
POLICY TRANSMITTAL NO. 09-34	DATE: JUNE 30, 2009
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-6-31.4.

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

The proposed revision to Subchapter 22 of Chapter 10 amends the rules to broaden eligibility for the Supported Permanency Program to reduce delay in achieving permanency for children.

Original signed on 6-15-09

Gary Miller, Director
Children and Family Services Division

Sandra Harrison, Coordinator
Office of Legislative Relations and Policy

WF # 09-08 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, OKDHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, OKDHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at 405-521-4326.

REMOVE

340:75-6-31.4

INSERT

340:75-6-31.4, pages 1-5, revised 7-1-09

340:75-6-31.4. Supported Permanency

Revised 7-1-09

When a child in the custody of Oklahoma Department of Human Services (OKDHS) is placed in a paid kinship foster home with a relative who resides in Oklahoma and meets the specified degree of relationship as defined by the Temporary Assistance for Needy Families (TANF) program, per OAC 340:10-9-1(a), Supported Permanency may be explored, subject to the availability of funds. If a child is not eligible for the TANF Supported Permanency Program, the director of the Children and Family Services Division (CFSD), for good cause, may waive an eligibility requirement of the TANF Supported Permanency Program and approve a supported guardianship payment for the child, provided that the payments to the guardian are authorized and funded by CFSD. ■ 1

(1) Supported Permanency is appropriate when the:

(A) child is age 12 or older or has a sibling age 12 or older who resides in the same relative foster home; provided, however, the director of CFSD may, for good cause, approve a younger child or a sibling of an eligible child.

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

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

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

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

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

(2) Supported Permanency provides the relative with:

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

(B) a monthly payment standard for the child, per OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XVII; ■ 4

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

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

INSTRUCTIONS TO STAFF 340:75-6-31.4

Revised 7-1-09

1. **(a) Guardianship payment. When it is determined that a guardianship payment will be requested, the Child Welfare (CW) supervisor contacts the Children and Family Services Division (CFSD) permanency planning section to obtain guidance.**

(b) Eligibility for supported permanency. To be eligible for supported permanency a child must be:

(1) twelve years of age or older;

(2) between eight and 11 years of age and have the prior approval of the Children and Family Services Division director; or

(3) a sibling of an eligible child residing in the same relative foster home.

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

(d) Funding and approval protocol.

(1) Within five days of the determination that Supported Permanency is an option for the child, the (CW) worker, e-mails the CFSD Permanency Planning Section to determine availability of funding, and when applicable,

approval of the CFSD director for a child between eight and 11 years of age;

(2) The CFSD permanency planning staff, within five days of the request from the CW worker, notifies the CW worker of funding, and when applicable, the decision of the CFSD director.

(e) Supported Permanency protocol for the CW worker. Upon notification of available funds, and approval when applicable, the CW worker is responsible for:

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

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

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

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

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

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

(5) contacting the Permanency Planning Section within five calendar days of the relative assuming legal responsibility to obtain an e-mail authorization to attach to Form 04PP006E, Supported Permanency Referral;

(6) making a referral to TANF using Form 04PP006E within five calendar days of the relative assuming legal responsibility.

- (A) The CW worker includes in the referral or attaches information regarding the identified needs of the child(ren) and suggestions for continued services for the family and attaches:
- (i) the order transferring legal responsibility;
 - (ii) e-mail authorization from the Permanency Planning Section; and,
 - (iii) when applicable, e-mail approval from the CFSD director, for a child between eight and 11 years of age.
- (B) A face-to-face staffing between the CW worker and the Family Support Services (FSS) worker is recommended;
- (7) informing the relative to contact the local human services center to complete the TANF application if the relative has not had a personal contact from an FSS worker within ten calendar days of assuming legal responsibility; and
- (8) closing the CW case upon completion of the custody transfer and referral to TANF.
2. **Types of legal custody transfer.** The transfer of legal custody may be through a permanent care and custody transfer in a juvenile proceeding, custody transfer to a kinship guardian, or traditional guardianship, as described in OAC 340:75-1-18.2 and 340:75-1-18.3.
3. **Attorney fees.** The \$500 limit applies to each transfer of legal responsibility, not to each child. Requests are not made to override the \$500 limit when a relative is obtaining legal responsibility for more than one child. If there are multiple relatives obtaining legal responsibility for different children in the case, each legal action has a limit of \$500.
4. **Monthly payment standard.** The monthly payment standard is based on the age of the child and current foster care rate. The payment standard is automatically adjusted when the child enters a different age category to an amount that is consistent with the applicable foster care reimbursement for the same age foster child. Difficulty of care rate payments are not included in the Supported Permanency monthly payment standard. Other income, such as Social Security disability, death benefits, and child support, reduces the amount of the payment standard, or, if in excess of the payment standard,

eliminates the child's eligibility for Supported Permanency, per OAC 340:10-3-26.

5. **Medical coverage.** The child's medical coverage is changed from fee-for-service to managed care. Transportation for medical appointments is available through the SoonerRide program.