
POLICY TRANSMITTAL NO. 08-26	DATE: JUNE 24, 2008
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-6-4; 75-6-31; 75-6-31.5; 75-8-8; 75-13-26; 75-15-5;
75-15-7; and 75-15-93.

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

The proposed revisions to Subchapters 6, 8, 13, and 15 of Chapter 75 amend the rules to provide consistency between the rules and the Uniform Parentage Act and provide a procedure for approving child care services for certain children in therapeutic foster care.

340:75-6-4 is amended to: (1) include a definition of "presumed father"; and (2) update language to conform to the Uniform Parentage Act.

340:75-6-31 is amended to update language to conform to the Uniform Parentage Act.

340:75-6-31.5 is amended to update policy cites, form numbers, and language to conform to the Uniform Parentage Act.

340:75-8-8 is amended to: (1) update division name; (2) require approval from Children and Family Services Division (CFSD) programs manager prior to accessing child care services for a child who is in therapeutic foster care and is five years of age or younger; and (3) update language.

340:75-15-5 is amended to update language to conform to the Uniform Parentage Act.

340:75-15-7 is amended to: (1) update language to conform to the Uniform Parentage Act; and (2) add definitions for presumed and alleged father.

340:75-15-93 is amended to update language to conform to the Uniform Parentage Act.

Original signed on 4-14-08

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WF # 08-04 (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

340:75-6-4
340:75-6-31
340:75-6-31.5
340:75-8-8
340:75-13-26
340:75-15-5
340:75-15-7
340:75-15-93

INSERT

340:75-6-4, pages 1-4, revised 7-1-08
340:75-6-31, pages 1-13, revised 7-1-08
340:75-6-31.5, pages 1-2, revised 7-1-08
340:75-8-8, pages 1-4, revised 7-1-08
340:75-13-26, pages 1-6, revised 7-1-08
340:75-15-5, pages 1-2, revised 7-1-08
340:75-15-7, pages 1-4, revised 7-1-08
340:75-15-93, pages 1-5, revised 7-1-08

340:75-6-4. Definitions

Revised 7-1-08

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

"Alleged father" means a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined. The term does not include a presumed father. [10 O.S. § 7700-102]

"Alternate permanent plan" means a permanent living arrangement for a child in Oklahoma Department of Human Services (OKDHS) custody, other than reunification with the parent(s), and requires an assessment of the child's needs and a treatment and service plan that addresses the child's permanent plan, per OAC 340:75-6-31.

"Case plan" means the overall plan for the placement of the child and treatment needs of the child and the child's family, per OAC 340:75-6-40.

"Child Advocacy Center" means an entity that is an associate or full member in good standing of the National Children's Alliance.

"Close proximity" means placement of a child in OKDHS custody in the nearest geographical location to the child's own home that will meet the child's needs.

"Concurrent planning" means the provision of reunification services while simultaneously developing an alternative plan, in case reunification efforts fail or are no longer feasible.

"Independent Living program" means a program specifically designed to assist a child in the custody of OKDHS or an Indian tribe in developing and enhancing the skills and abilities necessary for successful adult living, per Part 13 of OAC 340:75-6.

"Kinship care" means full-time care of a child by a kinship relation.

"Kinship guardian" means a judicially created relationship between a child and a kinship relation of the child.

"Kinship relation" means relatives, stepparents, or other adults who have a bond or tie with the child and to whom have been ascribed a family relationship role with the child's parent(s) and the child.

"Least restrictive" means the placement of a child in OKDHS custody in the most home-like situation that meets the child's needs, per OAC 340:75-6-85.

"Movement" means changing a child in OKDHS custody from one living arrangement to another.

"Multidisciplinary team" means any team of three or more persons involved in the provision of services, treatment, or both, to a child and the child's family and who meet to assess the progress on the treatment and service plan.

"Out-of-home placement" means a living arrangement for a child other than the home of the child's parent(s), legal guardian, or legal custodian from whose custody the court has removed the child.

"Presumed father" means a man who, by operation of law under Section 7700-204 of Title 10 of the Oklahoma Statutes, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding. A man is presumed the father of a child if:

(A) he and the mother of the child are married to each other and the child is born during the marriage;

(B) he and the mother of the child were married to each other and the child is born within three hundred (300) days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution of marriage, or after decree of separation;

(C) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within three hundred (300) days after its termination by death, annulment, declaration of invalidity, a decree of separation, or dissolution of marriage;

(D) after the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child; and:

(i) the assertion is in a record with the Oklahoma State Department of Health, Division of Vital Records or OKDHS;

(ii) he agreed to be and is named as the child's father on the child's birth certificate; or

(iii) he promised in a record to support the child as his own; or

(E) for the first two years of the child's life, he resided in the same household with the child and openly held out the child as his own.

"Reasonable efforts" means the reasonable exercise of diligence and care, with regard to a child who is in out-of-home placement or who is at imminent risk of harm, to:

(A) refer to, arrange for, or develop reasonable supportive and rehabilitative services for the child's family that are required both to prevent unnecessary placement of the child outside of the home and to foster, whenever appropriate, the safe reunification of the child with the child's own family; or

(B) place a child who cannot return home into a permanent placement.

"Residual parental rights" means those rights and responsibilities that remain with a parent after a transfer of legal custody of the child to another, other than in connection with an action for termination of parental rights, a relinquishment of parental rights, a consent to termination of parental rights, or an adoption. Residual parental rights:

(A) include, but are not limited to, the:

(i) right of visitation with the child;

(ii) right to determine the child's religious faith;

(iii) right to consent to the child's adoption;

(iv) duty to support the child and pay for the child's medical care;

(v) right to consent to termination of parental rights; and

(vi) right to permanently relinquish parental rights; and

(B) do not include the right to consent to the marriage of any child who is in OKDHS custody.

"Reunification" means a permanent plan for the child that involves the return of the child to any person who retains parental or legal rights to the child after removal for child abuse, neglect, or both, regardless of the custody arrangement prior to the child entering out-of-home care, per OAC 340:75-6-31.

"Risk" means the conditions in the child's home that put the child in danger of abuse, neglect, or both.

340:75-6-31. Permanency planning for children in custodyRevised 7-1-08

(a) **Permanency planning.** Permanency planning begins immediately after a child is placed in Oklahoma Department of Human Services (OKDHS) custody and continues until the child is living in a permanent home and the Child Welfare (CW) case is closed. Once a child is removed from the custody of the child's parent(s), OKDHS immediately begins concurrent permanency planning so that permanency occurs at the earliest opportunity. Careful planning and consideration of the initial placement is given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child. The first permanency hearing is held as required by Section 7003-5.6d of Title 10 of the Oklahoma Statutes, and in accordance with OAC 340:75-1-18.1.

(1) The permanency plan preferences are:

- (A) reunite the child with the child's family;
- (B) terminate parental rights and place the child for adoption;
- (C) establish guardianship; or
- (D) provide a planned alternative permanency placement.

(2) The purpose of permanency planning is to ensure the child has a plan that addresses the child's immediate and long-term needs for safety, well-being, and permanency.

(3) The CW worker informs the parent(s) of all of the alternatives from the outset to assist in choosing what is best for the child and parent(s). ■ 1

(b) **Sources for determining the child's permanency plan.** Sources that assist the CW worker and supervisor in determining the best permanency plan for the child are:

- (1) Form 04KI008E, Treatment Plan, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, containing current documentation of the parent(s)' progress, correspondence, consultations, or conferences with service and placement providers and professionals who interact with the child and parent(s);

(2) KIDS Contacts and Visits screens, containing pertinent information gained from visits and CW worker contacts with the child, parent(s), placement provider, and service providers;

(3) statements by the parent(s) that indicate the parent(s)' perceptions of:

(A) the child;

(B) parenting the child; and

(C) abuse and neglect issues that required corrections;

(4) statements by the child, obtained from the CW worker's monthly visitation with the child, placement provider, and service providers, regarding the parent(s)' and child's desire to reunite;

(5) staffing with the CW supervisor;

(6) recommendations by the post adjudication review board (PARB);

(7) conclusions or recommendations by a multidisciplinary staffing;

(8) consultation with Children and Family Services Division (CFSD) Adoption Section;

(9) the permanency planning review process, per OAC 340:75-6-31.1;

(10) coordination with tribal officials, for a child who falls under the Indian Child Welfare Act, to explore the tribe's interest and ability in providing for the child's permanency placement; and

(11) Form 04KI024E, Ongoing Safety Assessment, which reflects whether the level of risk has increased or decreased compared to the risk identified on Form 04KI023E, Safety Assessment, completed at the time of the investigation resulting in the child's removal.

(c) **Reunification.** In most situations, the initial permanency plan is to reunite the child with the family. These services are implemented until:

(1) the child is returned home, the family home has stabilized, and the court case is dismissed; or

(2) it is determined the conditions that necessitated intervention have not been corrected even though sufficient time and services have been provided.

(d) **Exceptions to reunification as the initial permanency plan.** Situations that require an alternative permanency plan to reunification as the initial permanency plan include:

(1) voluntary relinquishment of parental rights by all parents, natural, legal, presumed, and alleged;

(2) a Petition for Termination of parental rights is filed; or

(3) the court finds that reasonable efforts to reunite are not required, per OAC 340:75-1-18.4.

(e) **Reunification services.** Prior to reunification with a parent(s) who has contributed to the abuse, neglect, or both, of the child, a court order granting approval is required.

■ 2 & 3 In preparation for reunification and to provide to the court for consideration, the CW worker ensures the activities in (1) through (7) occur.

(1) Visitation is increased in frequency and duration with reduced supervision as described in OAC 340:75-6-30.

(2) The age appropriate child is made aware that the parent(s) has progressed in treatment to the point that reunification may occur, with the court's approval.

(3) Any issues involving the child's apprehensions, indecisiveness, or reluctance to return home are managed through family consultation, counseling, or both.

(4) Support services are utilized, including, but not limited to:

(A) temporary child care;

(B) community service providers;

(C) in-home services; and

(D) continued Temporary Assistance for Needy Families (TANF) eligibility, if applicable, per OAC 340:75-6-31.2.

(5) The CW worker informs the placement provider of the possibility of the child's reunification, provides information to the placement provider regarding the child, and includes the placement provider in permanency planning.

(6) The CW worker obtains supporting information from service providers about the degree of safety in the family home.

(7) The case is staffed with the CW supervisor and the requirements for the permanency planning review process are met, per OAC 340:75-6-31.1.

(f) **Criteria for reunification.** Indications for reunification are listed in (1) through (6).

(1) The risk that necessitated the intervention is minimized, a plan is in place to address the child's safety, and the plan is documented on Form 04KI024E.

(2) The parent(s) has complied with the treatment and service plan in such a manner that those conditions the court determines essential and fundamental to the child's health, safety, and welfare are met.

(3) Visitation is successful and has increased in length and frequency.

(4) The child has dealt with the feelings about the separation through counseling or some other effective means.

(5) The child is prepared for the reunion and received support in handling his or her feelings about returning home and separating from the current placement.

(6) The court gives prior approval of the return of the child to the parent(s)' home in accordance with OAC 340:75-6-31(e). ■ 3

(g) **Reunification with the custodial parent.** When the child's parents do not live together, the priority for reunification relates primarily to the custodial parent; however, the noncustodial parent is assessed for the possibility of placement or custody, if appropriate, per OAC 340:75-1-13. Prior to dismissal of the court case, modification of a divorce decree or other custody order may be required if the noncustodial parent is granted placement or custody of the child during the deprived case and the plan is for custody with the noncustodial parent after dismissal.

(h) **Indicators to proceed with concurrent permanency plan.** The conditions in (1) through (8) may be indicators of the need to expedite the concurrent permanency plan for the child.

(1) Completion of the treatment and service plan is irregular or sporadic, and has not eliminated the risk to the child's safety in the home, which may indicate a lack of interest in or commitment to reunification.

(2) Family visitation indicates the parent(s):

(A) lacks a close and positive relationship with the child;

(B) visits irregularly;

(C) frequently misses scheduled visits; or

(D) arrives late and leaves early.

(3) Indications of maltreatment during unsupervised visitations are reported. Examples of maltreatment include, but are not limited to, referrals regarding the reoccurrence of abuse or failure of the parent(s) to comply with any recommended treatment for the child.

(4) The child was returned to the home and removed again for safety reasons.

(5) The parent(s) receives negative reports from service providers or other entities, such as permanency planning review members, PARB members, and court-appointed special advocate (CASA).

(6) The length of time reunification has been the permanency plan, per OAC 340:75-6-47.

(7) The finding of the permanency hearing.

(8) A judicial finding that reasonable efforts to reunite are not required.

(i) **Adoption.** When a child cannot return safely to his or her own home, adoption is the preferred permanency plan in most cases. Consultation about adoptive placement for the child is initiated with the adoption specialist to discuss permanency planning options when reunification appears no longer feasible. This consultation is held regardless whether termination of parental rights has been recommended to the court.

(j) **Legal guardianship or permanent custodian.** A guardianship or permanent care and custody transferred to another person or kinship guardian may be the permanency plan for a child, per OAC 340:75-1-18.2 and 340:75-1-18.3, when a child is placed with a person who is reluctant to adopt due to extenuating circumstances.

(1) Guardianship or a permanent custodian is not preferred over adoption because this option does not provide the same level of family permanency.

(2) Subject to the availability of funds, financial assistance is available to the legal guardian or legal custodian, provided the eligibility requirements are met, per OAC 340:75-6-31.4.

(k) **Planned alternative permanency placement.** A plan for planned alternative permanency placement may be appropriate for a child when OKDHS documents a compelling reason for the court to determine that to return home, be placed for adoption, or guardianship is not in the child's best interests. Long-term out of home care is only an option when:

(1) all other permanency plans have been explored and are not feasible or in the child's best interests; or

(2) the child chooses not to be adopted after adoption has been thoroughly explored, explained, and the opportunities demonstrated.

(l) **Emancipation.** The federal definition of emancipation is the age at which the child reaches majority. In Oklahoma this age is 18.

INSTRUCTIONS TO STAFF 340:75-6-31

Revised 7-1-08

1. Permanency plan selections.

(1) **Concurrent planning.** Concurrent planning provides for reunification services while simultaneously developing an alternative plan, if reunification efforts fail or are no longer feasible. Placement resources are evaluated regarding the potential to develop into a permanent placement for the child to prevent unnecessary movement. The parent(s) is kept informed of the planning for the child and the reasons are explained.

(2) **Selecting the appropriate permanency plan.** To establish an appropriate plan, a plan is selected on Form 04KI008E, Treatment Plan, or 04KI012E, Individualized Service Plan (ISP), and Form 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable, that best serves the child's interests and long-term needs, including safety, well-being, and permanence. The Child Welfare (CW) worker reassesses the appropriateness of this plan at each update of Form 04KI008E or Form

04KI014E. Permanency planning is directed toward one of the permanency plans listed in (A) through (G).

(A) Maintain in own home. The child's own home is determined by CW to be the appropriate, safe, and permanent living situation.

(i) The child is in the home of the parent(s) and the short-term risk of abuse or neglect is under control.

(ii) The family is working with CW to reduce the long-term risk of abuse or neglect.

(B) Return to own home. The child's own home is determined by CW as the appropriate, safe, and permanent living situation.

(i) The child was removed from the home for protection from abuse or neglect. CW is providing services to the family to reduce the risk of abuse or neglect enough for the child to return home and live there safely.

(ii) The family, with CW assistance, is willing and able to reduce the risk of abuse or neglect enough for the child to return home, per OAC 340:75-6-31(c).

(C) Guardianship. The home of a relative, kin, or another person is determined by CW as the appropriate, safe, and permanent living situation.

(i) The child was removed from the home for protection from abuse or neglect and the child's parent(s) is unwilling or unable to reduce the risk of abuse or neglect for the child to safely return home.

(ii) The relative, kin, or another person is willing and able to protect the child, assume responsibility for the child's care and upbringing, and assume guardianship of the child. Permanent placement is usually preceded by temporary placement with the relative, kin, or another person.

(D) Adoption. An adoptive family is determined by CW as the appropriate, safe, and permanent living situation.

(i) The child was removed from the home for protection from abuse or neglect and the child's parent(s) is unwilling or unable to reduce the risk of abuse or neglect so the child can safely return home.

(ii) One of the conditions in (I) through (V) has or will occur in the near future.

(I) A request is made that the court find that efforts to reunite the child have been made and failed.

(II) A request is submitted to the district attorney recommending a petition be filed to terminate parental rights.

(III) A motion(s) to terminate is pending.

(IV) The parent(s) has relinquished parental rights.

(V) Parental rights are terminated.

(E) Adoption preparation. An adoptive family is determined by CW as the appropriate, safe, and permanent living situation, and other factors must be addressed. The child's CW worker immediately changes the plan to adoption when the factors preventing adoption are resolved through progressive casework.

(i) Prior to adoption, other factors must be addressed, including, but not limited to:

(I) any unresolved psychological issues the child has; and

(II) an older child's reluctance to consent to adoption.

(ii) The plan for adoption is strictly related to the behavior of the child and the child's readiness to be in a permanent family setting.

(F) Planned alternative permanent placement. Continued placement in out-of-home care is determined by CW as the appropriate, safe, and permanent living situation. This plan is only an option when all other permanent placement options are explored and determined as not feasible or not in the child's best interests.

- (G) Emancipation.** Emancipation is used when the child reaches the age of majority. In Oklahoma, certain rights of majority may be given to a child in certain circumstances, but this is not the purpose of this plan.
- 2. Guide for determining feasibility of reunification.** The questions in this Instruction are used as a guide in assessing the potential for successful reunification and as a checklist for determining inhibitors to reunification.
- (1) Has the parent(s) demonstrated learning and behavioral change related to the abuse or neglect that caused the intervention?**
 - (2) Does the parent(s) have the ability and interest to provide a safe home for the child?**
 - (3) If the abuse or neglect that precipitated intervention was severe, brutal, or cruel, has the perpetrator made sufficient progress in completing the plan established to address the reason(s) the child came into care, is the perpetrator no longer present in the home, or is the non-offending parent able to protect the child?**
 - (4) If the child has special needs, does the parent(s) have the ability and interest to meet these needs and access community resources, when necessary?**
 - (5) Are there regular visits between the child and the CW worker in which the child's feelings about the child's family and placement are discussed?**
 - (6) Has the child resolved personal issues regarding the abuse or neglect and separation?**
 - (7) Has the perpetrator assumed responsibility for the abuse?**
 - (8) Is the child aware of the parent(s)' progress on the treatment and service plan?**
 - (9) Are there community services, schools, child care centers, neighbors, or relatives who have the knowledge and willingness to report if the situation warrants?**
 - (10) Does the parent(s) keep medical appointments and have an interest in the child's school functioning?**

- (11) Has parent-child visitation increased in length and frequency in order for the child and CW worker to observe changes in the parent(s)?
- (12) Is there healthy, age appropriate communication between the parent(s) and the child?
- (13) Do the levels of risk identified on Form 04KI024E, Ongoing Safety Assessment, reflect a decrease compared to the levels of risk identified at removal?
3. (a) Protocol when a child wants to return home but risk continues. In some cases the child expresses a strong desire to return home, but the parent(s) has not sufficiently reduced the risk to the child to allow the child to be returned to the home. In these circumstances the CW worker:
- (1) informs the parent(s) of the child's desire to return home;
 - (2) explains to the parent(s) the consequences of failure to eliminate the risk and complete the treatment and service plan and the child's need for a permanent home;
 - (3) examines the treatment and service plan and encourages the parent(s)' input to ensure the parent(s)' understanding. If changes to the plan are required, refer to OAC 340:75-6-40.4;
 - (4) assesses whether the services are available, realistic, and necessary; and
 - (5) arranges a consultation with the parent(s), child, if appropriate, CW worker, and key service providers to eliminate confusion or uncertainty for the parent(s).
- (b) Protocol when a child is reluctant to return home. When the parent(s) has corrected the conditions leading to CW intervention but the child is reluctant to return home, the parent(s) is informed of the child's preference and is involved in the resolution, whether through family counseling, consultation with the CW worker, or a gradual reunification process. This requires involvement of the placement provider, child's counselor, or other service provider to explore the possibility of:
- (1) abuse or neglect that has not been disclosed or discovered;

(2) family violence, substance abuse, or conflicts that have not been resolved;

(3) fears about the parent(s)' treatment of the child;

(4) belief that the parent(s), stepparent, or other adults and children in the home feel negatively toward the child;

(5) fear or disapproval of the stepparent or other adults and children involved or living with the parent(s);

(6) concerns that conditions in the home, such as reliable meals, cleanliness, housekeeping conditions, appropriate clothing, and similar necessities, are not available; and

(7) preferential treatment by the parent(s) of other children or persons who are involved with the parent(s).

(c) Trial reunification - OKDHS custody. When requesting the court's approval for reunification with a parent(s) on Form 04KI009E, Court Report, or Form 04KI014E, the CW worker recommends that the child remain in the custody of Oklahoma Department of Human Services (OKDHS) for six months, to continue the child's Title IV-E eligibility. If the court authorizes trial reunification and the child remains in OKDHS custody, the CW worker:

(1) end dates the current placement episode with the exit reason of Trial Reunification (TR); and

(2) enters a TR placement episode in KIDS. The case turns blue in the CW worker's workload prior to the expiration of the TR episode and remains blue until action is taken to either extend or end date the Trial Reunification episode. If no action is taken, the TR episode and the removal are automatically end dated by KIDS two weeks after the end date of the TR.

(d) Reunification - OKDHS supervision. If the court returns custody to the parent(s) under the supervision of OKDHS, the CW worker end dates the current KIDS placement episode with the exit reason of Reunification. The removal episode automatically end dates.

(e) Protocol when a child must be removed from the home while in trial reunification status.

(1) When removal of a child is necessary due to abuse, neglect, or both, the CW worker completes a referral and investigation, per OAC 340:75-3.

(A) When the child is in OKDHS custody, the CW worker completes for the court, prior to or within one working day after the removal of the child, Form 04PP002E, Request for Termination of Trial Reunification, with the reasons trial reunification must be terminated.

(i) The CW worker requests an ex parte order authorizing OKDHS to terminate the trial reunification and offers to the court Form 04PP003E, Order Terminating Trial Reunification. Form 04PP003E is utilized at the court's discretion.

(ii) The court's authorization is required for continued eligibility for Title IV-E funding. The CW worker provides to the custody specialist within five calendar days of the child's removal a copy of the Order Terminating Trial Reunification.

(B) When the child is not in OKDHS custody or the trial reunification went beyond the six months without a court order that contained the required language extending the trial reunification, the CW worker completes Form 04PP002E with the reasons the child must be removed from the home.

(i) The CW worker presents Form 04PP002E to the district attorney (DA) who prepares an application for an emergency custody order.

(ii) The DA obtains an emergency custody order with judicial findings of "contrary to the welfare" and "reasonable efforts to prevent removal."

(2) Title IV-E redetermination. After the child is removed from the home, Title IV-E eligibility is redetermined, per OAC 340:75-13-15.

(f) Addressing concerns identified during trial reunification. Prior to the end of the first six months, if the reunification process appears marginal but may improve with additional or continued services, the CW worker:

(1) requests a court order authorizing trial reunification for a specified period of time and the continuance of the child in OKDHS custody; and

(2) depending on the court order:

- (A) updates the KIDS Trial Reunification placement episode with the new projected reunification date, when the court order authorizes trial reunification for a specified period of time and that the child remain in OKDHS custody; or**
- (B) end dates the KIDS placement episode with the exit reason of Reunification, when the court order returns legal custody to the parent(s) or the court order does not contain the required language.**
- (g) Protocol when trial reunification - OKDHS custody is successful. If, at the end of the first six months, the reunification process appears successful, the CW worker asks the court to return legal custody to the parent(s) and relieve OKDHS of legal custody and supervision. The CW worker:**
- (1) when OKDHS is relieved of legal custody, supervision, or both, end dates the KIDS Trial Reunification episode with the exit reason of Reunification and closes the CW case. The removal episode automatically end dates; or**
 - (2) when the court orders OKDHS to continue custody, supervision, or both, follows the contact requirements outlined in OAC 340:75-6-48.**

340:75-6-31.5. Establishment of paternity

Revised 7-1-08

(a) In cases where paternity has not been legally established for a child in the custody of Oklahoma Department of Human Services (OKDHS), Child Welfare (CW): ■ 1

(1) requests the court to establish paternity in the juvenile court action; or

(2) cooperates with OKDHS Child Support Enforcement Division (CSED) to establish paternity per OAC 340:25-5-176.

(b) CW does not pursue a paternity action or request genetic testing when:

(1) paternity is voluntarily acknowledged in Oklahoma or another state and not rescinded within 60 days, per Sections 7700-301 through 7700-314 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 7700-301 through 7700-314);

(2) the child has a presumed father and a party initiates a challenge more than two years after the child's birth, per 10 O.S. §§ 7700-204 and 7700-607; or

(3) paternity is established by a district or administrative court order, per 10 O.S. §§ 7700-636.

(c) If no other conclusive presumption of paternity or court determination of paternity exists for a child, the parent(s) may complete and sign Form 03PA209E, Acknowledgment of Paternity. The CW worker refers the parent(s) to CSED.

(1) CSED provides Form 03PA209E, for voluntary acknowledgment of paternity, per 10 O.S. § 7700-312 and 63 O.S. §§ 1-311 and 1-311.3.

(2) Signed and witnessed forms must be filed with Oklahoma State Department of Health, Division of Vital Records.

INSTRUCTIONS TO STAFF 340:75-6-31.5

Revised 7-1-08

1. Paternity establishment. For any child in Oklahoma Department of Human Services (OKDHS) custody for whom paternity has not been legally established, the Child Welfare (CW) worker views the Child Support Enforcement Division (CSED) Case Log Inquiry (CSLOGI) and Information

and Referral Inquiry (CIRI) screens on the automated Oklahoma Support Information System (OSIS) no later than 30 days after the child's removal from the home to determine whether paternity has been established and documented by CSED.

2.

(1) When paternity has been legally established, per OAC 340:75-6-31.5(c), the CW worker:

(A) contacts the father;

(B) enters the father as a participating member in the KIDS case;

(C) explores placement of the child with the father or any other family member; and

(D) documents all contacts with the father and any family member in KIDS Contacts screen.

(2) When paternity has not been legally established, the CW worker:

(A) contacts the alleged father, if applicable;

(B) enters the alleged father as a participating member in the KIDS case, if applicable;

(C) documents attempts to establish paternity in KIDS Contacts screen;

(D) continues to pursue information from the mother and any other person who may have information regarding paternity of the child; and

(E) notifies the court and assistant district attorney of all alleged fathers.

340:75-8-8. Therapeutic foster care contractor requirements

Revised 7-1-08

(a) Therapeutic foster care (TFC) contractors:

(1) certify TFC homes according to rules established by Oklahoma Child Care Services (OCCS), Children and Family Services Division (CFSD), OAC 340:75-7-10 through 340:75-7-19, Oklahoma Health Care Authority (OHCA), and the requirements outlined in Oklahoma Department of Human Services (OKDHS) Placement Agreement for Residential Behavioral Management Services (RBMS) in TFC Settings;

(2) ensure the TFC home meets all certification requirements prior to the placement of a child in the home;

(3) engage in active recruitment of potential TFC parents who reflect the racial and ethnic diversity of children requiring placement, in compliance with the Multiethnic Placement Act of 1994 per OAC 340:75-7-10;

(4) continually evaluate the TFC parent's ability to provide TFC services and meet the needs of children receiving residential behavior management services in a foster care setting per OAC 340:75-7-94;

(5) ensure each TFC parent:

(A) is trained according to OCCS rules, OHCA rules per OAC 317:30-5-740.1, and the requirements outlined in OKDHS Placement Agreement for RBMS in TFC Settings, prior to the placement of a child in the home;

(B) meets the requirements for in-service training as defined in the OKDHS contract; and

(C) has access to respite care per OAC 340:75-8-11;

(6) requests approval from the CFSD programs manager for TFC prior to accessing child care for a child five years of age or younger. OKDHS does not reimburse for child care for a child in TFC placement. The written request includes the:

(A) therapeutic justification in the child's treatment plan of daily child care outside of the child's TFC placement home;

(B) ability of child care staff or child care provider to meet the child's emotional and behavioral needs and all problems;

(C) availability of the TFC parent and TFC contractor staff to respond to behavioral needs and all problems at the child care environment;

(D) verification of child care center's licensing status, ratings, and adult:child ratio;

(E) planned length of use of child care as a service component of the child's treatment plan; and

(F) verification of TFC approval as a respite provider when an individual is providing child care;

(7) completes Form 04TF006E, Unsupervised Time Assessment, for children age six and older anytime an assessment is made that the child has the ability to have time away from the TFC parents' direct supervision. The assessment is documented as part of the child's ongoing TFC treatment plan; ■ 1

(8) do not accept applications from any foster parent certified by any other agency, including all licensed child-placing agencies and OKDHS, without prior written approval of the current certifying TFC contractor and written approval of the CFSD programs manager for TFC; ■ 2

(9) do not certify the TFC home unless at least one TFC parent is available to provide care for the child any time the child is not in school;

(10) do not certify an OKDHS employee as a TFC parent without prior written approval from the CFSD director or designee. The TFC contractor submits the written request to the CFSD programs manager for TFC. The review of the request is consistent with OAC 340:75-7-12;

(11) do not certify a TFC agency employee assigned to the TFC program without prior written approval from the CFSD programs manager for TFC. The request includes a copy of TFC agency policy regarding certification of employees of the TFC agency; and

(12) do not accept a foster parent application from a person licensed to provide child care services. Families are not approved as licensed family child care homes or TFC homes at their home or in any other location.

(b) TFC homes may be jointly approved per OAC 340:75-7-19.

(1) Joint approval of a TFC home occurs following written approval between the TFC contractor and the other certifying agency.

(2) A TFC home certified by more than one agency may not accept new placements from either certifying agency without prior written agreement of all certifying agencies.

■ 2

INSTRUCTIONS TO STAFF 340:75-8-8

Revised 7-1-08

1. Unsupervised time for children in TFC placement. Child Welfare (CW) staff in the county of placement:

(1) consults with the therapeutic foster care (TFC) therapist and the TFC foster parent regarding the decision to complete Form 04TF006E, Unsupervised Time Assessment;

(2) reviews the completed 04TF006E and the accompanying Support Plan signed by the child, the TFC therapist, the TFC foster parent, and the TFC agency director;

(3) discusses the completed Form 04TF006E, accompanying Support Plan, and TFC treatment plan with his or her supervisor and the county of jurisdiction worker and supervisor when different from the county of placement;

(4) secures necessary signatures and returns the signed plan to the TFC therapist to be filed in the TFC case with copies provided to the TFC parents and the child; and

(5) reviews Form 04TF006E and Support Plan at each treatment plan review and any time the child's behavior or needs changes.

2 Joint approval. Child Welfare (CW) staff:

(1) refers all requests for joint approval of therapeutic foster care (TFC) homes in writing to the Children and Family Services Division programs manager for TFC, per OAC 340:75-7-19;

(2) does not encourage or recommend that the TFC parent seek approval with another TFC agency prior to the resolution of any issues with the current certifying TFC contractor; and

(3) encourages the TFC parent to address the issues with the director of the contractor's TFC program or through the TFC contractor's grievance process.

340:75-13-26. Child support

Revised 5-11-06

(a) **Legal basis.** Federal regulations require Oklahoma Department of Human Services (OKDHS) to pursue child support payments on Title IV-E foster care cases where federal funding is involved. Section 454 of Title IV-D of the Social Security Act requires a referral to the state's child support enforcement agency for child support services. Section 7003-8.8 of Title 10 of the Oklahoma Statutes (10 O.S. § 7003-8.8) requires the court to address paternity and child support issues for every child who is alleged or adjudicated deprived. ■ 1

OKDHS Child Support Enforcement Division (CSED) carries out the provisions of these regulations based on information provided by Child Welfare (CW) staff. Benefits to the child include:

- (1) locating an absent parent(s);
- (2) establishing paternity;
- (3) obtaining previously unavailable child support; and
- (4) exploring, on behalf of the child, eligibility for benefits through:
 - (A) Social Security Administration;
 - (B) Veterans Affairs; or
 - (C) other government programs.

(b) **Use of child support monies.** Support monies collected while the child is in OKDHS custody and out-of-home placement are used to reimburse:

- (1) the federal government for Title IV-E expenditures; and
- (2) OKDHS for monies expended to meet the child's needs.

(c) **Paternity.** Within six months after the deprived petition is filed, CW staff recommend that the court either:

- (1) establish paternity; or

(2) defer the issue of paternity to the appropriate administrative or district court. ■ 4

(d) **Child support orders.** After paternity is established, CW staff recommend that the court address the issue of current child support. Child support must be ordered in a deprived action, per 10 O.S. § 7003-8.8. Within six months after the deprived petition is filed, the court must either:

(1) address the issue of child support; or

(2) defer the issue of establishment and enforcement of child support to the appropriate administrative or district court. CSED proceeds with the establishment and enforcement of child support orders for any case deferred in this manner.

(A) Each parent must be individually ordered to pay his or her percentage of the total monthly child support obligation, including parents who reside together. ■ 1

(B) 43 O.S. § 118 and 119 require the court to follow child support guidelines in determining each parent's support obligation.

(C) Deviation from the child support guidelines is permitted when it is determined necessary in order for the parent to meet the obligations of an individual treatment and service plan or for other reasons the court deems appropriate. If the court deviates from the amount of support indicated by the guidelines, specific findings of fact supporting such action are required to be documented in the child support computation form.

(D) The child support order must:

(i) be filed on a standard child support order form, as prescribed by CSED;

(ii) be filed as a separate document from the individual treatment and service plan or court minute and is therefore not confidential;

(iii) be provided by the court clerk, upon request, to a representative of CSED, without a court order;

(iv) direct the parent to provide medical insurance when the parent has insurance available through employment or other group plan, regardless whether insurance is available at the time the order is entered;

(v) include an immediate income assignment provision pursuant to 43 O.S. § 115; and

(vi) include, as an attachment, a child support computation form signed by the judge, per 43 O.S. § 120.

(E) The duty to pay child support continues after parental rights are terminated and until the child is adopted pursuant to 10 O.S. § 7503-2.3. Parents may be obligated to pay child support arrears even after adoption.

(F) After a deprived action is dismissed, the most recent child support order entered in the deprived action must remain in full force and effect, unless the judge presiding over the deprived action orders otherwise.

(G) All child support payments must be paid, per 43 O.S. § 413, through the Oklahoma Centralized Support Registry, P.O. Box 268849, Oklahoma City, OK 73126-8849. ■ 2

(H) The CW worker verifies each parent's compliance with his or her child support obligation. ■ 3

INSTRUCTIONS TO STAFF 340:75-13-26

Revised 7-1-08

- 1. Child support establishment. In many cases, Child Support Enforcement Division (CSED) has established or recorded child support order information in the Oklahoma Support Information System (OSIS) prior to Child Welfare (CW) involvement. In order to ensure the CW case record accurately reflects all available Oklahoma Department of Human Services (OKDHS) records regarding the child's parent(s), including child support orders and payments, the CW worker:**

(1) views CSED Information and Referral Inquiry (CIRI), CSED Address Inquiry (ASA, ADI), CSED Case Log Inquiry (CSLOGI), CSED Child Support Member List (CSML), and CSED Child Support Receipt Inquiry (CFRR) on the OSIS screens no later than 30 days after the child's removal from the home in order to determine:

(A) the absent parent(s)' name, address, and other identifying information;

- (B) employer name, address, and income information;**
 - (C) child support court order information; and**
 - (D) whether paternity has been legally established for the child in OKDHS custody;**
- (2) if CSED has no records of a child support order:**
 - (A) searches for a decree of divorce or dissolution of marriage or other court order of child support on the Oklahoma States Court Network (OSCN) at <http://www.oscn.net/applications/oscn/start.asp?ViewType=DOCKETS>;**
 - (B) obtains a copy of the child support order; and**
 - (C) presents the child support order to the court at the earliest hearing possible but no later than the dispositional hearing;**
- (3) contacts the CSE district office no later than 30 days after the child's removal from the home in order to obtain copies of any court orders regarding paternity or child support that are in the CSE district office's possession for any child in OKDHS custody. Copies of Form 03PA209E, Acknowledgment of Paternity, may be obtained from CSED State Office;**
- (4) if neither CSED or OSCN has a record of a child support order for the absent parent(s):**
 - (A) prepares a child support order and a child support computation form; or**
 - (B) contacts the CSE district office to request assistance in preparing the order and computation form;**
- (5) includes the amount of the child support obligation on Form, 04KI012E Individualized Service Plan (ISP);**
- (6) attaches a copy of the order and computation form, if applicable, to Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report;**
- (7) presents the child support order and the computation form to the**

- assistant district attorney and, when appropriate, to the court;
- (8) sends a copy of the child support order and the computation form to the CSED district office in the county of jurisdiction no later than 15 working days following receipt of the order; and
- (9) sends a copy of Form 04K1025E, Change in Placement Notification, to the CSED office in the county of jurisdiction whenever the child's placement changes.
2. Child support payment. In order to ensure payments are sent to the appropriate location, the CW worker:
- (1) includes the address of the Oklahoma Centralized Support Registry (OCSR) on Form 04KI012E; and
- (2) instructs the parent to send the payment to OCSR only.
3. Verification of child support payment. In order to verify each parent's compliance with his or her child support obligation, the CW worker:
- (1) searches for the client's case number in the Information Management System (IMS);
- (2) uses the case number found in IMS and searches CSED OSIS for child support payment information;
- (3) includes child support payment information found on CSED CFRR OSIS screen on Form 04KI014E, Individualized Service Plan (ISP) Progress Report; and
- (4) if unable to find child support payment information on CSED OSIS, contacts the CSE district office for payment history.
4. Establishing paternity. If paternity has not been established for a child through CSED or court order, genetic testing may be done.
- (1) The CW worker:
- (A) completes Form 04MP037E, LabCorp Scheduling Request; and

(B) submits the form to the contracted vendor.

(2) The contracted vendor:

(A) schedules the appointment for the person requiring the test; and

(B) notifies the person to be tested of the appointment date, time, and place.

(3) Results of the test are sent to the CW worker at the county address.

(4) The contracted vendor invoices Children and Family Services Division Administrative Services Unit for payment.

340:75-15-5. Legal baseRevised 7-1-08**(a) Legal base.**

(1) The Oklahoma Adoption Code, Chapter 75, Section 7501-1.1 et seq. of Title 10 of the Oklahoma Statutes, sets forth the provisions for the adoption of children and the legal actions necessary for adoptions. Adoption services are provided to birth parents, children, and adoptive families to establish and maintain suitable, stable, permanent homes for children that maximally meet the child's developmental needs.

(2) Sections 7510-1.1 through 7510-3.3 and Public Law 96-272 require that the Oklahoma Department of Human Services (OKDHS) administer an adoption assistance program to assist with the adoptive placement and maintenance of children with special needs in adoptive homes.

(3) Section 7508-1.2 requires OKDHS to establish and administer a Mutual Consent Voluntary Registry whereby an eligible person who was separated from birth family members through adoption or termination of parental rights may indicate a willingness to have his or her identity and whereabouts disclosed to birth family members.

(4) Section 7508-1.3 requires OKDHS to establish and administer a Confidential Intermediary Search program whereby the services of a confidential intermediary who has been certified through OKDHS may be used by eligible persons to locate an eligible adult biological relative(s) with whom contact has been lost through adoption or termination of parental rights proceedings.

(5) Sections 7506-1.1 through 7506-1.2 require OKDHS to establish and administer a Centralized Paternity Registry (CPR) in order to protect the parental rights of a alleged or presumed father who may wish to affirmatively assume responsibility for a child(ren) he may have fathered. CPR also expedites adoptions of children whose biological fathers are unwilling to assume responsibility for their children by registering with the registry or otherwise acknowledging their children.

(6) The Adoption and Safe Families Act (ASFA) [Public Law 105-89] mandates that OKDHS place legally free children in adoptive homes when that is the case plan goal, provide for the interjurisdictional placement of children, and provide post adoption services as a component of the family preservation services.

(7) The Multiethnic Placement Act of 1994 (MEPA) as amended by the Interethnic Adoption Provisions of 1996 (IEP), is designed to eliminate discrimination on the basis of race, color, or national origin of the child or the prospective foster or adoptive parent(s); to decrease the length of time that children wait to be adopted; and to facilitate the identification, recruitment, and retention of foster and adoptive parents who can meet the distinctive needs of children awaiting placement. MEPA/IEP prohibits states or agencies that receive federal funds from delaying or denying the placement of any child on the basis of the race, color, or national origin of the child or the prospective foster or adoptive parent(s).

(A) **Placement considerations.** Any decision to consider the use of race as a necessary element of a placement decision must be based on concerns arising out of the circumstances of the individual case and based on the best interests of the child. Only the most compelling reasons may serve to justify consideration of race and ethnicity as part of a placement decision. Such reasons are likely to emerge only in unique and individual circumstances. Accordingly, occasions where race or ethnicity lawfully may be considered in a placement decision are very rare. Children who meet the definition of an Indian child in accordance with the Indian Child Welfare Act (ICWA) [25 U.S.C. Section 1903(4)] are placed according to the placement preferences found in ICWA. MEPA/IEP does not prohibit a preference for placing a child with relatives.

(B) **Recruitment efforts.** As part of MEPA/IEP, efforts to recruit resource families must reflect the ethnic and cultural diversity of children in Oklahoma who need foster and adoptive homes. A comprehensive recruitment plan is developed and updated annually by the area adoption supervisor.

(b) **Scope.** Each child with a case plan goal of adoption is referred for adoption services, which includes identification of an appropriate adoptive home, preparation of the child for adoptive placement, and supportive services to the child and adoptive family. OKDHS also provides services designed to recruit and develop adoptive homes. Due to the life experiences and backgrounds of the children available for adoption through OKDHS, services in all components of adoption are child focused.

340:75-15-7. Definitions

Revised 7-1-08

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

"Adoptee" means a person who is adopted or is to be adopted.

"Adoption" means a way of providing security for and meeting the developmental needs of a child by legally transferring ongoing parental responsibilities for that child from the parent(s) or legal guardian to the adoptive parent(s), and, in the process, creating a new kinship network that links the birth family and the adoptive family through the child.

"Adoption disruption" means the interruption of an adoption after placement of the child and before legal finalization of the adoption.

"Adoption specialist" means an Oklahoma Department of Human Services (OKDHS) Child Welfare (CW) worker whose primary responsibilities include:

- (A) identification of children in OKDHS custody in need of adoption planning in consultation with OKDHS CW staff;
- (B) recruitment and adoptive home development;
- (C) full disclosure of all known history of the child to a prospective adoptive family;
- (D) trial adoptive placement;
- (E) post placement planning and supervision; and
- (F) legal consummation of adoptive placements.

"Adoption transition specialist" means an OKDHS CW worker whose primary responsibilities include:

- (A) identification of children in OKDHS custody in need of adoption planning in consultation with OKDHS CW staff;
- (B) assessment and preparation of children for adoption;

- (C) adoptive planning and recruitment for children;
- (D) sibling visitation and reunification efforts; and
- (E) transition of children into adoptive homes.

"Alleged father" means *a man who alleges himself to be, or is alledged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined.* The term does not include a presumed father. [10 O.S. § 7700-102]

"Approved adoptive family" means an adoptive family who has completed the required assessment process per OAC 340:75-15-88.

"Attachment" means a psychologically rooted tie between two persons that permits them to have affectual significance for each other.

"Authorized adoptive placement" means permission from OKDHS Children and Family Services Division to proceed with an offer of a child to an approved adoptive family.

"Blind showing" means an OKDHS sponsored arrangement for a prospective adoptive parent(s) to view a child without meeting or being introduced to the child as a prospective parent(s).

"Child with special needs" means a child who may be difficult to place for adoption due to a serious physical or mental disability, emotional disturbance, high risk to develop a physical or mental disability, age, sibling relationship, racial or cultural factors, or a combination of these conditions, per Public Law 96-272.

"Concurrent planning" means the provision of reunification services to a child in OKDHS custody and the child's parent(s) or legal guardian while simultaneously developing an alternative plan, in case reunification efforts fail or are no longer feasible.

"Culture" means shared values, norms, traditions, customs, arts, history, folklore, and institutions of persons who share historical or geographical proximity. Culture is not synonymous with race or ethnicity.

"Directive" means a form signed by the Director of OKDHS or designee authorizing an OKDHS employee to sign consent to the adoption of a child who is in OKDHS custody.

"Finalized adoption" means the legal consummation of an adoption.

"Indian Child Welfare Act" means legislation that mandates minimum standards for the removal and placement of Indian children from their families and tribes per Section 1901 of Title 25 of the United States Code and Section 40 et seq. of Title 10 of the Oklahoma Statutes.

"Interlocutory decree" means a temporary court order, after the filing of the adoption petition, that gives the petitioner temporary care and custody of the child until the final decree of adoption is entered.

"Licensed child-placing agency" means a private agency that is licensed by OKDHS. A licensed child-placing agency is authorized to approve families for adoptive placement, and to place children who are legally available for adoption.

"Life Book" means a compilation of photographs, documents, mementos, illustrations, and narrative accounts of important events in a child's and family's life. The child's Life Book is compiled with or for a child who is in OKDHS custody in an effort to prepare a child for placement. The adoptive family's Life Book is completed by the family as a part of the assessment process.

"Master adoptive parent" means an experienced adoptive parent who serves as a support person to adoptive families.

"Media recruitment" means the use of newspaper, radio, television, Internet, or other communication resources to provide general information about adoption or specific information about a child available for adoption.

"Notice of Plan for Adoption" means written notification to the alleged or presumed father of a child born out of wedlock that the birth mother is considering adoptive placement for the child. Notice of Plan for Adoption may be given by OKDHS, licensed child-placing agency, or an attorney representing prospective adoptive parent(s) of the child, either before or after the child's birth.

"Presumed father" means a man who, by operation of law under Section 7700-204 of Title 10 of the Oklahoma Statutes, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding. A man is presumed the father of a child if:

(A) he and the mother of the child are married to each other and the child is born during the marriage;

(B) he and the mother of the child were married to each other and the child is born within 300 days after the marriage is terminated by death, annulment, declaration of

invalidity, dissolution of marriage or after decree of separation;

(C) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within three hundred (300) days after its termination by death, annulment, declaration of invalidity, a decree of separation, or dissolution of marriage;

(D) after the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child; and:

(i) the assertion is in a record with the State Department of Health, Division of Vital Records or OKDHS;

(ii) he agreed to be and is named as the child's father on the child's birth certificate; or

(iii) he promised in a record to support the child as his own; or

(E) for the first two years of the child's life, he resided in the same household with the child and openly held out the child as his own.

"Search" means the process of locating an adult birth relative of a child with whom contact has been lost through adoption or termination of parental rights.

"Swift adoption services" means processes completed by contracted agencies or OKDHS staff to gather history regarding a child in OKDHS custody, including the child's biological family background, medical, educational, and social history for purposes of full disclosure to a prospective adoptive family.

"Termination of parental rights" means a judicial proceeding that frees a child from all custody and control by a parent(s).

340:75-15-93. Centralized Paternity RegistryRevised 7-1-08

The Oklahoma Department of Human Services (OKDHS) is required by Section 7506-1.1 of Title 10 of the Oklahoma Statutes to maintain a Centralized Paternity Registry (CPR) to protect the parental rights of an alleged or presumed father who may wish to affirmatively assume responsibility for a child(ren) he may have fathered. It is also maintained to expedite adoptions of children whose biological fathers are unwilling to assume responsibility for their children by registering with the CPR or otherwise acknowledging their children.

(1) **Notice of Plan for Adoption per Section 7503-3.1 of Title 10 of the Oklahoma Statutes.** Form 04AN018E, Notice of Plan for Adoption, may be used by OKDHS, a licensed child-placing agency, or attorney to notify an alleged or presumed father of a child born out of wedlock that the birth mother is considering adoptive placement for the child. The notice may be served personally or sent by certified mail, before or after the birth of the child. Whether personally served or sent by certified mail, the notice may not be delivered to, or signed for, by anyone other than the alleged or presumed father.

(A) The notice must include:

(i) the identity of the mother;

(ii) a statement that the mother is pregnant and the estimated date of birth;

(iii) that the notified person may be the father of the child; and

(iv) that a plan for the adoption of the child is being considered by the mother.

(B) The notice must include Form 04AN019E, Form Enclosed with Notice of Plan for Adoption, to be completed and signed by the alleged or presumed father indicating his acknowledgment or denial of paternity of the child.

(C) The notice must also inform the alleged or presumed father that failure to file Form 04AN019E within 30 calendar days of service constitutes waiver of right to receive further notice of adoption proceedings or proceedings to terminate parental rights and a denial of interest in the minor child can result in termination of parental rights and adoption without his consent. If Form

04AN019E is returned to OKDHS, the attorney, or child-placing agency within 30 calendar days, indicating the alleged or presumed father's interest in the child, he has a right to notice of any adoption or termination of parental rights proceedings regarding the child. The return of the form within 30 calendar days is the only action by which the alleged or presumed father retains the right to notice of any adoption or termination of parental rights proceedings regarding the child.

(i) Filing Form 04AN019E alone does not establish parental rights or constitute the bearing of parental responsibilities.

(ii) Filing or failing to file the form does not affect the duty of the alleged or presumed father to support the mother and child during the pregnancy or after the child's birth.

(iii) If a petition to adopt the child is not filed within 12 months of the placement of the child for adoption, failure to mail Form 04AN019E does not affect the alleged or presumed father's parental rights and responsibilities.

(iv) Failure to give such notice is not grounds available to the alleged or presumed father to establish that he was denied knowledge of the pregnancy.

(v) Receipt by the alleged or presumed father of Form 04AN018E, Notice of Plan for Adoption, or return by the alleged or presumed father of Form 04AN019E does not obligate the mother to place the child for adoption.

(D) If Form 04AN019E is not received by CPR within 30 calendar days from the date Form 04AN018E is served, it constitutes waiver of the alleged or presumed father's right to receive further notice of any adoption or termination of parental rights proceedings regarding the child, and further constitutes a denial of interest in the minor which shall result in a termination of parental rights and approval for adoption without his consent.

(2) **Notice of filing of paternity action by alleged or presumed father.** Per Section 7503-3.2 of Title 10 of the Oklahoma Statutes, if an alleged or presumed father files a paternity action after receiving notice of or having knowledge of a potential adoption from OKDHS, an attorney, or child-placing agency, he notifies the attorney for the petitioner for adoption, OKDHS, or the child-placing agency that the paternity action has been filed.

(A) This notice includes:

- (i) the name of the court;
- (ii) the case number; and
- (iii) the date of filing.

(B) If the name or location of the attorney for the petitioner for adoption or the child-placing agency placing the child for adoption cannot be ascertained by the alleged or presumed father, the alleged or presumed father notifies the petitioner for adoption. If the petitioner for adoption is also unknown to the alleged or presumed father, the alleged or presumed father notifies CPR of OKDHS.

(C) Upon a motion of the prospective adoptive parent, the court having jurisdiction over the paternity action, if it is filed in Oklahoma, allows the prospective adoptive parent to intervene in the paternity action and have the opportunity to be heard and seek custody or visitation. If a proceeding for adoption or for termination of parental rights of the alleged or presumed father and a paternity action by the alleged or presumed father regarding the same minor are both pending in the courts of this state, upon motion of any party, the court having jurisdiction over the paternity action transfers the paternity proceeding to the court in which the adoption or termination proceeding is pending, whereupon the two proceedings may be considered.

(3) **Alleged or presumed father per Sections 7506-1.1 through 7506-1.2 of Title 10 of the Oklahoma Statutes.** CPR protects the parental rights of an alleged or presumed father who may wish to affirmatively assume responsibility for a child(ren) he may have fathered.

(A) The father or alleged or presumed father of a child born out of wedlock may file Form 04AN016E, Centralized Paternity Registry, indicating:

- (i) a notice of desire to receive notification of an adoption proceeding concerning the child he has fathered;
- (ii) a notice of intent to claim paternity of the child he has fathered;
- (iii) an instrument acknowledging paternity of the child he has fathered;
- (iv) a waiver of interest concerning the child he has fathered; or

(v) any other claim for acknowledging or denial of paternity as authorized by law.

(B) The CPR is also available to any person who:

(i) has been adjudicated by a court of another state or territory of the United States to be the father of a child by filing a certified copy of the court order with the CPR; or

(ii) has been adjudicated by a court of Oklahoma to be the father of a child born out of wedlock.

(C) A person filing a notice of desire to receive notification of an adoption proceeding concerning the child, a notice of intent to claim paternity of a child, or an acknowledgment of paternity provides his current address and notifies the CPR of any change of address. If the alleged or presumed father does not have an address where he is able to receive notice of an adoption, the alleged or presumed father may designate another person as an agent for the purpose of receiving notice of adoption. The alleged or presumed father must provide OKDHS with the agent's name and the address at which the agent may be served. Service of notice upon the agent constitutes service of notice upon the alleged or presumed father. If the agent cannot be served at the address provided by the alleged or presumed father, as provided in this subparagraph, and if the alleged or presumed father cannot be served because his whereabouts are unknown, the alleged or presumed father may be served by publication.

(D) An unrevoked notice of intent to claim paternity of a child or an instrument acknowledging paternity may be introduced in evidence in any proceeding in which it may be relevant.

(E) An alleged or presumed father may waive his right to notice of termination of parental rights proceeding on Form 04AN019E filed with the CPR or by failing to register with the CPR after receiving a Notice of Plan for Adoption.

(F) An alleged or presumed father may waive his right to notice of adoption proceedings by waiving notice on a form filed with the CPR or by failing to register with the Paternity Registry after receiving Form 04AN018E.

(G) OKDHS, upon request, provides the names and addresses of persons listed with the CPR to any court, authorized agency, or other persons deemed necessary to receive such information by OKDHS. OKDHS provides CPR

information to attorneys or licensed child-placing agencies upon request. The information is not divulged to any other person except upon order of a court for good cause shown.