-40.3 ITS 4.

6. Responsibilities to ACP participants. In cases involving Address Confidentiality program (ACP) participants, the CW worker:

(1) follows the verification of and the investigative or assessment responsibilities and tasks related to ACP participants, per OAC 340:75-1-26 ITS;

(2) arranges an alternate location to interview and observe the child if the participant declines to provide a finding address; and

(3) documents in the KIDS Interview screen why a home visit was not accomplished.

340:75-3-8.1. Protocol for addressing reports regarding foster or trial adoptive homes

(a) **Purpose in investigations or assessments of foster or trial adoptive homes.** Children who are in the care or custody of the Oklahoma Department of Human Services (OKDHS) require ongoing protection from subsequent abuse or neglect while in therapeutic, emergency, Developmental Disabilities Services Division (DDSD), kinship, and foster family care or trial adoptive placement. Children placed in care due to abuse or neglect are not only vulnerable due to their previous victimization but also due to the heightened risk of abuse or neglect that occurs when there is an out-of-home placement. It is, therefore, imperative that an evaluation and response be made when there is an observation of or report of abuse or neglect or potential for abuse or neglect of a child in a foster or trial adoptive home.

(b) **Observation of abuse or neglect in foster or trial adoptive homes.** It is the responsibility of Child Welfare (CW) staff to be alert to indicators that a child is at risk of abuse or neglect or has been abused or neglected in his or her out-of-home placement.

■ 1

(c) **Reports regarding children in foster or trial adoptive homes.** When a report regarding a foster or trial adoptive home is received, it is documented and evaluated to determine if the allegations indicate abuse or neglect or a violation of OKDHS rules. ■

2

(d) **Foster or trial adoptive home investigative or assessment protocol.** The investigative protocol is the same as the protocol for conducting an investigation or assessment in the child's own home, including additional interviews and the evaluation of case records relating to the foster or trial adoptive home, per OAC 340:75-3-8, 340:75-3-8.5, and 340:75-3-8.6. ■ 3

(e) **Time limitations on accepting reports regarding children in foster or trial adoptive homes.** Incidents are sometimes reported that allege child abuse or neglect in foster or trial adoptive homes that are not recent events, for example, an adult reports she was molested as a child by her foster father and this is an open foster home. As in cases of intrafamilial child abuse or neglect, information is obtained to determine whether there are children in the foster or trial adoptive home who may be at risk. ■ 4

(f) **Determining safety.** Safety refers to the present security and well-being of a child. Protection of children in foster or trial adoptive placement is of primary importance and concern. The determination regarding whether a child can safely remain in a foster or trial adoptive home is based upon the urgency, severity of the allegations, and the

definition of risk, per OAC 340:75-3-2. ■ 5

(g) **Notification of parent regarding injury.** Parents of children who are in emergency or temporary custody of OKDHS are notified by the family's CW worker when the child is injured or removed from the placement due to abuse or neglect. The notification occurs immediately after the condition of the child is determined through interview and observation. ■ 6

(h) **Allegations of abuse or neglect of a child in foster or trial adoptive home by a non-PRFC.** When a report of child abuse or neglect is received regarding a child in a foster or trial adoptive home that identifies the alleged perpetrator as a person not responsible for the child (non-PRFC), a referral is made to law enforcement. Regardless of whether law enforcement investigates and determines no crime has been committed or chooses not to conduct an investigation, CW completes a third party investigation to determine whether the foster or trial adoptive parent failed to protect the child from a high risk situation that he or she had knowledge of or could have predicted. ■ 7

(i) **Foster or trial adoptive home investigative findings and assessment conclusions.** Any report regarding a child in a foster or trial adoptive home is investigated or assessed immediately by CW staff. After completing the investigation a finding is made regarding abuse and neglect as defined by state statutes and OKDHS rules. ■ 8

(j) **Time frames for completion of investigations or assessments of foster or trial adoptive homes.** Reports of suspected child abuse or neglect in foster or trial adoptive homes are investigated or assessed within ten working days of acceptance of the referral for investigation or assessment. ■ 9

(k) **Investigation or assessment of reports regarding children in OKDHS custody in tribal foster homes.** The protocol for investigating or assessing suspected abuse or neglect of children in OKDHS custody in tribal foster homes is the same as investigations or assessments of child abuse or neglect in the child's own home, per OAC 340:75-1-9, 340:75-3-8.1(d), and 340:75-19-10. ■ 10

(l) **Contracted therapeutic or emergency foster and trial adoptive homes.** When an investigation or assessment is initiated on a contracted therapeutic or emergency foster or trial adoptive home, the investigative or assessment CW worker follows the same investigative protocol per OAC 340:75-3-8.1(d). The contracting agency, appropriate OKDHS liaison, county director, and Children and Family Services Division (CFSD) Foster Care, Therapeutic Foster Care (TFC), or Adoption Section are notified of the investigation as soon as it is determined that the home is not an OKDHS foster or trial

adoptive home. The contracting agency is informed that no information regarding the referral is discussed with the foster or trial adoptive home prior to the initiation of the investigation or assessment. ■ 11

(m) **Decision-making regarding the continued use or closure of the foster or trial adoptive home.** When there is an investigation of abuse or neglect in a foster or trial adoptive home, the results of the investigation are evaluated to determine whether to continue to utilize or close the home.

(1) It is the role of the investigative CW worker to make a finding regarding the allegations. All persons involved with the child are a part of the decision-making process from the time the allegations are reported until the investigation or assessment is completed. The decision-making process includes assessing safety, safety planning, and continued use of the foster or trial adoptive home. The persons involved include the investigative or assessment CW worker, child's CW worker, foster or trial adoptive home specialist, family's CW worker, and all appropriate CW supervisors. When the finding of a child abuse or neglect investigation is confirmed or services recommended, input is provided by all persons involved regarding continued use of the home. The CW field liaison (CWFL) and CFSD Foster Care, Adoption, TFC, DDSD, and Child Protective Services (CPS) programs staff are also available for consultation.

(2) Decisions or any other actions regarding the continued use or closure of the foster or trial adoptive home are made and discussed with the family by the foster or trial adoptive home specialist and supervisor. Any findings regarding the occurrence or presence of violations in the foster or trial adoptive home, per OAC 340:75-7-37, are handled as outlined in OAC 340:75-7-94.

(3) When abuse, neglect, or OKDHS discipline or other policy violations are identified in a tribal foster home, the tribe must work with the foster home to correct those conditions if the home is to continue to care for children in OKDHS custody. The tribal foster home case must reflect the correction. The CFSD tribal coordinator monitors those cases for corrective action before any additional children in OKDHS custody are placed in those foster homes.

(n) **Review process for suspected abuse or neglect in foster or trial adoptive homes.** All reports of abuse or neglect in OKDHS and contracted foster or trial adoptive homes are reviewed by the CPS Section and appropriate Foster Care, Adoption, or TFC Section. CPS programs staff, along with any other appropriate programs staff, is responsible for addressing, with the appropriate CW staff, any concerns regarding the investigation and finding. The appropriate programs staff is responsible for addressing, with the contracted agency staff, the findings of the

investigation and any other issues of concern.

INSTRUCTIONS TO STAFF

1. **Observation of abuse or neglect.** When a **Child Welfare (CW)** worker observes indicators of abuse or neglect of a child in a foster or trial adoptive home, an immediate evaluation is made by **the** worker to determine the extent of any injuries and the child's need for immediate protection. Depending on the level of risk present, immediate removal of the child and other children from the placement may be necessary, **per OAC 340:75-3-8.1(f)**. The details of the observed abuse or neglect are documented on Form CWS-KIDS-1, Referral Information Report, and submitted to the CW staff who are responsible for conducting a complete investigation. All other indicators or potential indicators of abuse or neglect are also documented on Form CWS-KIDS-1 and immediately submitted to the CW supervisor for decision-making purposes, **per OAC 340:75-3-6.1(e)**.
2. **Reporting and assignment.** The report is documented on Form CWS-KIDS-1. Since **the Oklahoma Department of Human Services (OKDHS)** is legally responsible for the health, safety, and welfare of custody children, great care is used in making these determinations. Generally, a higher level of **scrutiny is required** when making decisions regarding the safety of **children in OKDHS custody**. Information justifying all decision-making **is** fully documented **by the CW supervisor**.

(1) When information is received from any source, including information provided by the **child**, that **an OKDHS** rules violation has occurred and it is not known if there is either resulting physical or mental injury or a potential for serious physical or mental injury, an initial evaluation is conducted. The child's CW worker immediately interviews and observes the child for any injuries. If there are no injuries or other risk related indicators, a summary of the **CW** worker's contact with the child is entered in the narrative of Form CWS-KIDS-1, the report is screened out, and the matter is referred to CW foster care or adoption staff to address the violations, **per OAC 340:75-7-94**. OAC 340:75-3-7 Instructions to Staff **(ITS)** provides examples of appropriate screened out reports regarding foster and trial adoptive parents.

(2) An investigation is conducted on all reported allegations that meet the definition of abuse or neglect, including all non-accidental physical or mental injuries to children of any age, neglect, sexual abuse, and any

practices by the foster or trial adoptive parent that involve hitting or striking a child three years of age or younger, even when there is no report or observation of injury. OAC 340:75-3-7.3 ITS provides examples of reports regarding foster and trial adoptive homes that are investigated. The investigation is assigned to staff who can conduct an objective and unbiased investigation. If necessary, out-of-county CW staff may be used.

(3) There are two exceptions under which reported allegations of child abuse and neglect by a foster or trial adoptive parent may be conducted as an assessment. These two exceptions are provided as examples in OAC 340:75-3-7.3 ITS 1(4)(J) and (K). The assessment protocol as outlined in OAC 340:75-3-8.5 is followed, along with the notification to and inclusion of the foster or trial adoptive home specialist in the assessment process.

(4) All investigations and assessments regarding a foster or trial adoptive parent are assigned as Priority I to ensure the safety of children in OKDHS custody. If additional information is available concerning the allegations and current situation in the foster or trial adoptive home and this information indicates that the safety of the children can be ensured without an immediate investigation or assessment, the CW supervisor may assign the report as a Priority II with a time frame of no more than three working days to initiate the investigation or assessment. The CW supervisor documents the reason the report was not assigned as a Priority I on Form CWS-KIDS-1.

(5) Assigned reports of child abuse or neglect in a child's out-of-home placement are immediately reported to the child's CW worker, CW supervisor, county director, CW field liaison (CWFL), and the appropriate CFSD programs staff. Situations involving OKDHS foster homes, contracted emergency foster care homes, and kinship homes are reported to the CFSD Foster Care Section; trial adoptive homes are reported to the Adoption Section; and contracted therapeutic foster homes and DDSD homes are reported to the Therapeutic Foster Care (TFC) Section.

3. Investigation or assessment. Foster or trial adoptive home investigative or assessment protocol is outlined in (1) through (2).

(1) In addition to those persons identified in the investigation or assessment protocol, per OAC 340:75-3-8.6 ITS, other persons interviewed include:

- (A)** all children living in the home, regardless of relationship;
 - (B)** other children previously living in the home who were abused or may have been aware of abuse;
 - (C)** the child's CW worker; and
 - (D)** other CW staff, staff of a contract agency, or both, who have been or who are frequently in the home.
- (2) A review of case records, including the child's case and the foster home, therapeutic foster home, emergency foster home, DDSD, or trial adoptive home case records, is also completed by the investigative or assessment CW worker in order to gather information pertinent to the investigation or assessment.
4. **Child at risk.** When there is a child who may be at risk, a full investigation or assessment is conducted. This requires interviews with persons formerly placed in the home and any child presently in the home.
- (1)** When a report is received on a closed foster or trial adoptive home, the allegations are assessed to determine whether a child is currently at risk.
 - (2)** Reports that a child in OKDHS custody was sexually abused or physically injured are investigated on closed foster or trial adoptive homes, even when there are no children in the home.
 - (3)** When the allegations contain issues of inappropriate discipline or other rules violations, the reported information is filed in the closed foster or trial adoptive resource record.
 - (4)** If the resource family reapplies, the issues identified in the report are carefully and thoroughly addressed prior to and as a part of the foster or trial adoptive home reassessment process.
5. **Safety determination.**
- (1)** Utilizing the risk factors, safety is determined both at the time a child abuse or neglect report is received and when the investigation or assessment is completed. When the safety of a child cannot be ensured, the child is removed from the foster or trial adoptive home as is any other

child who is in OKDHS custody or voluntary care. When children in the household include the foster or trial adoptive parent's own child, the decision to recommend removal of that child is based on safety, per OAC 340:75-3-10.1(g).

(A) Whenever possible, the decision to recommend removal is made by the investigative CW worker, CW supervisor, and CWFL in collaboration with the other persons involved with the child. When a child is in imminent danger and prior collaboration is not feasible, removal of the child or alternative safety plan is immediately initiated, and the case is reviewed with the CW supervisor and CWFL as soon as possible.

(B) The child's CW worker, county director, CWFL, and CFSD TFC, DDSD, Foster Care, or Adoption programs staff, as appropriate, are promptly notified when a child in a foster or trial adoptive home is removed because of suspected child abuse or neglect.

(2) Alternatives to removal of a child from the foster or trial adoptive home are appropriate when the child's safety can be reasonably ensured.

(A) A safety plan must be discussed and agreed to by the:

- (i)** foster or trial adoptive parent;
- (ii)** investigative CW worker;
- (iii)** child's CW worker;
- (iv)** foster or trial adoption home specialist;
- (v)** CW supervisor; and
- (vi)** CWFL.

(B) The safety plan is documented:

- (i)** in the child's case record;
- (ii)** in the foster or trial adoptive resource record; and
- (iii)** on Form CWS-KIDS-3, Report to District Attorney, or Form

CWS-KIDS-9-A, CPS Family Assessment.

(3) Foster Care, Adoption, DDSD, TFC, and CPS programs staff are also available for consultation in making decisions regarding the removal of a child from foster or trial adoptive placements.

6. Contact with the child's family. When contacting the child's family immediately is not possible, contact is made the next working day. Upon contact, the CW worker discusses:

(1) the abuse or neglect allegations;

(2) the investigative process;

(3) the safety plan in place or to be developed, if necessary and

(4) any investigative concerns.

7. Non-PRFCs. When the alleged perpetrator is a minor child and there is the potential for criminal charges, the interview with the minor perpetrator is conducted only to determine the family dynamics and whether the person responsible for the child (PRFC) protected the child victim and will continue to protect the child victim from the minor perpetrator.

(1) The investigative CW worker evaluates the situation carefully while collaborating with the staff responsible for working with the child and the foster family to determine the child's need for protection. This includes evaluating the willingness and appropriateness of the foster or trial adoptive parent to protect the child by the establishment and documentation of a safety plan.

(2) When the decision is to allow the child to remain in the home, the safety plan is developed and implemented prior to the completion of the investigation. The child's CW worker ensures that the safety plan is followed. The safety plan is documented:

(A) in the child's case record;

(B) in the foster or trial adoptive resource record; and

(C) on Form CWS-KIDS-3.

8. Investigative findings or assessment conclusions.

(1) The investigative CW worker advises the foster or trial adoptive parent of the investigation findings. Form CWS-KIDS-3 is utilized to document all findings.

(2) The assessment CW worker advises the foster or trial adoptive parent of the conclusions and any referrals for services, if needed. Form CWS-KIDS-9-A is utilized to document the conclusions.

(3) The investigative or assessment CW worker also advises the family that any action regarding policy violations and continued use of the home is addressed by the foster or adoption specialist, per OAC 340:75-3-8.1(m).

(4) At the conclusion of the investigation or assessment, all reports are submitted to the CFSD CPS Section and Foster Care, Adoption, or TFC Section, as appropriate. Other relevant written reports and recommendations for continued use of the home are attached. Copies of Form CWS-KIDS-3 or Form CWS-KIDS-9-A are also provided to the child's CW worker and the foster resource specialist to address any needed action in an OKDHS foster or trial adoptive home, for example, written plan of compliance, home closure, or similar necessary actions.

9. Investigative or assessment time frames. Investigative findings and recommendations are recorded on Form CWS-KIDS-3 and assessment conclusions are documented on Form CWS-KIDS-9-A. Copies are submitted to the CFSD CPS and Foster Care, Adoption, or TFC Section, as appropriate, within ten working days of acceptance of the referral for investigation or assessment. If an extension beyond ten working days is necessary because key information is not available, the appropriate DDSD, Foster Care, Adoption, or TFC programs staff is contacted. Examples of circumstances necessitating extensions are outlined in (1) through (4).

(1) There are numerous allegations of sexual abuse and interviews are needed with numerous children previously placed in the foster home.

(2) Medical, lab, or autopsy reports are not available within the ten working day time frame.

(3) There are serious abuse and neglect allegations and a criminal investigation is pending.

4) Key individuals, such as the child victim or the alleged perpetrators, are unavailable.

10. Tribal foster homes. In addition to the protocol in OAC 340:75-3-8.1(d), (1) through (3) are also followed.

(1) CW notifies the tribal representative and requests cooperation in investigating or assessing allegations of abuse or neglect of a child in OKDHS custody in tribal foster care.

(2) The decision to remove the child from the home, pending completion of the investigation or assessment, is based upon the same guidelines as for any child placed in an OKDHS approved foster home. The decision whether to remove the child is discussed with the tribal representative and assistance is requested explaining the necessity for removal from the foster family. When the tribal representative does not cooperate with OKDHS and the foster family to remove the child, the CFSD Foster Care programs staff is notified. If the cooperation of the tribe cannot be obtained through the CFSD tribal coordinator, CW staff has the authority, with the assistance of law enforcement officials, if necessary, to remove the child from the tribal foster home, unless the foster home is located on tribal land.

(3) When the tribal foster home is located on tribal land, the tribe removes the child and places the child in the physical custody of OKDHS as provided for in the terms of the state tribal agreement.

11. Investigation or assessment completion. When the investigation or assessment is completed, Form CWS-KIDS-3 or Form CWS-KIDS-9-A is prepared and routed, per OAC 340:75-3-8.1 ITS 8. The CW worker shares the investigation findings or assessment conclusions with the contract resource family. Forms CWS-KIDS-3 and CWS-KIDS-9-A are not provided to the contract agency. It is the responsibility of the appropriate Foster Care, DDSD, TFC, or Adoption programs staff to share the findings and address concerns and issues with the contract agency regarding continued use of the home for the child in OKDHS custody. Other relevant written reports and information pertaining to continued use of the home, which are not appropriate to include on Form CWS-KIDS-3 or Form CWS-KIDS-9-A are submitted by the CW worker to the appropriate Foster Care, DDSD, TFC, or Adoption programs staff.

340:75-3-12. Child Abuse and Neglect Information System

The Child Abuse and Neglect Information System (information system) is a permanent, computerized record-keeping system maintained by Child Welfare (CW), pursuant to Section 7111 of Title 10 of the Oklahoma Statutes, that requires the maintenance of all reports of child abuse, sexual abuse, and neglect made pursuant to the provisions of the Oklahoma Child Abuse Reporting and Prevention Act.

(1) **Purpose.** The purpose of the information system is to:

- (A) provide central storage of information pertaining to reports of child abuse and neglect in Oklahoma;
- (B) serve as a tracking system for reports of child abuse and neglect; and
- (C) provide raw data for statistical analysis of child abuse and neglect reports.

(2) **Staff authorized to inquire and report to the Child Abuse and Neglect Information System.** Only authorized Oklahoma Department of Human Services (OKDHS) staff may inquire and report to the information system. Authorized staff and functions are listed in (A) through (D).

(A) CW staff, investigating or assessing reports of suspected child abuse and neglect, must inquire and make reports to the information system. ■ 1

(B) OKDHS foster and adoptive home staff must inquire into the information system to determine if any persons in the household, applying to become a foster or adoptive home, were involved in any child abuse or neglect situations investigated or assessed by OKDHS.

(C) Reasons CW staff may inquire into the information system are:

- (i) for internal administrative purposes;
- (ii) to respond to inquiries from persons who, as a part of their official duties, have responsibilities directly connected with child abuse laws, prosecution, or delivery of services, such as the district attorney, law enforcement, or another state's child protective services (CPS) agency; or
- (iii) to respond to an absent parent's inquiry about a child abuse investigation or assessment involving his or her child. The inquiring parent must provide verification of his or her identity and that he or she is the child's parent.

Verification is in the form of a written, notarized statement or other proof, including the child's birth certificate, court order, or other such document.

(I) When there is a pending investigation or other current CW involvement with the parent's child, the parent is referred to the assigned CW worker and supervisor.

(II) When the parent is aware that he or she was the subject of a previous investigation or assessment for which the parent did not receive notification of the investigative findings or assessment conclusions, the appropriate letter of findings or conclusions, per OAC 340:75-3-13(a), is sent to the parent.

(III) The parent is advised that a court order is required to release confidential CW information except in the circumstances in OAC 340:75-3-12(2)(C)(iii)(I) and (II).

(D) Division of Child Care (DCC) staff may inquire into the information system to determine if any person who signs the application for a family child care home license or the owner of a child care facility has had a previous report of child abuse, neglect, or both. DCC staff may inquire only when the applicant submits a signed:

(i) Form OCC-42, Application for License – Family Child Care Home and Large Child Care Home; or

(ii) Form OCC-41, Child Care Staff Information.

INSTRUCTIONS TO STAFF

1. Inquiring and reporting to the Child Abuse and Neglect Information System (information system).

(1) CW staff involved in child abuse investigations or assessments follow the procedures outlined in (A) through (C) for inquiring and reporting to the information system.

(A) CW staff must inquire into the information system on each report of suspected child abuse, neglect, or both, as soon as possible after receiving the report. CW staff or authorized clerical personnel access this information by checking KIDS.

- (B) The CW worker enters a record of all child abuse and neglect investigations or assessments on KIDS. Investigations or assessments that are determined to be the result of an exercise of reasonable parental discipline are not maintained as a permanent record in the information system, per OAC 340:75-3-12 Instructions to Staff 1(1)(C). All other investigations or assessments are permanently maintained. When there is an existing or ongoing investigation or assessment and a new report regarding the family is received, this report is entered into KIDS.
- (C) When a finding of reasonable parental discipline is made, the Child Protective Services (CPS) Section of the Children and Family Services Division is notified via KIDS. A review of the investigation is conducted by the CPS programs staff. If CPS programs staff determine that the finding was made in accordance with policy guidelines, then the county office is notified through KIDS that the referral and investigation information will be expunged. Arrangement for the expunction is made by the CPS programs staff.
- (2) All entries on KIDS related to the documentation of the assessment or investigation, particularly in the KIDS Abuse/Neglect Information and Investigation Findings screens, are considered the information system pursuant to the Oklahoma Child Abuse Reporting and Prevention Act.

SUBCHAPTER 12. OKDHS OPERATED GROUP HOMES

Section

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340:75-12-1. General description

(a) The Oklahoma Department of Human Services (OKDHS) operated group homes are residential facilities that emphasize family style living in a home-like environment. The group homes provide full-time care to residents. The homes comply with the licensing standards and requirements of the Division of Child Care. Group home staff assists the youth in developing parenting skills and learning independent living skills. ■ 1

(1) The Pauline E. Mayer group home serves a maximum of five adolescent mothers, 13 through 17 years of age, who are adjudicated deprived and in OKDHS custody, and their children. Referrals for placement are made to the group home supervisor. ■ 2

(2) The Deborah A. Rothe group home serves a maximum of eight girls, 13 through 17 years of age, who are adjudicated deprived and in OKDHS custody. Referrals for placement are made to the Placement Section of Children and Family Services Division (CFSD). ■ 2

(b) Both OKDHS operated group homes are structured, community-based settings for youth who require a high degree of individualized supervision and service provision. These group home programs are designed to serve youth in OKDHS custody who demonstrate significant behavior problems. ■ 3

(c) The OKDHS operated group homes provide or arrange services for residents that include: ■ 4 through 6

- (1) individual and group counseling;
- (2) medical and dental services;
- (3) educational and vocational services;
- (4) recreation;
- (5) independent living skills;
- (6) social work services;
- (7) nutrition, clothing, and shelter;
- (8) family visitation;

(9) transportation; and

(10) basic child care.

INSTRUCTIONS TO STAFF

1. (a) Resident case files. The group home Child Welfare (CW) worker maintains the case records of residents. The group home CW worker establishes a duplicate case file for each resident for use within the program. The group home supervisor audits the group home case record at least quarterly while the youth is in residence. Upon discharge, the resident's group home case record is combined with the original CW case record.

(b) Resident logs. Direct care specialist (DCS) staff records daily observations of each resident's activities, health issues, behaviors, and achievements.

2. Referral. Upon receipt of a referral, if an opening is available, the group home CW worker arranges an intake conference at the group home.

(1) Pre-placement interview conference. The group home CW worker brings to the conference all relevant information regarding the youth. The youth, youth's CW worker, and interested immediate family members participate in the pre-placement interview with the group home CW worker. Program services, rules, disciplinary procedures, and the youth's goals are discussed. A tour of the home is provided. If placement is not recommended by the group home supervisor, the youth's CW worker and the group home programs manager are notified of the decision and reasons for such. During the pre-placement interview, the youth's CW worker provides information essential to planning the youth's care. For interviews at the Pauline E. Mayer group home, information essential to planning is also provided for the youth's child. The youth's information includes, but is not limited to:

(A) the social history;

(B) medical related information, such as current prescriptions, known allergies, dates of last medical examinations, Title IV-E eligibility status, current medical number, planned medical appointments, medical problems, and current medical provider;

(C) the reason for the group home referral;

- (D) educational records and a withdrawal slip from last school attended;
 - (E) significant behavior concerns, for example, suicidal behavior;
 - (F) a list of approved visitors;
 - (G) the birth certificate;
 - (H) the Social Security card;
 - (I) a copy of Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan;
 - (J) a copy of the Adjudication Order;
 - (K) a copy of the last court minutes;
 - (L) the independent living assessment and Life Book, if 16 years or older; and
 - (M) the most recent psychological evaluation.
- (2) Admission. The resident's CW worker provides a complete duplicate of the resident's case record to the group home. The group home CW worker provides the youth with the group home rules for behavior and the policies and procedures concerning the topics, per OAC 340:110-3-154.1 and 340:110-3-154.2.
- (3) Initial assessment. The group home CW worker completes an initial assessment of the resident on the day of admission to the home. The assessment contains the information required per OAC 340:110-3-154(a)(1).
- (4) Medical examination. All residents receive a medical examination by a licensed physician within 60 days prior to admission or within 30 days following admission, per OAC 340:110-3-154(a)(5).
3. (a) Training requirements. The group home supervisors, CW workers, and DCS staff are required to attend 40 hours of training annually to promote the development of professional skills. Training hour requirements are prorated for part-time and temporary staff based upon the average number of annual

work hours. Training course content pertains to the role and responsibilities of the position.

(b) **Mandatory training.** Group home staff receives the mandatory training as described in (1) through (4).

(1) All staff receive an orientation to the group home program within 30 days of employment. The orientation includes infectious disease control procedures, universal precautions, and information regarding hepatitis B, in addition to topics per OAC 340:110-3-153.1(I). Only DCS staff who complete orientation may be assigned as the only staff responsible for a group of children.

(2) All CW workers and DCS staff receive annual training and are certified in behavior management techniques.

(3) All DCS staff receive annual training and are certified in cardio-pulmonary resuscitation (CPR) and first aid.

(4) All DCS staff receive training in basic child care approved by the Oklahoma Children's Agencies and Residential Enterprises, Incorporated (OKCARE), childhood development, crisis management, and the effects of separation and loss.

4. Casework services. The group home CW worker provides primary casework services to residents, including the direct provision of counseling at least one hour a week.

(1) **Group counseling.** The group home CW worker facilitates a group counseling session involving all youth on a weekly basis.

(2) **Family counseling.** Family counseling is provided when required by the group home treatment plan.

(3) **Case record.** The group home CW worker documents the initiation, review, and any changes to the treatment plan, all services, and the youth's progress in preparation for adult living, and updates KIDS.

5. Treatment plan.

(1) A group home treatment plan is written for each resident within 30 days of admission. The plan is goal specific, measurable, time limited, and addresses the resident's needs. The initial treatment plan and any subsequent changes are reviewed and signed by the youth, the group home CW worker, the group home supervisor, and the group home programs manager. The youth's CW worker and parent(s) may participate in group home treatment planning, per OAC 340:110-3-154.

(2) A staffing is conducted monthly to review each resident's treatment plan. The group home supervisor, group home CW worker, and DCS staff comprise the treatment team that participates in the staffing. The resident's CW worker may participate. Each treatment plan is reviewed and modified as determined necessary by the treatment team.

- 6. Supervision.** The group home's three shifts of DCS staff provide 24-hour awake direct care and supervision of children in residence. The DCS supervisor schedules staff to adequately supervise and meet the needs of the residents, per OAC 340:110-3-153.2.

(1) Logging. A daily log is started for each resident at admission. Each shift of DCS staff records daily observations of the resident in the log.

(2) Shift change. DCS staff conducts daily shift change meetings at the end of each shift for the arriving shift of DCS staff. All arriving DCS staff attend shift change meetings. The DCS supervisor or designee on duty informs the arriving DCS staff of the day's significant events, plans, and problems. Each resident's immediate needs are reviewed.

(3) Treatment plans. DCS staff attends the staffing of the group home treatment team and assists in the development and review of the residents' treatment plans.

340:75-18-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Administration on Children and Families (ACF)" means an agency within the United States Children's Bureau that has primary oversight of child welfare (CW) services administered by the states with the participation of federal financing.

"Child and Family Service Review (CFSR)" means a procedure developed by ACF to assess and improve CW services. The Oklahoma Department of Human Services (OKDHS) has replicated this procedure with minor modification to assess outcomes from and systemic factors of Oklahoma's CW services.

"Contractor" means an individual or agency that provides CW services through a contract or agreement with OKDHS or the Oklahoma Health Care Authority.

"Oklahoma Health Care Authority (OHCA)" means the state agency that administers federal Medicaid, Title XIX, funding for social services.

"Outcomes" means statements describing achievements realized by children and families as a result of CW services.

"Site" means a county or grouping of counties, typically supervised by one county director, that is the focus of review by one team during a CFSR.

"Systemic factors" means components of CW services important to the successful realization of targeted outcomes by children and families, as measured in CFSRs.

340:75-18-3. Independent safeguards

(a) The Oklahoma Commission on Children and Youth (OCCY) is an agency established per Section 601 of Title 10 of the Oklahoma Statutes to advocate for the interests of children. OCCY:

(1) conducts reviews of children's services;

(2) advocates for individual and systemic service improvement; and

(3) facilitates the review and revision of the comprehensive State plan for the prevention of child abuse and neglect.

(b) A court-appointed special advocate (CASA) or guardian ad litem is a volunteer who is appointed by the court to represent the best interests of any child, alleged or adjudicated deprived, over whom the court has jurisdiction, per Section 7001-1.1 et seq. of Title 10 of the Oklahoma Statutes.

(c) Local post adjudication review boards (PARBs) are established within each judicial district, per Section 1116.3 of Title 10 of the Oklahoma Statutes. At least once every six months until the court case is dismissed, PARBs review the:

(1) goals and objectives of the treatment and service plan;

(2) services provided to the child, parent(s), and stepparent;

(3) goals and objectives of the child's permanency plan; and

(4) appropriateness of the child's placement, when the child is placed in out-of-home care.

(d) The State Post Adjudication Review Advisory Board (State PARB), per Section 1116.6 of Title 10 of the Oklahoma Statutes, oversees the statewide implementation of PARBs. The State PARB makes recommendations to the courts, OCCY, Governor, Legislature, Oklahoma Department of Human Services (OKDHS), Office of Juvenile Affairs (OJA), and other state agencies providing services to children regarding:

(1) statutory revisions;

(2) amendments to court rules;

(3) permanency planning;

(4) foster care; and

(5) Child Welfare (CW) services delivery policies, guidelines, and procedures.

(e) The Office of Client Advocacy (OCA) is an administratively independent division of OKDHS that conducts investigations of maltreatment involving children in placements more restrictive than foster care, and processes grievances filed by or on behalf of children and foster parents, per OAC 340:2-3.