

---

POLICY TRANSMITTAL NO. 04-39	DATE: JUNE 29, 2004
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

---

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-4-12.1.

EXPLANATION: Revisions to Instructions to Staff (ITS) only in Subchapter 4 of Chapter 75 reflect: (1) referral procedures to the SoonerStart Early Intervention program for a child victim, who is younger than three years of age, in a confirmed case of child abuse or neglect; and (2) changes related to protective and preventive child care services.

340:75-4-12.1 ITS is revised to include procedures for making a referral to SoonerStart when a child, younger than three years of age, is a victim in a confirmed case of abuse or neglect and current procedures for protective and preventive child care services.

Original signed on 6-25-04

---

Linda Smith, Director  
Children and Family Services Division

---

Marilynn Knott, Administrator  
Office of Planning, Policy & Research

---

WF # 04-Q (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**

340:75-4-12.1

### **INSERT**

340:75-4-12.1, pages 1-12, revised 6-30-04

**340:75-4-12.1. Voluntary FCS procedures**

Upon completion of an investigation or assessment, utilizing all available information, the Child Welfare (CW) worker determines the safety and service needs of the child and family. [OAC 340:75-3-13.1] Appropriate service referrals for the family are made according to the selection criteria for Levels of Service. ■ 1

(1) **Investigation or assessment documentation.** At the conclusion of an investigation or assessment the CW worker completes either Form CWS-KIDS-9-A, CPS Family Assessment, or Form CWS-KIDS-3, Report to District Attorney, as well as Form DCFS-76, Safety Assessment, and Form DCFS-75, Voluntary Family Service Agreement.

(2) **Safety planning.** The safety of the child is addressed before any other intervention is pursued. Safety determination and responses are completed in accordance with OAC 340:75-3-10.1 and documented on Form DCFS-76.

(3) **Determining service needs and collaborating with the family in safety and service planning.** Whenever possible, the safety evaluation and service planning include the involvement and input of the family. The risk to the child and the level of need within the family determine the intensity and duration of services required to address any concerns within the family. The CW worker may access contingency funds to assist with service needs in accordance with OAC 340:75-1-28. ■ 2

(4) **Voluntary Family Service Agreement.** The CW worker discusses service options with the family and explains that services are voluntary unless there is court action involving the child and family.

(A) When services are recommended, Form DCFS-75 is explained to the family and the family is offered the opportunity to enter into a voluntary agreement to accept services.

(B) Form DCFS-75 documents the services needed and agreed to by the family to help provide for the child's safety without CW intervention.

(5) **Informal supports to the Voluntary Family Service Agreement.** With the family's permission, supportive persons such as neighbors, friends, volunteers, and extended family members may be involved in safety plans and service agreements. Supportive persons who agree to be resources for the family commit to involvement in the safety planning and voluntary services by signing Form DCFS-75.

(6) **Formal supports to the Voluntary Family Service Agreement.** Formal supports include programs and professional services, such as community-based service programs, that assist the family in providing a safe environment for the child. Comprehensive Home-Based Services (CHBS) are available through Oklahoma Children's Services (OCS) as described in OAC 340:75-4-12.2.

(7) **Assessing the need for voluntary foster family resource care.** Voluntary foster family resource care is available as a preventive and protective service to enhance family functioning without court intervention.

(A) A child may be placed in foster family resource care at the request of the parent(s) or guardian(s) when an emergency temporarily disrupts normal functioning.

(B) Relatives or other resources available to the family are fully explored and ruled out as a possible option before considering voluntary foster family resource care.

(C) An open CW case is required for voluntary foster family resource care.

(D) Specific procedures are followed to place a child in voluntary foster family resource care. ■ 3

(i) Foster family resource care by voluntary request is a written, signed agreement between the parent(s) or guardian(s) and the Oklahoma Department of Human Services (OKDHS) wherein the authority is given to place the child in foster family resource care and provide for the child's needs. Pursuant to the terms of the agreement the child is returned to the parent(s) or guardian(s) at his or her request.

(ii) If the parent(s) or guardian(s) fails to meet the terms of the agreement or cannot be located, court involvement is required.

(iii) At the time of placement, the parent(s) or guardian(s) is advised that any information obtained during the time the child is placed in voluntary foster family resource care may be used, at a later time, as the basis for a petition alleging that the child is deprived.

(iv) Foster family resource care by voluntary request is approved for an initial period of 30 days and may be extended up to a maximum of 90 days when the extension could result in family reunification without necessitating court intervention.

- (v) Court intervention is necessary when foster family resource care extends beyond 90 days. ■ 4
- (8) **Protective and preventive child care.** Child care services may be provided to a family whose child is at risk for removal due to abuse and neglect and to a family who is in the process of reunification. [OAC 340:75-6-91] ■ 5
- (9) **Transporting families who receive voluntary Family-Centered Services (FCS).** Initially, the CW worker may assist with the transportation needs of the family. The CW worker explores with the family other means of transportation that allow for independence once services are completed. The person responsible for the child (PRFC) must be in the vehicle when CW transports a child who is not in OKDHS custody.
- (10) **Case management responsibilities for exceptional voluntary FCS cases.** Ongoing voluntary family services are not provided by CW unless authorized by the county director. Certain circumstances require that CW retain case management of voluntary cases with full responsibilities for service provision as outlined in OAC 340:75-4-13, regardless whether the family has been referred for CHBS. ■ 6
- (11) **Transfer of case responsibility to CHBS.** When CHBS has been determined as the most appropriate service intervention based on the Levels of Service guidelines, the CW worker prepares for the transfer of responsibility as described in OAC 340:75-1-152.4. Before referring a family for CHBS, the CW worker must address the safety of the child during an abuse or neglect investigation or assessment. [OAC 340:75-3-10.1]

## **INSTRUCTIONS TO STAFF**

- 1. Levels of Service.** The Child Welfare (CW) worker considers the facts and the family's circumstances and needs. To determine the levels of service or intervention a family needs, the CW worker uses the Levels of Service protocol. The family is referred to the level of service that best promotes the safety, well-being, and permanence of the child.

**(1) Level 1 - No Services Needed.** No Services Needed is consistent with an investigation finding of services not needed, or a completed assessment in which the conclusion is that no services are needed.

**(A) To assess the safety and service needs of the family, the CW worker completes:**

- (i) a review of any history, including history from other states;
- (ii) Form CWS-KIDS-9-A, CPS Family Assessment; or
- (iii) Form CWS-KIDS-3, Report to District Attorney; and
- (iv) Form DCFS-76, Safety Assessment.

**(B) The selection criteria for Level 1 are described in (i) through (v).**

- (i) Form DCFS-76 indicates no risk to the child.
- (ii) There is no indication of abuse or neglect to the child.
- (iii) Minimum parenting standards are being met.
- (iv) The family has strengths and resources and is able to deal with challenges and needs without referral to community agencies.
- (v) The family does not have significant problems, such as domestic violence, substance abuse, mental illness, or a child with developmental delays.

**(2) Level 2 - Referral for Agency or Community-Based Services.** Referral for Agency or Community-Based Services is recommended when there is low risk to the child, and when the family is able to use Oklahoma Department of Human Services (OKDHS) or community resources for support without further intervention by CW. An investigation finding of services recommended is most consistent with Level 2 services or a conclusion on Form CWS-KIDS-9-A that referral to services is recommended. Cases with a finding of confirmed report – services recommended, with Form DCFS-76 indicating low risk to the child, may benefit from Level 2 services.

**(A) To assess the safety and service needs of the family the CW worker completes:**

- (i) a review of any history, including history from other states;
- (ii) Form CWS-KIDS-9-A; or

(iii) Form CWS-KIDS-3;

(iv) Form DCFS-76; and

(v) Form DCFS-75, Voluntary Family Service Agreement. This form is completed with the family to document needed OKDHS or community services for support.

(B) The selection criteria for Level 2 are described in (i) through (ix).

(i) Form DCFS-76 indicates low risk to the child.

(ii) There is no indication of abuse or neglect, or the abuse or neglect was minor or an isolated incident.

(iii) Minimum parenting standards are being met.

(iv) The family has some challenges and needs that do not endanger the child's immediate safety.

(v) The family has strengths and resources and is able to deal with these challenges and needs through involvement with extended family, community resources, or both.

(vi) The family does not have significant problems, such as domestic violence, substance abuse, mental illness, or a child with developmental delays, or if any of these problems exist, the problems do not threaten the child's safety.

(vii) There is no history of serious or chronic maltreatment to the child.

(viii) Services and resources needed by the family are available and accessible in the community.

(ix) The family is willing and able to make necessary changes to ensure safety, permanency, and well-being for the child.

(C) Level 2 services include:

(i) assistance in finding and accessing community resources, such as housing resources, food closets, basic parenting programs, parent aides, parent education, visiting nurse, educational resources, employment services, vocational counseling, training, or rehabilitation; and

(ii) other OKDHS services, such as Temporary Assistance to Needy Families (TANF).

**(3) Level 3 - Short-Term Services.** Short-Term Services are recommended when there is moderate but manageable risk to the child and services can be provided by community resources that provide ongoing services. At the discretion of the county director, an ongoing voluntary Family-Centered Services (FCS) case may be maintained by the CW worker. The FCS case may be opened for 60 days, and extended another 30 days with the approval of the county director. A case with a conclusion of services recommended, or an investigation finding of services recommended or confirmed report - services recommended may be referred to Level 3 when Form DCFS-76 indicates moderate risk to the child. A case in which the safety of the child in the home can only be improved by longer term, more intensive services is referred to Level 4.

**(A) To increase the safety of the child and to plan for any immediate services that the family may need, the CW worker completes:**

(i) a review of any history, including history from other states;

(ii) Form CWS-KIDS-9-A; or

(iii) Form CWS-KIDS-3;

(iv) Form DCFS-76;

(v) Form DCFS-75;

(vi) a referral for specialized evaluations, such as developmental assessments or substance abuse assessments, if necessary; and

(vii) a written notification to the TANF worker, when the family or relative caregiver of the child receives assistance, if appropriate.

**(B) The selection criteria for Level 3 are described in (i) through (ix).**

**(i) According to initial Form DCFS-76, the child may not be safe and requires a safety plan. The factors threatening safety are moderate and can be controlled or modified by the family within a short time frame.**

**(ii) The parent(s) is capable of meeting minimum parenting standards on his or her own after short-term intervention by CW.**

**(iii) Injuries or harm from the abuse or neglect to the child is minor to moderate and not life threatening, such as over-discipline and inattention to non-critical medical needs.**

**(iv) Substance abuse by the family involves recreational use without a history of chronic use and does not involve use of methamphetamines.**

**(v) The family faces challenges and needs that may have an effect upon risk and safety, such as domestic violence, substance abuse, mental illness, or developmental delays that are not overwhelming, chronic, or severe. The family has strengths and resources to deal with the challenges and needs, with the assistance of ongoing CW intervention.**

**(vi) The family accepts responsibility for the incident and is willing and able to change with support.**

**(vii) Any history of serious or chronic maltreatment was successfully addressed in the past.**

**(viii) The services and resources needed by the family are available and accessible in the community.**

**(ix) The family has demonstrated the capability to make necessary changes.**

**(C) After a family is referred to ongoing services, the CW worker must verify and document that the family is actively involved in the services to which the family was referred. Level 3 services include:**

(i) short-term interventions, such as homemaker services, child care services, crisis counseling, short-term counseling, parenting classes, and supportive casework;

(ii) ongoing voluntary FCS by CW services at the discretion of the county director;

(iii) other OKDHS services, such as TANF; and

(iv) community resources, such as housing resources, educational resources, employment services, vocational counseling, training, or rehabilitation.

(4) Level 4 - Oklahoma Children's Services (OCS) Comprehensive Home-Based Services (CHBS). OCS CHBS is recommended when there is moderate to high risk to the child and when the child is at imminent risk of placement outside of the home. An investigation finding of confirmed report - services recommended is most consistent with Level 4 services. A case with a finding of confirmed report - court intervention, where the district attorney declined to file a deprived petition, is referred to Level 4 services when the family agrees to accept home-based services. A family who was not willing to cooperate with CHBS services within the previous calendar year is not eligible for a second referral to CHBS unless the CW worker gives a convincing justification to the OCS contract liaison for continued services, per OAC 340:75-1-155.

(A) To increase the safety of the child and plan for any immediate services the family needs, the CW worker completes:

(i) a review of all history, including history from other states;

(ii) Form CWS-KIDS-3;

(iii) Form DCFS-76;

(iv) Form DCFS-75;

(v) a referral for specialized evaluations through CHBS for the family, such as assessments for developmental needs, mental health, or substance abuse, if necessary; and

(vi) a written notification to the TANF worker when the family or relative caregiver of the child receives assistance.

(B) The selection criteria for Level 4 are described in (i) through (x).

(i) According to Form DCFS-76, a child is not safe and requires a safety plan. The risk factors threatening safety are moderate to high but can be controlled with a safety plan without removal of the child.

(ii) When the district attorney declines to file a petition in a case with a finding of confirmed report - court intervention, Level 4 services are offered to the family the next working day.

(iii) The family has multiple and complex CW needs.

(iv) Minimum parenting standards are not being met, but the parent(s) is capable of meeting minimum parenting standards with home-based services.

(v) The family faces challenges and needs that have an effect upon risk and safety, such as domestic violence, substance abuse, mental illness, or developmental delays. These behaviors and conditions can be effectively controlled with the assistance of CHBS intervention.

(vi) The abuse or neglect that occurred was moderate to high severity, and there may have been a history of chronic or serious maltreatment to the child. There is no access to the child by the perpetrator, or the abusive behavior of the perpetrator can be controlled through intervention.

(vii) There may be current deprived court involvement.

(viii) All of the services and resources required by the family are not available and accessible in the community.

(ix) The parent(s) is not ready to accept responsibility for the incident and may be resistive and unmotivated to change or be involved with CW, even though the family is willing to accept CHBS.

(x) When CHBS services are not available in a timely manner, the CW worker and CW supervisor reevaluate the safety plan and determine the appropriate level of intervention. A recommendation for other community services is made until CHBS services are available. If the safety of the child cannot be controlled while the family is on a waiting list for services, the CW worker discusses other voluntary options with the family, such as placement with a relative or other persons who can provide safety. As a last resort, court intervention and placement in OKDHS custody is recommended per OAC 340:75-3-11.

2. Referral to SoonerStart for children younger than three years of age. When a child, younger than three years of age, is a victim in a confirmed case of child abuse or neglect, a referral is made to the SoonerStart Early Intervention program, per Part 9 of OAC 340:75-4. The child is eligible for a referral to SoonerStart as a result of being a victim of child abuse and neglect. When the child is not in OKDHS custody, the referral is offered to the child's parent(s) as a voluntary service.

3. Voluntary foster care procedures.

(1) When a decision is made to place a child in voluntary foster care, the CW worker opens a case with the case type of Voluntary Foster Care. Claims for foster care payment are processed through KIDS Financial Management.

(2) Prior to placement of the child, the CW worker prepares Form DCFS-46, Authorization from Parent or Guardian for Voluntary Foster Family Home Placement and Medical Care of Child, which the parent(s) or guardian signs.

(A) The CW worker explores, and documents on Form DCFS-46, the parent(s)' or guardian's ability to contribute to the cost of care.

(B) The CW worker does not complete a case plan when voluntary foster care is a short-term service not leading to court intervention, such as when a parent must receive medical treatment and the family has no other caregiver.

(3) CW staff selects a suitable foster family home, makes and supervises the placement, and provides all appropriate services to the child and foster

family. Coordination of visitation and other services that involve the parent(s), relative, and child is arranged by CW staff.

(4) Upon return of the child to the parent(s) or guardian, page 2 of Form DCFS-46 is completed, signed, and notarized.

(A) The CW worker provides the parent(s) or guardian with a record of medical care and immunizations received and any vital information learned about the child during foster family placement.

(B) An adequate clothing supply, including the clothing taken into foster family care, and any items of importance to the child, accompanies the child upon return to his or her own home or other placement.

(C) The CW worker informs the family of available services.

(5) When a referral is received from Field Operations Division (FOD), Family Support Services (FSS), requesting voluntary foster family care for a child residing in the home of a parent(s) or relative, the referral is reviewed by CW staff with the parent(s) or guardian to determine its appropriateness. The CW staff assigned is responsible for all voluntary foster care services.

(6) Refer to OAC 340:75-19-29 for guidelines on the placement of a child younger than age 18 who is in tribal custody.

(7) If an extension of voluntary foster family care is required, the CW worker sends a written request to the CW field liaison (CWFL) stating the reason for the extension and projected date of return of the child to his or her own home or other placement. The CWFL provides a written response to approve or deny the request.

4. Court intervention. When the emergency situation resulting in the voluntary placement is unresolved and there is not an alternative resource for the child, the CW worker completes Form CWS-KIDS-3 requesting a deprived petition be filed.

5. Child care services. Protective and preventive child care services are provided to a family whose child is at risk for removal due to abuse and neglect and to a family who is in the process of reunification, per OAC 340:75-6-91.

**6. Case management responsibilities. Certain circumstances require that CW retain case management of voluntary cases with the full responsibility for service provision, regardless of whether the family is referred for CHBS. These exceptional circumstances are described in (1) through (3).**

**(1) When the court has interest and involvement in a case and orders voluntary services in lieu of adjudication or delays adjudication until a voluntary plan of service is completed, CW maintains an open case until the court case is dismissed. If a referral is made to CHBS for services during this time, the referral is made under the focus of reunification to signify the court's involvement.**

**(2) When a family member participating in a voluntary case is referred for substance abuse treatment services through a TANF contract in a CW only case and the family is not eligible for TANF, the CW case must remain open until the substance abuse services are concluded.**

**(3) When a voluntary case is referred to CHBS, but the referral is placed on a waiting list for services, all required services, including the case planning functions, must be provided by CW until services are initiated by the CHBS contractor.**