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| POLICY TRANSMITTAL NO. 11-29             | DATE: SEPTEMBER 9, 2011   |
| CHILDREN AND FAMILY SERVICES<br>DIVISION | DEPARTMENT OF HUMAN SERVICES<br>OFFICE OF INTERGOVERNMENTAL<br>RELATIONS AND POLICY |

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-1-45; 75-3-10.1; 75-6-1; 75-6-30; 75-6-40.3; 75-6-40.6;  
75-6-48; 75-6-48.3; 75-6-85.3; 75-6-110; 75-7-94; 75-15-41.1; 75-15-  
128.1; and 75-15-128.5.

EXPLANATION: 340:75-1-45 ITS are amended to update the procedures for release of records pursuant to a court order.

340:75-3-10.1 ITS are amended to specify the protective services alert process.

340:75-6-1 ITS are issued to direct a case review prior to visitation, placement, reunification, or termination of parental rights recommendations.

340:75-6-30 ITS are amended to: (1) update and restructure language related to parent-child visitation; (2) clarify that court-ordered visitation is not suspended or terminated by OKDHS; (3) require contact between siblings a minimum of once every four weeks until the siblings are reunited or the permanency plan is achieved; and (4) specify the procedure used when sibling contact is not feasible.

340:75-6-40.3 ITS are amended to: (1) update sentence structure; (2) clarify when to complete a family or child only family functional assessment; and (3) update and clarify procedures for pregnancy and newborns in an open or closed permanency planning case.

340:75-6-40.6 ITS are amended to update: (1) sentence structure; and (2) time requirements for entering contact information.

340:75-6-48 ITS are amended to: (1) update sentence structure; (2) update the contact alternative process; and (3) include Youth Services shelter host homes in the contact requirements; and (4) detail additional shelter or host home liaison duties.

340:75-6-48.3 ITS are amended to update sentence structure and procedures related to runaway or abducted children in OKDHS

custody or under OKDHS supervision.

340:75-6-85.3 ITS are amended to update and detail procedures related to sibling placement and sibling placement review.

340:75-6-110 ITS are amended to update: (1) sentence structure; (2) the basic life skills assessment process; and (3) medical eligibility process for youth between 18 and 21 years of age in voluntary placement.

340:75-7-94 ITS are amended to: (1) update sentence structure; (2) clarify that Form 04AF029E, Bridge Resource Family Re-assessment Guide, is used to obtain the information needed to complete Form 04AF030E, Bridge Family Re-assessment; and (3) require that Form 04FC034E, Bridge Resource Family Personal Reference Letter Annual Re-assessment, is sent to three references provided by the Bridge resource parent.

340:75-15-41.1, 340:75-15-128.1, and 340:75-15-128.5 ITS are amended to update sentence structure.

Original signed on 9-8-11

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Deborah Smith, Director  
Children and Family Services Division

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Sandra Harrison, Coordinator  
Office of Intergovernmental Relations and  
Policy

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WF # 11-S (NAP)

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## **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.

| <b><u>REMOVE</u></b> | <b><u>INSERT</u></b>                       |
|----------------------|--|
| 340:75-1-45          | 340:75-1-45, pages 1-5, revised 9-1-11     |
| 340:75-3-10.1        | 340:75-3-10.1, pages 1-28, revised 9-1-11  |
| 340:75-6-1           | 340:75-6-1, 1 page only, revised 9-1-11    |
| 340:75-6-30          | 340:75-6-30, pages 1-12, revised 9-1-11    |
| 340:75-6-40.3        | 340:75-6-40.3, pages 1-5, revised 9-1-11   |
| 340:75-6-40.6        | 340:75-6-40.6, pages 1-3, revised 9-1-11   |
| 340:75-6-48          | 340:75-6-48, pages 1-14, revised 9-1-11    |
| 340:75-6-48.3        | 340:75-6-48.3, pages 1-6, revised 9-1-11   |
| 340:75-6-85.3        | 340:75-6-85.3, pages 1-6, revised 9-1-11   |
| 340:75-6-110         | 340:75-6-110, pages 1-28, revised 9-1-11   |
| 340:75-7-94          | 340:75-7-94, pages 1-10, revised 9-1-11    |
| 340:75-15-41.1       | 340:75-15-41.1, pages 1-3, revised 9-1-11  |
| 340:75-15-128.1      | 340:75-15-128.1, pages 1-8, revised 9-1-11 |
| 340:75-15-128.5      | 340:75-15-128.5, pages 1-7, revised 9-1-11 |



**340:75-1-45. Records released pursuant to court order**

Revised 3-26-10

**Court order.** Any record prepared, obtained, or maintained by Child Welfare (CW), with regard to a child who is or has been under Oklahoma Department of Human Services (OKDHS) care, custody, or supervision, or a family member, or other person living in the home of the child, may be inspected, released, disclosed, corrected, or expunged pursuant to an order of the court. A subpoena or subpoena duces tecum to compel testimony or disclosure of such information or record is invalid. The procedure to obtain a court order is set forth in Section 1-6-102 of Title 10A of the Oklahoma Statutes. The record includes, but is not limited to:

(1) any study, plan, recommendation, assessment, report made, or authorized to be made by OKDHS for the purpose of determining or describing the history, diagnosis, condition, care, or treatment of the child; or

(2) safety analysis records that have been prepared and obtained in response to a report of alleged child abuse or neglect and include assessment reports and reports to the district attorney with all supporting documentation attached and any addendums. ■ 1 through 7

**INSTRUCTIONS TO STAFF 340:75-1-45**Revised 9-1-11

1. **Procedures for examination of petitions, motions, and compliance with court orders for records.** Each county designates a county director (CD) or Child Welfare (CW) supervisor to receive and examine all petitions, motions, orders, and other requests for CW records. **The designee:**

(1) reads the petition or court order and determines what records are requested;

(2) directs the appropriate staff to comply with the court directive; and

(3) consults the Legal Division **when:**

**(A)** there is a question regarding interpretation of the court order; ;

**(B)** an objection needs to be filed; ; or

**(C)** other guidance is needed due to an unusual circumstance.

**2. Records search process. The CW staff person designated by the CD or CW supervisor:**

**(1) reads the petition or motion for records and the court order for records to identify the persons about whom records are being ordered;**

**(2) contacts the attorney who obtained the court order to get identifying information such as date of birth and Social Security number of the subjects of the records when needed;**

**(3) conducts a KIDS search on each name to identify any KK cases;**

**(4) conducts an IMS search on each name to identify any OKDHS cases;**

**(5) conducts an ACES search when the IMS search shows any type of public assistance (PA) case number and uses the PA numbers to do an Option 2 search on ACES; and**

**(6) contacts the Legal Division for assistance when the search reveals adoption or post adoption assistance cases.**

**3. Release of safety analysis records. Section 1-6-102(D) of Title 10A of the Oklahoma Statutes (10A O.S. § 1-6-102(D)) applies to family law proceedings where child custody or visitation is at issue and it does not apply to deprived child proceedings which are governed by a separate discovery statute. When the court, in a family law proceeding, orders CW to produce records per 10A O.S. § 1-6-102(D) and the party seeking the records is a parent, legal guardian, or child who is the subject of the records:**

**(1) the CW staff person designated by the CD or CW supervisor prepares one-sided copies of the OKDHS safety analysis records only and delivers them to the court. Safety analysis records are assessment reports and reports to the district attorney with all supporting documentation attached and any addendums prepared in response to child abuse or neglect allegations. Safety analysis records do not include referral information reports. Although the order may state, "all records" or specify only certain or limited records, only the safety analysis records are produced in family law proceedings;**

- (2) the records produced to the court are not subject to a judicial review and may be released by the court to the attorneys under a protective order.
- (3) a minimum of five judicial days notice to CW is required before the records are delivered to the court.
4. Release of records for other proceedings. When a request for OKDHS records is received per 10A O.S. § 1-6-102(E) regarding civil, criminal, or administrative law proceedings that do not pertain to child custody or visitation:
- (1) the CW staff designated by the CD or CW supervisor produces, to the court, one-sided copies of all records specified in the court order;
- (2) 10A O.S. § 1-6-102(E) applies rather than 10A O.S. § 1-6-102(D) when a party in a family law case is not the subject of the CW records the court ordered CW to produce;
- (3) records ordered under 10A O.S. § 1-6-102(E) are subject to judicial review prior to the records being released to the attorneys under a protective order; and
- (4) a minimum of 20 judicial days notice to OKDHS is required before the records are to be delivered to the court, however the court has discretion to shorten the notice period when circumstances warrant.
5. Preparing records for delivery to the court.
- (1) When the court order directs or pertains to safety analysis records, the designated staff person copies only:
- (A) assessments;
- (B) reports to district attorney and all attachments; and
- (C) any addendums prepared pursuant to an allegation of child abuse or neglect.
- (2) When the court order directs records to be produced when 10A O.S. §1-6-102(E) applies, the court may direct a portion of the CW records or all records be produced. When the court has ordered that all CW records be produced, the designated staff person:

**(A)** copies the entire paper file including, but not limited to, all documents, emails, hand written notes, digital video discs (DVD), drawings, and photographs;

**(B)** redacts from the copies of referrals, with a black marker, all information on each referral that identifies the reporter or the reporter's location and re-copies all redacted pages to ensure the redacted copy cannot be read;

**(C)** redacts the KIDS Reporter Information section and information in the Incident Description section and elsewhere in the referral that identifies the reporter or report's location. The redacted pages are re-copied to ensure the redacted information cannot be read; and

**(D)** contacts the Legal Division when:

**(i)** the court order requests foster home or child care facility investigation records as special redaction rules may apply; or

**(ii)** assistance is needed.

**(3)** The CW staff person, designated by the CD or CW supervisor prints the entire electronic case records in KIDS in all cases when 10A O.S. § 1-6-102(E) applies and the court order requires all CW records to be produced; and

**(A)** sets the printer preferences to copy one-sided before printing the entire electronic record;

**(B)** redacts the KIDS Reporter Information section of the referral form and information in the Incident Description section of the referral and elsewhere in the referral that identifies the reporter or reporter's location; and

**(C)** re-copies all redacted pages to ensure that the redacted information cannot be read.

6. Packaging records for delivery to the court. The CW staff person designated by the CD or CW supervisor:

- (A) places records in an envelope for delivery, with the court order enclosed as the first document in the records envelope, and seals the envelope;**
  - (B) tapes a cover sheet containing court case name and court case number to the outside of the envelope; and**
  - (C) prepares a receipt to be signed by the judge or member of the judge's staff when the records are delivered.**
- 7. Documenting records delivered to the court. The CW staff person designated by the CD or CW supervisor:**
- (A) maintains a records log to track records delivered to the court and to document who received and signed for the records; and**
  - (B) files the copy of the records receipt in each CW record that has been copied and produced to the court.**



**340:75-3-10.1. Safety determination and responses ■ 1 through 20**

Revised 3-26-10

(a) **Evaluation of the child's safety.** Evaluating the safety of a child is a primary Child Protective Services (CPS) function. Safety refers to the present security and well-being of a child who is assessed to be at risk of abuse or neglect. ■ 1

(b) **Determining the need for protective or emergency custody.** There are situations in which the Child Welfare (CW) worker, in consultation with the CW supervisor, must evaluate whether a recommendation for protective or emergency custody is appropriate. These situations include serious abuse or neglect in which the child is in need of immediate protection due to an imminent safety threat. ■ 7

(c) **Child Welfare (CW) joint response with law enforcement.** ■3 When law enforcement takes a child into protective custody due to abuse or neglect allegations that pose an imminent safety threat to a child, the CW worker is contacted in accordance with the joint response protocol developed per Section 1-4-201 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-201). When possible, the CW worker responds to the scene where protective custody of the child has been assumed.

(1) The CW worker conducts a safety evaluation at the scene to determine whether the child faces an imminent safety threat and, if so, whether the child can be protected through placement with relatives or others instead of being placed in foster care with the Oklahoma Department of Human Services (OKDHS).

(2) When a determination is made at the scene that the child cannot safely remain in the home, law enforcement and CW coordinate transportation of the child to the home of a relative, kinship care home, an emergency foster care home, a shelter, or other location where OKDHS believes the child can be protected. OKDHS utilizes a shelter when other placement options are unavailable or inappropriate.

(3) When the CW worker is unable to respond to the scene where a child has been placed in protective custody, the child is taken by law enforcement to a designated county-specific reception center which may be a shelter or other place pursuant to the county-specific joint response protocol. The child may remain in the reception center for up to 23 hours while OKDHS conducts a safety evaluation to determine whether the child faces an imminent safety threat, and if so, whether the child can be protected through placement with relatives or others, instead of placement in foster care with OKDHS. ■ 3 & 4

(4) A child taken into protective custody by law enforcement is not, by virtue of a

blanket standing order, considered to be in the emergency custody of OKDHS upon admission of the child to a shelter. A child cannot be placed in the emergency custody of OKDHS until:

(A) the CW worker has completed a safety evaluation and concluded the child faces an imminent safety threat; and

(B) the court has issued a child-specific emergency custody order.

(d) **Restoration of custody to the parent, legal guardian, or custodian when child is in protective custody.** When the safety evaluation conducted by the CW worker indicates the child does not face an imminent safety threat, OKDHS restores the child to the custody and control of the parent, legal guardian, or custodian per 10A O.S. § 1-4-201. ■ 4 Specific county procedures are followed when a child is released from protective custody by the court.

(e) **Alternatives to protective or emergency custody and safety planning in cases of serious abuse or neglect.** When an alternative to protective or emergency custody is believed appropriate in situations in which serious neglect or physical harm is documented, a voluntary safety plan is discussed and implemented when agreed to by the person(s) responsible for the child (PRFC(s)). ■ 8, 9, and 10

(f) **Safety planning and court involvement.** The voluntary safety plan is developed and implemented by agreement without court intervention. The implementation of a short-term voluntary safety plan does not preclude the CW worker from recommending court involvement.

(g) **Removal of a child from the home.** A recommendation to remove a child from the home is made when, upon evaluating relevant conditions, a determination is made that:

(1) no in-home safety responses are available or acceptable;

(2) the parent(s) appears unable or unwilling to protect the child;

(3) appropriate, timely resources or services to reduce risk and safety threats of abuse or neglect are unavailable; or

(4) continued placement in the home is contrary to the child's health, safety, or welfare. ■ 12

(h) **Pre-petition removal of a child not in OKDHS custody.**

(1) Reasonable efforts are made to prevent the pre-petition removal of a child from the home unless a documented emergency exists that requires immediate removal. Per Section 4 1-4-201 of Title 10A of the Oklahoma Statutes 10A O.S. § 1-4-201 and Section 671 of Title 42 of the United States Code (42 U.S.C. § 671), a child is removed from the home prior to the filing of a petition only when there is reasonable suspicion:

(A) the child is in need of immediate protection due to an imminent safety threat;  
or

(B) the circumstances or surroundings of the child are such that continuation of the child in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent safety threat to the child and is contrary to the child's welfare.

(2) A child who is in surroundings that pose an immediate threat to the child may be removed from the home by law enforcement without a court order. If law enforcement declines to remove the child or if OKDHS is responding to a referral without law enforcement being involved and the child is believed to be in need of immediate protection due to an imminent safety threat, the CW worker prepares an affidavit to present to the district attorney (DA) to request that the DA consider filing an application with the court to obtain an emergency custody order, per 10A O.S. § 1-4-201. ■ 11

(i) **Pre-petition removal of a foreign national child.** The pre-petition removal of a child from the home, a PRFC, or other caretaker is based on safety considerations related to the child and without regard to the child's citizenship or immigration status. ■ 14

(j) **OKDHS authority to execute a pre-petition emergency custody order.** Per 10A O.S. § 1-4-201, when the district court issues a pre-petition order placing the child in the emergency custody of OKDHS pending further hearing, an employee of OKDHS may execute the emergency order and physically take the child into custody, in these limited circumstances, when:

(1) the child is located in a hospital, school, or day care facility; and

(2) it is believed assumption of the custody of the child from the facility can occur without risk to the child or the OKDHS employee. ■ 15

(k) **Post-petition removal of a child in OKDHS custody.** Following the filing of a deprived petition, OKDHS may remove a child directly from the child's home when

continued placement in the home is contrary to the health, safety, or welfare of the child and the child is in the legal custody of OKDHS, unless ordered placed in the home by the court. Refer to 10A O.S. § 1-4-806 when the child is in trial reunification status. To ensure the safety of the child and CW worker, assistance from law enforcement is requested in these situations. ■ 16

(l) **Child who has left Oklahoma.** When a child who is the subject of an emergency custody or a pick-up order, has left Oklahoma prior to execution of the order, enforcement of the emergency custody or pick-up order and recognition of Oklahoma's jurisdiction by the other state must occur in order to have the child returned to Oklahoma. Each situation is handled according to the laws and procedures in the state where the child is located. ■ 17

(m) **Medical care for child in protective custody.**

(1) When a child in protective custody is in need of emergency medical care prior to the emergency custody hearing, a peace officer, court employee, or the court may authorize such treatment as necessary to safeguard the health or life of the child when:

(A) the treatment is related to the suspected abuse or neglect; or

(B) the parent or legal guardian is unavailable or unwilling to consent to treatment recommended by a physician. Before a peace officer, court employee or the court authorizes treatment based on unavailability of the parent or legal guardian, law enforcement must exercise diligence in locating the parent or guardian, if known, per 10A O.S. § 1-3-102.

(2) When law enforcement, the parent(s), or guardian is unwilling to consent to emergency medical care, the DA is contacted for purposes of obtaining an order of the court for such treatment.

(n) **Placement considerations when the child is removed from the home.** Once a child has been removed from his or her home, placement preference is given to relatives and persons who have a kinship relationship with the child per 10A O.S. § 1-4-204. Siblings are placed together in the same home when appropriate and possible. Placement decisions are made with the long-term best interests of the child in mind. ■ 18 & 19

(o) **Notification, disposition and release of a child in pre-petition emergency custody.**

(1) The court may provide in an administrative order issued pursuant to 10A O.S. § 1-4-201, for the disposition of children taken into custody and notification to the court of the assumption of custody. The administrative order or rule may include a process for release of a child prior to an emergency custody hearing. Specific county procedures are followed when a child is released from emergency custody prior to the emergency hearing.

(2) The court may order the child released to the parent, legal guardian, or custodian or to any responsible adult without conditions, or under such conditions as the court finds necessary to ensure the safety, health, or well-being of the child.

### **INSTRUCTIONS TO STAFF 340:75-3-10.1**

#### **Revised 9-1-11**

#### **1. (a) Evaluating child safety.**

**(1) Form 04KI030E, Assessment of Child Safety, is used to evaluate safety by focusing on six key questions in gathering information regarding family functioning to determine whether a child is safe or unsafe.**

**(2) Critical thinking is used when applying the safety threshold and evaluating protective capacities of the person responsible for the child (PRFC).**

**(3) The safety threshold is compromised when family behaviors, conditions, or situations are manifested in a way that is not controlled or managed.**

**(4) Child Protective Services (CPS) history is carefully considered in determining safety.**

**(5) When present danger exists, an immediate protective action plan is implemented to remove the child from harm while the evidence-based safety assessment, Form 04KI030E, is completed.**

**(b) Assessment of the six key questions. The purpose of the safety assessment, conducted during an assessment or investigation, is to determine whether CPS intervention is required. Form 04KI030E is used as a guide in gathering information in an effective, organized manner to draw conclusions regarding child safety or impending danger. The information compiled for each of the six key questions provides an indication of how the**

family functions and assists in making a determination about child safety.

(1) **Maltreatment.** The Child Welfare (CW) specialist assesses the extent of maltreatment to determine the physical effects on a child and considers what is occurring or has occurred, for example, hitting or injuries. Information gathered in this phase of the safety assessment provides evidence of the presence or absence of maltreatment and includes:

- (A) the type of maltreatment;
- (B) the severity of the maltreatment;
- (C) the history or duration of the maltreatment;
- (D) a description of specific events;
- (E) a description of emotional and physical symptoms; and
- (F) identification of the child and the maltreating PRFC.

(2) **Circumstances.** The CW specialist assesses the circumstances surrounding the maltreatment and considers the nature of what accompanies or surrounds the maltreatment. This key question addresses what was or is occurring at the time the maltreatment occurs or occurred and includes consideration of the:

- (A) PRFC's intent concerning the maltreatment;
- (B) PRFC's explanation for the maltreatment and family conditions;
- (C) PRFC's acknowledgement and attitude about the maltreatment;
- (D) history or pattern of maltreatment of the subject child or others by the PRFC;
- (E) PRFC's criminal history; and
- (F) presence of other problems occurring in association with the maltreatment.

(3) **Child functioning.** The CW specialist assesses how the child functions

or behaves on a daily basis and considers the child's general behavior, emotions, temperament, and physical capacity.

**(A) This key question determines:**

- (i) if a child's individual needs are being met;**
- (ii) if there are any unusual child behaviors;**
- (iii) the child's sense of security;**
- (iv) the child's physical health;**
- (v) the vulnerability of the child; and**
- (vi) signs of positive interaction with PRFCs.**

**(B) Information gathered in this phase of the safety assessment includes the child's:**

- (i) capacity for attachment;**
- (ii) general mood and temperament;**
- (iii) intellectual functioning;**
- (iv) communication and social skills;**
- (v) expressions of emotions and feelings;**
- (vi) behavior;**
- (vii) peer relations;**
- (viii) school performance;**
- (ix) motor skills;**
- (x) physical and behavioral health; and**
- (xi) functioning within cultural norms.**

**(4) Parenting – discipline.** The CW specialist assesses disciplinary approaches, from the child's perspective and each adult's view of their own disciplinary experiences, as a child. The manner in which the PRFC approaches discipline and child guidance and the PRFC's emotional state while disciplining the child is considered. Information gathered in this phase of the safety assessment includes:

- (A) disciplinary methods;**
- (B) concept and purpose of discipline;**
- (C) context in which discipline occurs; and**
- (D) how discipline is influenced by culture.**

**(5) Parenting - general.**

**(A) The CW specialist assesses parenting practices used by the PRFC determining if the:**

- (i) PRFC's pervasive parenting practices are developmentally appropriate;**
- (ii) PRFC expresses empathy for the child; and**
- (iii) PRFC recognizes danger or threats of danger to the child.**

**(B) Information gathered in this phase of the safety assessment includes the PRFC's:**

- (i) reasons for being a parent;**
- (ii) satisfaction in being a parent;**
- (iii) knowledge and skill in parenting and child development;**
- (iv) expectations and empathy for the child;**
- (v) general parenting style; and**
- (vi) protective capacities.**

**(6) Adult functioning.** The CW specialist assesses adult functioning considering how the PRFCs feel, think, and act on a daily basis with focus on adult functioning separate from parenting.

**(A) This key question determines if the PRFC:**

- (i) is committed to the safety of the child;**
- (ii) is willing to do what is necessary and required within the safety plan;**
- (iii) understands why the child is unsafe; or**
- (iv) is impeded by behavioral health or substance abuse issues in offering protection to the child.**

**(B) Information gathered in this phase of the safety assessment includes the PRFC's:**

- (i) coping and stress management abilities;**
- (ii) self control in relationships and discipline;**
- (iii) problem solving abilities;**
- (iv) judgment and decision-making abilities;**
- (v) home and financial management;**
- (vi) employment history;**
- (vii) substance use;**
- (viii) behavioral health; and**
- (ix) physical health and capacity.**

**(c) Identifying and documenting the presence or absence of safety threats.**

**(1) The CW specialist completes Section IV of Form 04KI030E, applying the safety threshold to identify safety threats that are:**

- (A) specific;
  - (B) severe;
  - (C) observable;
  - (D) occurring now or likely to occur within the next few days;
  - (E) out-of-control; and
  - (F) applicable to a vulnerable child.
- (2) When a child is found unsafe, the CW specialist completes:
- (A) Section VI of Form 04KI030E, entitled Protective capacities of the PRFC;
  - (B) Section VII of Form 04KI030E, entitled Safety intervention; and
  - (C) Section VIII of Form 04KI030E, entitled Voluntary safety plan, in conjunction with Form 04MP054E, Immediate Protective Action Plan/Voluntary Safety Plan. Refer to OAC 340:75-4-12.
- (3) The CW specialist documents all information gathered during the assessment of child safety on Form 04KI030E.
2. Review of a substantiated finding with a safe determination. The CPS supervisor cautiously reviews the substantiated finding of abuse or neglect when a child has been determined safe. This determination may be made when:
- (1) a thorough assessment of child safety has been completed and no safety threats are identified;
  - (2) patterns and the safety threshold were correctly applied;
  - (3) the PRFC demonstrates adequate protective capacities to keep the child safe;
  - (4) an assessment was properly upgraded to an investigation, when applicable; and

- (5) the proper substantiation protocol was applied.
3. **Joint response system between CW and law enforcement. The system for joint response is utilized when a child has been taken into protective custody by law enforcement and includes:**
- (1) designating CW staff to serve as contact persons for law enforcement;
  - (2) CW staff conducting a safety evaluation at the scene where law enforcement has assumed protective custody of a child to determine if the child can be protected through placement with relatives without the need for OKDHS to seek an emergency custody order so that the child can be placed in foster care; or
  - (3) CW staff conducting a safety evaluation at the designated county-specific reception center for children in protective custody when:
    - (A) the CW staff is unable to respond to the scene in a reasonable time period;
    - (B) exigent circumstances exist and law enforcement must act immediately without CW participation; or
    - (C) there are other circumstances such that it is not feasible or advisable for CW staff to respond to the scene;
  - (4) a request by CW staff to the district attorney (DA) for application for emergency custody, if the child has not been restored to the custody of the parent, legal guardian, or custodian and the safety evaluation determines the need for emergency custody of the child;
  - (5) coordination between law enforcement and CW staff for transportation of a child to the home of a relative, kinship care home, an emergency foster care home, a shelter, or any other site at which OKDHS believes the child can be protected when the child cannot be safely left in the home. A shelter is only utilized when the home of a relative, kinship care home, or emergency foster care home is not immediately available or is inappropriate.
4. **Restoration of custody to the parent, legal guardian, or custodian when child is in protective custody. When, following a safety evaluation, OKDHS**

determines the child in protective custody does not face an imminent safety threat, the child is restored to the custody and control of only the child's parent, legal guardian, or custodian.

**5. Present danger.**

(1) Present danger means an immediate, significant, and clearly observable family condition that is presently occurring and already endangering or threatening to endanger a child. When present danger exists, steps are taken to protect the child from imminent harm by the implementation of a short-term immediate protective action plan. The plan is designed to protect the child while the assessment of child safety is completed, and may be utilized for up to seven business days. Examples of present danger and potential immediate protective action plans include, but are not limited to a child found in:

(A) the street may require an immediate protective action plan to remove the child from the street and identify adequate supervision for the child;  
or

(B) a home containing a working methamphetamine lab may require an immediate protective action plan for the PRFC to voluntarily place the child in a safe location with relatives for short-term care.

(2) When present danger exists and the immediate protective action plan requires a child's temporary placement outside the child's home, the out-of-home safety planning protocol found in ITS # 10 is followed.

(3) When the child's safety is secured, the assessment of child safety is completed to determine if impending danger exists.

**6. Impending danger.**

(1) Impending danger means the presence of a threatening family condition that is:

(A) specific and observable;

(B) out-of-control;

(C) certain to happen in the next several days,; and



threw an infant against a wall, but the infant was not seriously injured.

(B) An infant has bruising or burns on any part of the body.

(C) The child is three years of age or younger and the PRFC demonstrates no attachment to the child, and has dangerously inappropriate parenting skills.

(D) The child was systematically tortured or inhumanely punished. For example, the child was locked in a closet for long periods, forced to eat unpalatable substances, or forced to squat, stand, or perform other unreasonable acts as a means of torture.

(E) The PRFC's reckless disregard for the child's safety caused or could have caused serious injury. For example, the PRFC left a young child in the care of an obviously irresponsible or dangerous person.

(F) The physical condition of the home is dangerous and poses an immediate threat of serious injury to the child. For example, exposed electrical wiring or other materials create an extreme danger of fire or there are gas leaks in the home.

(G) The child was sexually abused or sexually exploited and the perpetrator has access to the child.

(H) The PRFC purposefully or systematically withheld essential food or nourishment from the child. For example, the child was denied food for extended periods as a form of punishment for real or imagined misbehavior.

(I) The PRFC refuses to obtain or consent to medical or psychiatric care for the child that is immediately required, as documented by medical evaluation, to prevent or treat a serious injury or disease. The child's physical condition shows signs of severe deterioration and the PRFC(s) seems unwilling or unable to respond.

(J) The PRFC appears to suffer from mental illness, mental retardation, or substance abuse so severe that he or she does not provide for the child's basic needs, such as the PRFC who is demonstrably out of touch with reality or significantly intoxicated.

**(K) The PRFC has abandoned the child.**

**(L) There is reason to suspect, based on a history of frequent moves or of hiding the child from outsiders, the PRFC may flee with the child and the child is in danger.**

**(M) There is specific evidence that the PRFC'S anger and discomfort about the report and subsequent investigation will result in serious retaliation against the child. The information is gained through:**

**(i) a review of the PRFC'S past behavior;**

**(ii) the PRFC'S statements and behaviors during the investigative interview; or**

**(iii) reports from others who know the PRFC and family.**

**(N) A baby is born to a PRFC who is currently involved in an open permanency planning case and has not successfully completed the court-ordered individualized service plan or there is a pending motion to terminate parental rights.**

**(O) The PRFC'S parental rights were terminated to other children and there is harm or significant threat of harm to the children in the PRFC's home.**

**(P) Any situation that involves a child in a family for which the criteria for the determination that reasonable efforts are not required per OAC 340:75-1-18 are met.**

#### **8. Voluntary safety plan.**

**(1) When a child is determined unsafe, the CW specialist evaluates the PRFC's protective capacities, available supports such as relatives or community resources, and willingness to collaborate with OKDHS to keep the child safe. When safety threats cannot be managed through a voluntary safety plan or the PRFC does not agree to comply with the voluntary safety plan, protective or emergency custody of the child and court intervention is requested. A voluntary safety plan does not preclude a recommendation for court intervention and supervision by OKDHS to formalize the voluntary service agreement through a court-ordered individualized service plan.**

**(A) The voluntary safety plan:**

**(i) is utilized when a child is determined unsafe and court-ordered removal of the child from the home is not requested;**

**(ii) may replace the immediate protective action plan when the assessment of child safety is completed;**

**(iii) is completed when the family has agreed to collaborate with OKDHS to control and manage identified safety threats;**

**(iv) may be utilized with or without court involvement; and**

**(v) is documented on Form 04KI030E, Assessment of Child Safety, and detailed on Form 04MP054E, Immediate Protective Action Plan/Voluntary Safety Plan.**

**(A) A voluntary safety plan is developed to control and manage the safety threats while the child remains in the home or while the child temporarily stays in an alternative location outside the home. When OKDHS and the PRFC agree to utilize a voluntary safety plan:**

**(i) safety plan monitors are identified;**

**(ii) Form 04MP025E, Voluntary Service Agreement, is completed; and**

**(iii) protocols for determining service needs are followed per OAC 340:75-4-12.1. Refer to ITS # 8.**

**(2) The purpose of a voluntary safety plan is to control safety threats immediately. The safety plan must:**

**(A) specify what safety threats exist to establish what must be controlled;**

**(B) identify how the safety threat will be managed and controlled, including by whom, under what circumstances and agreements, within what time frame, and the availability, accessibility, and suitability of those involved; and**

**(C) include how CPS or others monitor and oversee the plan.**

**(3) Engaging kin in safety planning creates more options for support and safety planning. The CW specialist:**

**(A) identifies as many kin as possible to support the family;**

**(B) engages those who know the child best;**

**(C) facilitates a family team meeting; and**

**(D) makes timely decisions, with input from the team, regarding safety, physical, and emotional well-being of the child.**

**(4) Following the guidelines of OAC 340:75-4-12.1 and related ITS, the CW specialist:**

**(A) assesses the PRFC's reliability, willingness to cooperate, commitment, and alliance to the voluntary safety plan;**

**(B) ensures all necessary arrangements for the safety plan are made and agreed to by all participants;**

**(C) contacts, no less than weekly, persons responsible for the safety plan until the safety threats in the family are significantly reduced.**

**9. Safety plan factors. Questions (1) through (8) are considered when evaluating the relative or non-perpetrator PRFC's protective capacities for adequately protecting the child from the perpetrator.**

**(1) Does the relative, kin, or PRFC believe that abuse or neglect occurred? If not, has the relative, kin, or PRFC demonstrated behaviors related to protective capacities? If not, adequate protection may not be provided.**

**(2) Is the non-perpetrator PRFC strongly dependent on the perpetrator for financial or emotional support, or both? If so, it may initially be difficult for the non-perpetrator PRFC to overcome his or her own needs and protect the child.**

**(3) Is the non-perpetrator PRFC a victim of domestic violence or emotional abuse by the perpetrator? If so, the non-perpetrator PRFC may be fearful of the perpetrator and unable to protect the child until services begin.**

(4) Did the relative, kin, or non-perpetrator PRFC fail to protect the child from abuse or neglect or fail to heed serious warning signs that abuse occurred? If so, the relative or non-perpetrator PRFC may not see a threat to the child if the perpetrator wants contact.

(5) Is the relative, kin, or non-perpetrator PRFC displaying a willingness to control and manage the safety threat(s) or is the agreement to participate in the safety plan only to avoid removal of the child? When there is no willingness to seek help to alleviate the concerns that led to the abuse or neglect, relying on the relative or non-perpetrator PRFC is not an adequate safety plan.

(6) Is the non-perpetrator PRFC planning to seek action in divorce court to change custody? If so, it must be evaluated whether this will adequately protect the child. It is likely that visitation will continue even with a change in custody. An action in divorce court does not ensure that all information regarding the abuse or neglect is heard and considered in custody and visitation decisions.

(7) Does the non-perpetrator PRFC have difficulties due to substance or alcohol abuse? If so, these difficulties may prevent the non-perpetrator PRFC from adequately protecting the child.

#### 10. Assessing voluntary safety plan participants.

(1) Prior to engaging individuals as safety plan monitors or caregivers, the CW specialist assesses the individual's:

(A) protective capacities;

(B) willingness to collaborate with OKDHS to ensure the child's safety;  
and

(C) alignment with the safety plan.

(2) When the safety plan includes an arrangement by the PRFC for the child to temporarily stay outside the home, the CW specialist:

(A) reviews CW records to determine if the prospective voluntary safety plan caregiver or any adult residing in the prospective caregiver's home has a history of child abuse or neglect;

**(B) completes and submits Form 04AF007E, Records Check, for the prospective voluntary safety plan caregiver and all adult household members;**

**(C) determines if the prospective voluntary safety plan caregiver or any adult household member:**

**(i) is subject to the Oklahoma Sex Offender Registration Act and the Mary Rippy Violent Crime Offender Registration Act. Refer to OAC 340:75-7-15 ITS # 1(6) for instructions to access the free website; or**

**(ii) has convictions for felony offenses involving violence. Refer to OAC 340:75-7-15;**

**(D) completes Form 04AF004E, House Assessment;**

**(E) when the child is under three years of age, completes Section One, Physical Environment, of:**

**(i) Form 04MP004E, Contact Guide Addendum for Face-to-Face Visit with Newborn(s) and Infant(s) – Age 0 to 12 Months, as applicable; or**

**(ii) Form 04MP006E, Contact Guide Addendum for Face-to-Face Visit with Toddler(s) – Age 13 through 36 Months, as applicable; and**

**(F) completes and submits Form 04AD003E, Request for Background Check, for the prospective voluntary safety plan caregiver and all adult household members; or**

**(G) when needed afterhours, requests a National Crime Information Center (NCIC) check for the prospective voluntary safety plan caregiver and all adult household members;**

**(H) ensures the voluntary safety plan caregiver and all adult household members submit fingerprints within five business days for submission to the CFSD Fingerprint Processing Section, when an NCIC check is completed prior to the child's placement;**

**(I) contacts, no later than the next business day, other states in which the voluntary safety plan caregiver or adult household members have resided and requests child welfare history for each adult in the**

household. When emergency custody of a child is requested, procedures in OAC 340:75-7-15 are followed prior to placement; and

**(J) does not utilize individuals convicted of the felony offenses of:**

**(i) physical assault, battery, or a drug-related offense within the preceding five-year period;**

**(ii) child abuse or neglect;**

**(iii) domestic abuse;**

**(iv) a crime against a child, including, but not limited to, child pornography; or**

**(v) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding physical assault, battery, or a drug-related offense within the preceding five-year period. Homicide includes manslaughter. A crime involving violence means an offense that:**

**(I) has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or**

**(II) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and**

**(L) reviews all CW and criminal history of the prospective voluntary safety plan caregiver and adult household members with the CW supervisor or county director. The county director may grant exceptions for certain felony convictions but does not grant exceptions for felony convictions or relevant misdemeanors listed in OAC 340:75-7-15(i)(1); and**

**(M) documents information obtained regarding the assessment of the voluntary safety plan caregiver and household members and other safety plan participants as a Contact in KIDS and files copies of the completed forms in the KK case associated with the CPS investigation.**

**(3) When a child is placed in protective or emergency custody, the**

guidelines in OAC 340:75-7-15 are followed prior to the child's placement in a kinship home.

11. Safety planning, court involvement, and recommendations to the district attorney (DA). Options in making recommendations to the District Attorney (DA) are found in OAC 340:75-3-11 Instructions to Staff. In serious cases of abuse or neglect the CW specialist ensures:

(1) the family is involved in a court-ordered individualized service plan, when appropriate; and

(2) the safety of the child is monitored.

12. Removal of a child from the home. A decision recommending removal of a child from the home is made after consultation with the CW supervisor. When prior supervisory consultation is not feasible, the case is reviewed with the CW supervisor as soon as possible.

13. Removal of a child not in OKDHS custody. A child who is endangered by his or her surroundings may be removed from the home by law enforcement without a court order. In an emergency situation, the CW specialist contacts appropriate law enforcement officials and recommends that the child be placed in protective custody.

(1) Whether the child is placed in protective custody by law enforcement or emergency custody through a court order, Oklahoma statutes require that each court order removing a child from the home include findings of "Contrary to the welfare" and "Reasonable efforts to prevent removal."

(2) The CW specialist advises the DA that the court order for removal of a child from the home must include a written finding that continuation of the child in the home is contrary to the child's health, safety, or welfare, or language to that effect, such as, "Removal is in the child's best interests." The order must include a finding regarding whether reasonable efforts were made to prevent removal.

(3) When the court does not make and document the finding of "Contrary to the child's health, safety, or welfare" at the time of removal, the state will not be in compliance with Section 671 of Title 42 of the United States Code.

14. Foreign nationals. Removal of a child from the home is based on safety

considerations without regard to citizenship or immigration status. When a child who is a foreign national is removed from the home, the CW specialist notifies the foreign consul by completing Form 04MP016E, Notice to Foreign Consul of Child Welfare Proceedings, per OAC 340:75-1-31 Instructions to Staff.

15. OKDHS authority to execute emergency custody order. An order issued by the district court placing a child in the emergency custody of OKDHS is executed and the child taken into custody by a peace officer or employee of the court, except a child may be removed from a hospital, educational, or child care facility by a CW specialist when the criteria in (1) through (5) are met prior to removal.

(1) It is established by the CW specialist and supervisor that the removal is necessary to protect the child from safety threats resulting in a serious abuse or neglect situation.

(2) The CW specialist prepares and submits an affidavit to the DA who obtains a written emergency custody court order that includes a statement that the child may be removed from the hospital, educational, or child care facility by a CW specialist in order to protect the child from safety threats.

(3) A determination is made by the CW supervisor and county director that removal of the child from the facility can occur without disruption to the facility, hostility, or risks or threats to the child or CW specialist.

(4) A copy of the written emergency custody court order is provided by the CW specialist to the hospital, educational, or child care facility at the time of the removal.

(5) The CW specialist notifies the PRFC of the removal the same day and provides the PRFC with a copy of the written emergency custody order immediately, if the PRFC is present, or as soon as possible. If the notification will place the specialist in danger, the assistance of law enforcement is requested.

16. Removal of a child in OKDHS custody. To ensure the safety of the child and CW specialist, assistance from law enforcement is requested when a child in OKDHS custody is removed from the home to foster care to protect the child's health, safety, or welfare. When a child in OKDHS custody is determined unsafe in his or her own home and requires removal, a report of abuse or

neglect is made to the Abuse and Neglect Hotline.

**17. Protective services alert. A protective services alert is requested by contacting the CFSD CPS Section when:**

**(1) a report indicates the safety of the child is or will be at risk;**

**(2) it appears the family has relocated within Oklahoma or to another state;  
and**

**(3) the address and whereabouts of the child and family is unknown; or**

**(4) the child has been abducted from OKDHS custody; or**

**(5) the CW specialist is aware of a pregnancy involving a mother or father who is a party to an open permanency planning case and the whereabouts of the mother or father is unknown.**

**18. Child who has left Oklahoma. When a child, for whom emergency custody or a pick-up order has been requested, has left Oklahoma prior to execution of the order, enforcement of the custody order and recognition of Oklahoma's jurisdiction by the other state must occur to have the child returned. Each situation is treated according to the laws and procedures in the state where the child is located.**

**(1) When the child's location is unknown, the CW specialist contacts CFSD CPS Section to issue a protective service alert.**

**(2) When the child's location is known, the CW specialist with the information about the allegations and investigation contacts the CPS agency in that county or state and sends a copy of the pick-up or emergency custody order to the CPS agency along with any other requested written documentation. Information may be shared with another CPS agency under these circumstances.**

**(3) Some CPS agencies, based on the information received, enforce Oklahoma's order by taking the child who is in danger into custody.**

**(4) When the child is taken into custody, the court of jurisdiction in Oklahoma is notified that, based on the information and order from Oklahoma, the child was taken into custody in the other state or**

jurisdiction. Oklahoma CW staff secures a court order from the other state or jurisdiction releasing the child to OKDHS custody to return to Oklahoma.

(5) When a CPS agency is unwilling or unable to assist, law enforcement in Oklahoma is contacted and the Oklahoma court order is faxed to the local law enforcement entity where the child is located.

(6) The Oklahoma judge and DA are notified when the CPS agency or law enforcement in the other state or jurisdiction is unwilling or unable to assist. In some circumstances, the judge or DA may contact the court or law enforcement in the other state or jurisdiction for assistance.

**19. Preparation for removal.** When the decision is made to remove a child from the child's home, the CW specialist makes efforts to reduce the trauma and stress for the child and family by properly preparing all persons involved. Preparing the family as well as the child is crucial when removal occurs.

(1) Preparing the family is facilitated by the CW specialist:

(A) explaining the reasons for removal and placement of the child;

(B) clarifying any question about court procedures;

(C) making clear the intent to reunify the child with the family, when appropriate, as soon as the home is safe for the child;

(D) encouraging the parent, once he or she understands and accepts the reasons for the placement, to help explain the reasons for the placement to the child. This may comfort and reassure the child that the parent will work with the CW specialist to facilitate the return of the child to the home;

(E) asking the parent to provide in-depth information regarding the child's schedule, routines, likes and dislikes, and medical needs to help the placement provider maintain continuity for the child. The CW specialist:

(i) asks the parent to complete Form 04MP012E, Receipt and Release of Prescription and Over-the-Counter Medication(s), when the child takes medication or has medical needs or allergies;

(ii) completes Form VS 151, Application for Search and Certified Copy of Birth Certificate, to obtain a full-certified copy of the child's birth certificate, per OAC 340:75-13-9; and

(iii) asks the parent to complete Form 04MP015E, Important People in the Child's Life, to document and maintain the child's ongoing relationships;

(F) acknowledging the parent's anger and grief in response to the loss of his or her child, and expecting the parent to be initially resistant;

(G) encouraging the parent's involvement in all aspects of the planning and placement process;

(H) encouraging the parent, when appropriate, to make recommendations of potential homes in which the child may be placed;

(I) providing to the parent OKDHS Publication No. 99-27, Away From Home, A Parent's Guide to Out-of-Home Placement; and

(J) arranging the initial meeting between the parent and the resource parent(s).

(2) Adequately preparing the child for the placement serves several important purposes.

(A) The CW specialist alleviates many of the child's anxieties and reduces the child's stress by providing the child with information regarding the need for placement and by familiarizing the child with all aspects of the setting to which the child is moving.

(B) When the CW specialist does not know the child well, the CW specialist uses the preparation period to better assess the child's strengths and needs. The information is communicated to the placement provider to assist in receiving the child and making the child's transition into the new setting easier.

(C) Working with the child during the preparation phase helps the child establish a supportive relationship with the CW specialist.

20.(a) Placement considerations. Placement with the non-offending parent,

relatives or kin is considered and siblings are placed together in the same home when appropriate and possible. Relative or kinship placements are assessed in terms of the child's safety, per ITS # 9 of this Section, and long-term needs. Relatives or kin are only considered when:

- (1) the child will be safe with the relative or kin. The history of the family is explored extensively, with the child's PRFC and the relative or kin considered for placement;
- (2) a relative or kin can provide a home that does not pose an obstacle to reunification plans as demonstrated by the relative's or kin's willingness to work with OKDHS and the family toward reunification;
- (3) a relative or kin is willing to accept placement of a sibling so that the siblings are not separated or the relative or kin is willing to facilitate contact between the siblings; and
- (4) a relative or kin could potentially provide long-term care for the child. The CW specialist considers the abilities and willingness of the relative or kin to meet the day-to-day and individual needs of the child should the placement become long-term.

(b) Family history. When a child has been seriously abused or neglected, the perpetrator may have been a victim of abuse or neglect within his or her own family. The perpetrator's relative may also have been a victim of abuse or neglect or impacted by the abuse or neglect within the family. This kind of family history may place the child in an unsafe situation in the relative's or kin's home.

(c) Placement in foster family care. When a foster family placement is made as an emergency, the placement is evaluated quickly and arrangements are made to make a more appropriate placement as soon as possible. When it is determined that foster family care is the best placement option for the child, considerations include, but are not limited to whether:

- (1) the foster parent has the ability and willingness to meet the day-to-day and individual needs of the child, such as providing a stimulating environment and ensuring the child the opportunity to participate in extracurricular activities; and
- (2) the other child(ren) placed in the foster family home does not pose a

safety threat to the child considered for placement; and

(3) the foster family is able to accept placement for a sibling(s) or facilitate contact between the siblings.

(d) Initial placement. The placement made at the time of the child's initial removal from the home has a significant impact on the safety of the child and ultimately the possibility for successful reunification with the family or alternative permanent plans for the child.

(e) Sibling placement. Every reasonable attempt is made to place siblings together when appropriate and possible. When it is not possible to initially place siblings together, efforts begin the next working day and actively continue to place the siblings in the same home.

(f) Adoption dissolution notification. The CW specialist notifies the adoption specialist and the CFSD Post Adoption Services Section of the child's placement in out-of-home care when the child:

(1) receives adoption assistance; or

(2) is placed in, or returned to OKDHS custody due to the dissolution of an OKDHS or other type of adoption.

(g) Placement of an infant who is medically fragile or disabled.

(1) Factors that determine whether an infant in OKDHS custody is medically fragile or disabled include:

(A) prematurity;

(B) history of respiratory distress;

(C) oxygen dependency;

(D) a diagnosis requiring special care beyond routine infant care;

(E) age younger than six weeks; and

(F) medical conditions or illnesses that may result in increased episodes of illness, prolonged hospitalization, and increased cost for

care.

(2) An appropriate placement for an infant who is medically fragile or disabled includes an approved foster or kinship family home, health care facility, or children's shelter that meets the criteria in (A) through (C). The placement:

(A) provider for the infant has undergone all necessary training required to meet the medical needs of the infant;

(B) setting has all of the necessary equipment required to meet the medical needs of the infant, the placement provider knows how to use the equipment, and the equipment is in operating condition; and

(C) provider is willing and able to:

(i) follow all medical requirements and orders as given by the infant's physician;

(ii) transport the infant to all medical appointments; and

(iii) keep the infant's CW specialist fully apprised of the infant's condition.

(3) The CW specialist provides to the placement provider, at the time of placement, all medical and other related information about the condition of the infant and updates the placement provider concerning any new information as it occurs.

**340:75-6-1. Purpose and philosophy**

Revised 3-26-10

Permanency planning services are provided to a child in the legal custody or under the legal supervision of the Oklahoma Department of Human Services (OKDHS) and to the child's family to assist them in changing behaviors and correcting the conditions which led to the child's removal and court involvement. The guiding principles of planning for a child in OKDHS custody or supervision are safety, permanency, and well-being. Addressing the child's needs is critical in attaining these outcomes. Permanency planning services are initiated immediately following the child's removal and continue until the child is safely in a permanent home either through reunification with the family or other permanent placement. These services are provided on the basis of the individualized needs of the child and family, whenever possible. A full range of community based program options are provided in order that the child may remain in his or her own home or community, whenever possible. When it is not safe for the child to remain in his or her own home, every effort is made to place the child with a suitable relative. When there are siblings in custody, every effort is made to place the siblings together. Placement of children in residential settings occurs only after all other less restrictive settings have been attempted or considered. ■ 1

**INSTRUCTIONS TO STAFF 340:75-6-1****Issued 9-1-11**

**1. Case review. Prior to making any case-related decisions or recommendations regarding visitation, placement, reunification, or termination of parental rights, the newly assigned primary or secondary permanency planning specialist reviews, no later than five days after assignment:**

**(1) Form 01KI003E, Report to District Attorney, and Form 04KI030E, Assessment of Child Safety, related to the most recent case opening; and**

**(2) all child welfare history.**



**340:75-6-30. Child's visitation with parents and siblings**

Revised 3-26-10

(a) **Visitation is a right.** ■ 1 The child and parent(s) have a right to regular visitation. A court may not deny visitation based solely on the failure of a parent to prove that the parent has not used legal or illegal substances or complied with an aspect of the court-ordered individualized service plan per Section 1-4-707 of Title 10A of the Oklahoma Statutes.

(1) Visitation is available to the children and families involved with CW, unless visitation is not in the best interests of the child, taking into consideration:

(A) protection of the physical safety of the child;

(B) protection of the life of the child; or

(C) ■ 3 & 4 protection of the child from being traumatized by contact with the parent; and

(D) the child's expressed wishes.

(2) Regular visitation does not occur when:

(A) the parents decline to participate;

(B) the permanency plan is not reunification; or

(C) the special circumstances described in OAC 340:75-6-30(c) apply.

(b) **Frequency of parent-child visitation.** Family visitation begins no later than one week after the child's removal and a visitation schedule that considers the needs of the child is developed and includes more than one time per month visitation thereafter until the child is returned or the permanency plan is no longer reunification. ■ 1 Exceptions to the frequency of visitation are made when the:

(1) parent(s) fails to cooperate with visitation arrangements;

(2) court orders no visitation;

(3) whereabouts of the parent(s) are unknown;

(4) visitation, even supervised, endangers or as determined by a behavioral health professional, submits the child to highly damaging psychological stress; or

(5) court orders a different frequency of visitation.

(c) **Mail and phone contact.** Contact with the child's parent(s), extended family, and friends through phone calls and letters is encouraged. Mail, including e-mail, and phone calls are not monitored or restricted unless it is essential for the child's protection. ■ 5 The court is advised when restrictions are warranted. Restrictions are court ordered and may be considered when:

(1) threats are made to the child;

(2) the contact causes harm to the child's emotional well-being;

(3) there is an attempt to influence the child's testimony; or

(4) an attempt is made to undermine a present or future placement.

(d) **Contact with siblings.** Reasonable efforts are made to place sibling groups, who have been removed, together in both temporary and permanent placements, per OAC 340:75-6-85.3. When this is not possible, on-going contact such as, face-to-face, phone, letter, or e-mail contact between all siblings is arranged. ■ 2

(e) **Child's visits or contacts with relatives and others.** When a child is in emergency, temporary, or permanent custody of OKDHS, the CW worker evaluates requests for visitation or contact from relatives, extended family members, or others, taking into consideration information from the child's parent(s) and the significance of the relationship to the child's well-being. ■ 6

## **INSTRUCTIONS TO STAFF 340:75-6-30**

### **Revised 9-1-11**

#### **1. (a) Right to visitation.**

**(1) The parent is notified of the right to visit their child via, Form 04KI012E, Individualized Service Plan (ISP), or Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, as applicable.**

**(2) Denial of family visitation, sibling contact, or the exchange of letters and phone calls is not used to reward or punish the child or family.**

(b) **Parent-child visitation.** Family visitation begins no later than one week after the child's removal. Frequent, purposeful visitation contributes to successful placement and reunification and reduces the time to reunification. Visitation is the single most predictive factor in whether a child is successfully reunified. Parent-child visitation is a high priority of the Child Welfare (CW) specialist and serves to:

(1) reassure the child that the parent(s) has not abandoned him or her and still cares for him or her;

(2) reassure the parent that CW is committed to maintaining family relationships and helping the parent;

(3) strengthen familial relationships;

(4) create an environment for the parent to demonstrate new parenting skills;

(5) create an opportunity where parenting skills may be evaluated;

(6) allow the CW specialist to:

(A) assess parent-child interaction;

(B) assess the parent's level of interest and protective capacities;

(C) prepare the family for reunification; and

(D) identify continued risks to child safety that make reunification unfeasible.

(c) **Visitation schedule.**

(1) A visitation schedule is developed by the family, placement provider, and CW specialist within two weeks of the child's removal from the home. Visitation increases in length and frequency and decreases in the level of supervision as the parent demonstrates a change in the behaviors that caused the child to be unsafe.

(2) A visitation schedule provides a measure of certainty for parent-child interaction time and allows the parent a reliable routine for practicing new

parenting and relationship techniques. The schedule promotes parent-child relationship and allows the CW specialist an opportunity to observe the parent-child interaction and to gage the parent's level of commitment to the child.

(3) The family, placement provider, and CW specialist determine the frequency, location, and arrangements for visitations. A family team meeting (FTM) may be utilized to develop a visitation schedule, allowing the informal supports for the family, such as relatives, kin, friends, or neighbors, to assist the parent, when appropriate.

(A) When safety is ensured, the placement provider participates in visitation and supports, mentors, and helps the parent work towards reunification.

(B) The visitation schedule is written and signed by the family, placement provider, and CW specialist.

(C) The parent, placement provider, child, and others as appropriate, are provided a copy of the visitation schedule.

(D) The visitation schedule is attached to Form 04KI012E, Individualized Service Plan (ISP), or Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report.

(d) Frequency. The CW specialist attempts to facilitate the most frequent visitation schedule possible.

(A) When the court orders the frequency of visitation, the schedule includes the number of court-ordered visits.

(B) Contact with the child occurs according to the child's safety needs.

(C) Visitation frequency is increased by adding a schedule for letters and phone calls, followed by an increase in visits. Phone calls and visits are arranged by the parent, placement provider, and age-appropriate child.

(e) Length. Initial visits may be of short duration, one to two hours. Length of visits gradually increase as agreed to by the parents, resource parents, and CW specialist based on the planned activities and the best interests of the child and family.

**(1) Increased frequency and duration of visitation is encouraged.**

**(2) Successful unsupervised all day, overnight, and weekend visits are completed prior to planning for the child's return home.**

**(f) Location.** In the beginning stages of a case, visits may require supervision by the CW specialist, and when necessary, held in a controlled environment such as the Oklahoma Department of Human Services (OKDHS) office or the home of an approved relative or kin. When a home-like setting is not available or appropriate, visits may be held in locations such as parks, restaurants, and shopping malls.

**(1) As the parent progresses in developing protective capacities and in eliminating safety threats, the frequency and length of visits increase and the location moves to the home of the parent, placement provider, or an approved relative or kin, as appropriate. Visits may also be held in locations such as parks, restaurants, and shopping malls.**

**(2) The length, frequency, and location of visits are based on the needs of the child and the abilities of the parent.**

**(g) Activities.** Visits include planned, structured, and age-appropriate activities with the child that strengthen the parent-child relationship and allow the parent an opportunity to learn about the child's development. As parental involvement progresses, school conferences, and doctor appointments may be combined with the family visits.

**(h) Importance of visitation.** The Child Welfare (CW) specialist stresses to the parent the importance of regular visits with the child. The parent is informed that a child in out-of-home placement anticipates and is positively or negatively affected by family visits. The CW specialist explains:

**(1) when a parent fails to attend a scheduled visit, it is harmful to the child;**

**(2) the parent's attendance, behaviors, and interactions with the child at scheduled visits is documented on 04KI014E, Individualized Service Plan (ISP) Progress Report, to report the parent's progress toward improved parenting; and**

**(3) frequent parent-child visitation increases the likelihood of early reunification.**

(i) **Suspension or termination of visitation.** Prior to discontinuing or recommending discontinuation of visitation between the parent and child, the CW specialist consults with the district attorney, child's attorney, and child's therapist, when applicable.

**(1) When visitation is implemented by the CW specialist and is not court-ordered, the CW specialist provides written notice of the decision to suspend or terminate visitation with a detailed explanation, including efforts made by OKDHS to improve the quality of family contacts, to the:**

**(A) court**

**(B) child's attorney;**

**(C) parent;**

**(D) court-appointed special advocate (CASA), when applicable; and**

**(E) tribe, when applicable.**

**(2) When visitation is court-ordered, visits between the child and parent are not suspended or terminated by OKDHS. The recommendation to suspend or terminate visitation between the child and parent, that includes a detailed explanation including efforts made by OKDHS to improve the quality of family contacts, is provided to the:**

**(A) court;**

**(B) child's attorney;**

**(C) parent;**

**(D) CASA, when applicable; and**

**(E) tribe, when applicable.**

(j) **Protocol for visitation facilitation for multiple county assignments.**

**(1) No later than ten business days after secondary assignment, the CW county of jurisdiction specialist begins an email exchange between all assigned CW specialists and supervisors to develop a visitation schedule,**

and make child-focused case decisions regarding specific specialist responsibilities.

(A) Decisions regarding the visitation schedule include consideration of:

- (i) who will be involved in the visitation;
- (ii) when and where visitation will be held;
- (iii) who will provide transportation;
- (iv) who will be responsible for documentation of visitation in KIDS; and
- (v) visitation cancellation and suspension issues.

(B) Issues that may impact decision-making are:

- (i) court orders regarding visitation, such as frequency and supervision;
- (ii) needs of child and parent;
- (iii) suggested activities;
- (iv) input from family and kin during family team meetings; and
- (v) any other pertinent information.

(2) The CW county of jurisdiction specialist and the CW county of placement specialist review the decisions regarding visitation and address issues during the mandatory monthly phone contact.

(3) When there is disagreement regarding visitation decisions, the CW specialist not in agreement consults with his or her CW supervisor and schedules a teleconference or face-to-face staffing among all assigned CW staff to determine necessary action.

(k) Visitation documentation. The occurrences and interactions during family visitation provide essential information utilized in case decisions.

**(1) Visits are documented:**

**(A) in the KIDS Contacts and Visits screens;**

**(B) in the Visitation Section of Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report; or**

**(C) on Form 04KI014E to provide information to the court regarding visitation.**

**(2) Documentation includes, but is not limited to:**

**(A) the parent's progress in demonstrating parenting skills during visitation;**

**(B) the development of the parent-child relationship;**

**(C) efforts to place siblings, who have been removed, together and efforts to provide ongoing visitation or other contact between siblings, when siblings are not placed in the same home; and**

**(D) other significant events.**

**(I) Failure to attend visitation. When the parent does not attend a scheduled visit, the CW specialist discusses the absence with the parent to determine the cause.**

**(1) When the parent was unable to attend due to circumstances beyond his or her immediate control, another visit is scheduled as soon as it can be arranged and services, such as transportation, are provided to alleviate the cause of the missed visit and promote future visits.**

**(2) When frequent absenteeism occurs after services are offered:**

**(A) the reasons for the parent's absence are evaluated with the parent's participation;**

**(B) the parent is informed that failure to keep scheduled visits is harmful to the child's emotional and mental well-being and to the parent-child relationship; and**

- (C) when feasible, the CW specialist attempts to minimize harm to the child due to the parent's failure to attend. One method requires the parent to arrive at the visitation location prior to the child.
- (3) When the parent chronically misses visits after services are offered and is aware of resulting harm to the child, this indicates the parent may be unwilling or unable to assume parenting responsibilities.
- (4) Visit absenteeism may be accompanied by arriving late, leaving early, or poor parent-child interaction. This information is considered by the CW specialist during permanency planning for the child.
- (m) Anxiety demonstrated during visitation. Visits with parents are often stressful to a child.
- (1) The child may:
- (A) be upset by the parent's behaviors;
  - (B) have a loyalty conflict between the parent and placement provider;  
or
  - (C) feel anger, fear, or uncertainty about the separation and the future.
- (2) Placement providers often attribute a child's difficult behaviors before and after visits to negative feelings the child may have toward the parent or to negative events that might have occurred during the visit.
- (3) Pre- and post-visit behaviors are documented in KIDS Visits screen and, when appropriate, Form 04KI009E, Court Report, or 04KI014E.
- (4) When a child demonstrates anxiety surrounding family visits the actions in (A) and (B) are considered.
- (A) The CW specialist holds a discussion with the parent, placement provider, child, and appropriate professionals, such as a counselor or therapist, to determine whether changes will make the visits more satisfactory. With the parent's participation, the CW specialist designs a plan of action to correct the situation and assists the parent in making necessary changes.

(B) When the behavior persists after the CW specialist has talked to the child, counseling is provided to determine the cause for the reaction. The CW specialist maintains awareness of the child's feelings, fears, and desires by conducting visits with the child and observing family visitation a minimum of once every four weeks.

(i) When abuse or neglect occurs during visitations, a report is made to the OKDHS Abuse and Neglect Hotline and a new investigation is conducted, per OAC 340:75-3.

(ii) Significant events and reactions by the child are documented in the appropriate KIDS screens and Form 04KI009E or Form 04KI014E.

## 2. Sibling visitation.

(1) When sibling groups, who have been removed, are not placed together in temporary or permanent placements:

(A) on-going face-to-face contact is arranged a minimum of once every four weeks until the siblings are reunited in out-of-home placement or the permanency plan is achieved.

(B) In addition to face-to-face contact, phone, letter, or email contact between all siblings is arranged as frequently as possible until the siblings are reunited in out-of-home placement or the permanency plan is achieved.

(2) Sibling contacts approved by the CW specialist may be arranged by placement providers.

(3) The CW specialist verifies the face-to-face and other types of contacts with the placement provider at each monthly contact.

(4) When sibling contact is detrimental to one or more of the siblings, a temporary exception to visitation is documented in the case record. The CW specialist:

(A) arranges services, including counseling, when indicated, to correct the situation; and

(B) reports the status of sibling contact in the Visitation section of Form 04KI009E or 04KI014E.

(5) When sibling contact is not feasible due to behavioral health needs, such as a sibling receiving inpatient care, the CW specialist:

(A) maintains contact with the unavailable sibling's service provider to resume face-to-face siblings visitation or other forms of sibling contact as soon as it is in the best interests of the siblings; and

(B) reports the status of sibling contact in the Visitation Section of Form 04KI009E or Form 04KI014E.

3. Continuation of visitation. After a judicial finding that reasonable efforts to reunite are not required or have been made and failed, visitation between the child and parent is evaluated on a case-by-case basis to determine whether to continue visitation.

(A) These findings alone do not cease or limit visitation.

(B) At the court hearing when the finding is made, the CW specialist:

(i) makes a recommendation regarding termination of parental rights; and

(ii) recommends whether visitation continues, is limited, or ceases.

4. Visitation with a parent whose rights are terminated. In some cases, contact and visitation between an older child or teenager and a parent whose rights are terminated may be appropriate. Teens and older children in other permanent placements, excluding adoptive homes, may desire a relationship with a parent who has made changes and matured since parental rights were terminated.

5. Opening and reading the child's mail. Mail for a child in Oklahoma Department of Human Services (OKDHS) custody is not opened or inspected except by the child. When the CW specialist believes the mail contains:

(1) contraband, the specialist opens the mail in the child's presence without reading; or

(2) inappropriate or harmful information, the specialist immediately notifies the CW supervisor. Court approval is required to open or read the child's mail.

(A) The CW supervisor consults with the CW field liaison (CWFL) regarding any concerns for the child and procedures to open or inspect the mail.

(B) When necessary, the CW supervisor contacts the district attorney for assistance in obtaining a court order providing appropriate restrictions.

6. (a) Visitation with relatives, extended family, and significant others. When contact and visitation with relatives and extended family is important for the child's well-being, the CW specialist:

(1) encourages, when appropriate, the child's relatives and kin to maintain or strengthen their relationship with the child through visitation and other forms of contact, and facilitates the contact and visitation; and

(2) considers the parent's viewpoint, wishes of the child, and permanency plan when school teachers, church personnel, or other members of the community who know the child request ongoing visitation or contact with the child.

(b) Child's visits or contacts from outside entities. The CW specialist determines who is appropriate to have visitation or contact with a child in out-of-home placement. When the child is in emergency or temporary OKDHS custody, the parent and relatives have input into the decision. For the child in permanent OKDHS custody, the CW specialist may approve contact from outside entities, based upon the child's wishes and the permanency plan.

(c) When the parent disagrees with the child's contact or visitation with relatives or others, the child's attorney is consulted.

**340:75-6-40.3. Family Functional Assessment ■ 1 through 6**

Revised 7-1-11

Form 04KI028E, Family Functional Assessment, is a component of the case plan. The family's strengths and protective factors are evaluated during the family functional assessment to identify resources that may support the family's ability to meet its needs and protect the child. The family functional assessment incorporates information collected through the assessment of safety and integrates the information into a behaviorally-based individualized service plan. The process of assessment is ongoing as information is gathered, obtained, and added to the assessment document.

**INSTRUCTIONS TO STAFF 340:75-6-40.3**Revised 9-1-11

1. (a) **Family Functional Assessment (FFA) foundation.** Form 04KI028E, Family Functional Assessment, is the most important step in the permanency planning process. Information obtained during the Assessment of Child Safety (AOCS) is the foundation for the behaviorally-focused individualized service plan (ISP).

(b) **When reunification is not the permanency plan.** When the initial permanency plan is not reunification, such as when a petition includes a request for immediate termination of parental rights or a court finds reasonable efforts to reunite are not required, a FFA of the child is conducted rather than of the family.

(c) **Case review.** Prior to initiating the assessment, the Child Welfare (CW) specialist reviews the entire CW record, including previous child abuse or neglect investigations, reports to the district attorney, and all other previous Oklahoma Department of Human Services (OKDHS) history with the family.

2. **Assessment procedure.** The assessment is conducted in the family home no later than **60 days from removal** or **60 days from date the petition is filed**, or sooner when the family is willing to begin the process earlier.

(1) The assessment is completed with as many members of the household present as possible.

- (2) A child in placement may be brought to the home for the assessment when case circumstances and safety permit, affording an opportunity to observe parent-child interaction.
- (3) Assessment information is obtained from immediate family, extended family, tribes, placement providers, service providers, schools, other Oklahoma Department of Human Services (OKDHS) units or divisions, and the Office of Juvenile Affairs, when applicable.
- (4) The assessment assists in establishing rapport and learning the family's history and current functioning patterns to identify resources, support systems, and strengths that support the family's ability to protect the child and meet the child's needs.
3. **Assessment results.** The assessment provides a list of the safety threats to the child. The interventions needed to best address the safety threats are incorporated into the parent's individualized service plan along with desired results that demonstrate the parent has corrected the conditions that posed a safety threat to the child and developed the protective capacities necessary to keep the child safe.
4. (a) **Establishing rapport.** To establish rapport during the assessment process, the parent is informed that the initial goal of the process is to assist the parent in developing the ability to protect and care for the child in order for reunification to occur in a timely manner. The CW specialist:
- (1) informs the parent that CW will assist in obtaining the required services and encourages the parent to access needed services immediately;
- (2) discusses with the family the importance of the court and permanency planning process; and
- (3) provides the parent with OKDHS Publication No. 99-27, Away From Home, A Parent's Guide to Out-of-Home Placement, that explains what happens with the child, the parent's rights, and what is expected of the parent.
- (b) **Problem resolution.** When the parent and the CW specialist disagree and the CW specialist is unable to resolve the parent's complaint, the CW specialist:

**(1) advises the parent that staff performance and other staff-related complaints are addressed within the Field Operations Division chain of command; and**

**(2) provides the parent information regarding reporting complaints to the Office of Information and Referral.**

5. **Helpful assessment tool. Form ODH 347, Medical and Social History Report for Adoption, is a tool that assists in the assessment process and is an essential piece of concurrent planning. Form ODH 347 helps identify child and family needs and facilitates the identification and documentation of relative resources.**

**The CW specialist:**

**(1) requests current addresses and phone numbers for relatives identified during completion of Form ODH-347; and**

**(2) removes the first page of Form ODH 347 that refers to adoption and files the page in the paper case record when reunification is the permanency plan.**

6. (a) **Subsequent family functional assessments. When a child moves from temporary to permanent custody, a subsequent family functional assessment is conducted of the child to identify specific services and activities to enable completion of the child's permanency plan. An additional assessment is completed when needed, such as when there is a substantial change in the family structure or safety threats continue to affect the child.**

**(b) Pregnancy and newborns in an open or closed permanency planning case.**

**(1) A newborn is at serious risk of harm when:**

**(A) reunification of a sibling currently in out-of-home care is not recommended;**

**(B) there is a pending request for termination of parental rights to a sibling; or**

- (C) termination of parental rights to a sibling has occurred and there is no evidence of a correction of the conditions that caused parental rights to be terminated to the sibling.
- (2) When a CW specialist learns of a pregnancy involving a mother or father who is a party to an open permanency planning case, the CW specialist:
- (A) requests the mother or father provide the name and phone number of the mother's physician and requests the mother sign a release of information for the CW specialist to consult with the physician. When the mother or father refuses to provide the information or the mother refuses to sign the release of information, the CW specialist contacts the district attorney to request a court order to obtain the physician's information and allow the CW specialist to release information to the physician;
- (B) contacts the physician and provides pertinent information regarding the mother's or father's CW history;
- (C) requests the mother or father and physician notify the CW specialist immediately upon delivery of the child;
- (D) establishes contact with other known family members or service providers who may provide information about the birth of the newborn when the mother or father refuses to disclose or provide information and the district attorney declines to request a court order;
- (E) maintains weekly contact with the mother or father during the month prior to delivery;
- (F) When at any time during the pregnancy, the location of the mother or father is unknown, requests a protective service alert, per OAC 340:75-3-10.1 Instructions to Staff (ITS) # 17;
- (G) upon delivery of the newborn, immediately makes a referral for an investigation, per OAC 340:75-3-6.1.
- (i) The safety threats for the referral and investigation are based on the CW history of the mother, father, or both. New allegations are not required to initiate court intervention on behalf of the newborn.

(ii) Inclusion of information regarding the newborn on Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, is not sufficient and does not replace the need for an investigation and a determination of child safety and the need for court involvement; and

(H) documents all contacts in the KIDS Contacts screen.

(3) When a CW specialist becomes aware of a pregnancy involving a mother or father who previously participated in a permanency planning case where reunification was not successful, the CW specialist follows OAC 340:75-6-40.3 ITS # 6(b)(2).



**340:75-6-40.6. Case contacts**

Revised 3-26-10

Oklahoma Department of Human Services maintains chronological history of Child Welfare worker contacts with clients and collaterals and is a permanent part of the case record and a component of the case plan. ■ 1 through 6

**INSTRUCTIONS TO STAFF 340:75-6-40.6**Revised 9-1-11

1. **Purpose of documenting case contacts.** Information contained in the contacts is essential to evaluating the case circumstances for making permanent plan case decisions. The Case Contact report consists of the date of contact, name of the client or collateral contacted, other participants, purpose, location, and comments about the content of the contact or meeting.
2. **Time requirement for entering contacts.** Contacts are entered into KIDS a minimum of monthly from the point of intake through case closure. Contacts with the child are entered no later than the 4th day of the following month.
3. **Content of documentation.** The CW specialist documents information when making contact with a child in out-of-home placement, parent, or placement provider(s) that includes and addresses:
  - (1) adjustment and behavior;
  - (2) connections that include, but are not limited to:
    - (A) parents;
    - (B) siblings;
    - (C) family; or
    - (D) other important people in the child's life;
  - (3) permanency;
  - (4) medical, dental, immunizations, and medications;

- (5) developmental needs;
  - (6) psychological and associated medications;
  - (7) education and extracurricular activities;
  - (8) employment, if applicable;
  - (9) personal care, hygiene, and diet;
  - (10) living environment and safety issues;
  - (11) clothing and related needs;
  - (12) values, beliefs, religion, language, traditions, and other related factors;  
and
  - (13) requests requiring follow up.
- 4. Content of Contacts screen. Information entered in the Contacts screen by the Child Welfare (CW) specialist is professional in nature and directly related to case content.**
- (1) Emails are not cut and pasted into a Contacts screen without thorough editing for inappropriate content or discussion of individuals not active in the case.**
  - (2) Opinions regarding other professionals and supervisory instructions are not included in the Contacts screen. CW supervisors document instructions regarding staff actions in a separate format.**
- 5. Targeted Case Management (TCM) services. At the time of each contact with the child, parent, placement provider, or other person involved in services to the child, the CW specialist:**
- (1) discusses the services needed by the child;**
  - (2) how the services can be accessed; and**
  - (3) reviews the progress on any service provided to the child.**

- (A)** The CW specialist documents the information in the KIDS Contacts screen. The documentation is specific and includes all of the requirements for case contacts.
- (B)** Contact guides are used when making contact with a child in out-of-home placement, a parent, or placement provider. The guide and age-specific addendums that provide a format to assist the CW specialist in gathering and documenting information obtained during a contact, are:
- (i)** Form 04MP007E, Face-to-Face Contact Guide;
  - (ii)** Form 04MP004E, Contact Guide Addendum for Face-to-Face Visit with Newborn(s) and Infant(s)- Age 0 to 12 Months;
  - (iii)** Form 04MP006E, Contact Guide Addendum for Face-to-Face Visit with Toddler(s) - Age 13 through 36 Months; and
  - (iv)** Form 04MP008E, Contact Guide Addendum for Face-to-Face Visit with Youth - Age 16 to 18.
- 6.** Instructions for entering contact information. Detailed instruction for entering contact information is available in the KIDS How – To entitled, "Contact Guide." This and other How – To's are available on the Infonet. Select the link for Child Welfare specialists.



**340:75-6-48. Child Welfare (CW) worker contacts with child, placement providers, parents, and service providers**

Revised 7-1-11

Per Section 1-7-113 of Title 10A of the Oklahoma Statutes, Oklahoma Department of Human Services (OKDHS) visits each foster child a minimum of one time per month, with no less than two visits per quarter in the foster placement. Each child is interviewed, or if an infant observed, alone without the foster parent present at least one time per quarter. The foster parent provides a place in the home where the child can be interviewed outside the foster parent's presence. OKDHS also contacts parents, services providers, and others. ■ 1 through 12

**INSTRUCTIONS TO STAFF 340:75-6-48**Revised 9-1-11

1. **Purpose of contacts.** The purposes of a Child Welfare (CW) specialist's contacts with the child, parent, service providers, or others include, but are not limited to:

(1) maintaining the child's connections to his or her family;

(2) allowing the CW specialist to evaluate the interactions, conditions, and services the child is receiving, particularly those in the home or in placement; and

(3) establishing and maintaining a teamwork relationship. Family team meetings afford the CW specialist additional opportunities for contact with the family and the family's social supports to expedite the permanency plan.

2. **Documenting contacts using contact guide and addendums.** Contacts with the child are entered in KIDS a minimum of monthly from the point of intake through case closure as quickly as possible after the contact occurs, but no later than the fourth day of the following month. The contact guide and addendums are used when making contact with a child in out-of-home placement, parent, and placement provider. The Guide and age-specific addendums, that provide a format to assist the Child Welfare (CW) specialist in gathering and documenting information obtained during a contact, are:

(1) Form 04MP007E, Face-to-Face Contact Guide;

- (2) Form 04MP004E, Contact Guide Addendum for Face-to-Face Visit with Newborn(s) and Infant(s) – Age 0 to 12 Months;**
  - (3) Form 04MP006E, Contact Guide Addendum for Face-to-Face Visit with Toddler(s) – Age 13 through 36 Months; and**
  - (4) Form 04MP008E, Contact Guide Addendum for Face-to-Face Visit with Youth – Age 16 to 18.**
- 3. Use of contacts. The purpose of CW specialist contacts with the child, placement provider, and parent includes, but is not limited to:**
- (1) ensuring the parent understands the individualized service plan and the consequences of failure to change the behaviors and correct the conditions of intervention;**
  - (2) informing the parent of the next court hearing;**
  - (3) assessing the parent's protective capacities and ability to provide a safe home environment for the child;**
  - (4) evaluating the home situation and progress on the individualized service plan;**
  - (5) providing the parent with information about the child and services the child is receiving, including medical care and education;**
  - (6) informing the parent and child of the other's situation, progress, and other related issues;**
  - (7) ensuring the parent understands the importance of visitation in developing and maintaining a healthy parent-child relationship;**
  - (8) advising the parent of his or her rights, roles, and responsibilities, and the status of the case;**
  - (9) ensuring the child's needs are met and his or her safety is intact in the placement;**
  - (10) encouraging and guiding the parent in the completion of his or her individualized service plan;**

- (11) assisting the parent in obtaining the identified services needed to change the behaviors and conditions that led to the child's removal;
- (12) continuing to gather information regarding important people in the child's life; and
- (13) providing timely and relevant information to the placement provider that is pertinent to the needs of the child and permanency planning process, in accordance with Section 1-7-104 of Title 10A of the Oklahoma Statutes.
4. (a) Interviews with a child in foster care placement. The CW specialist documents in KIDS Contacts screen the interview with or observation of each child in foster care placement no less than monthly and no later than the fourth day of the following month.
- (1) Private interviews or observations are conducted no less than quarterly.
- (2) The private interview may occur in an appropriate location outside the foster home.
- (3) During the interview, the CW specialist has substantive discussions with the child per the contact guide.
- (b) Contact at child's school. The CW specialist does not go to the child's school for the purpose of completing a face-to-face contact with the child, except in cases of transporting the child to and from school for appropriate purposes such as family visitation, scheduled appointments, and extracurricular activities.
- (c) Contact alternatives. Contact with the child is made primarily by the CW specialist responsible for the child; however, another CW specialist may make the required monthly contact in the foster home to assess the child's safety, permanency, and well-being needs when there is an unavoidable conflict in the work schedule or other job-related demands of the CW specialist responsible for the child. When an alternate contact is required, the CW specialist responsible for the child makes the next required monthly face-to-face contact with the child. Prior to another CW specialist making the required contact, the CW supervisor:
- (1) reviews the unavoidable conflict or job-related demands,

assesses the frequency of another CW specialist completing the required contacts, and either grants or denied the exception;

(2) informs the CW specialist responsible for the child of the decision;

(3) when the exception is granted, assigns the monthly contact to another CW specialist; and

(4) documents the exception in the KIDS Contacts screen.

(d) Unannounced contacts. Each visit with a child in placement is not previously arranged.

(1) The CW specialist develops a schedule for each child in placement that includes, at a minimum, that every third contact attempted is unannounced.

(2) The CW specialist conducts a minimum of three successful unannounced contacts per year.

5. (a) Child contact requirements. CW specialist contact requirements with the child in Oklahoma Department of Human Services (OKDHS) custody and the placement provider are provided in (1) through (9).

(1) Foster family care, contract foster care, and therapeutic foster care.

(A) The CW specialist in the county of placement has face-to-face contact with the child:

(i) within the first two weeks of each placement and a minimum of once every calendar month thereafter, with no more than 31 days between contacts;

(ii) to interview, or if an infant observe, the child alone without the foster parent present at least one time per quarter per Section 1-7-113 of Title 10A of the Oklahoma Statutes; and

(iii) no less than two times per quarter in the foster home. The CW specialist's initial contact occurs in the foster home. After the initial contact, the CW specialist may complete one face-to-face contact per quarter in a location other than the foster home. Once the CW specialist makes contact in an alternative location, the next two

monthly contacts, at a minimum, take place in the foster home. This applies to a child placed in:

- (I) paid or non-paid kinship placement;
- (II) regular foster care;
- (III) contract foster care; and
- (IV) therapeutic foster care.

(B) When the child is placed in a county other than the county of jurisdiction, the county of jurisdiction specialist contacts monthly, either by phone, electronic mail, or in person, the CW specialist in the county of placement to discuss and determine responsibility for any pertinent actions that require follow-up or initiation to achieve the permanency plan for the child.

(C) Contacts increase in times of change and stress.

(D) When there is a need to interview a child privately during a contact in the foster home, the foster parent provides a place in the home where the child can be interviewed outside the foster parent's presence.

**(2) OKDHS-operated shelters, Youth Services shelters, or Youth Services shelter host home.** A CW specialist has face-to-face contact with the child at the OKDHS-operated shelter, Youth Services shelter, or Youth Services host home within 24 hours of the child's entry into the shelter or host home and a minimum of once weekly while the child remains in the shelter or host home. During the shelter or host home stay, when the child's CW specialist's assigned work location is:

(A) within 60 miles of the shelter, the CW specialist visits and provides any identified services to the child; or

(B) more than 60 miles from the shelter, the assigned shelter liaison visits and provides any identified services to the child. The child's CW specialist contacts weekly, either by phone or in person, the shelter child welfare specialist while the child remains in shelter care, per OAC 340:75-10-8.3. Additional shelter or host home liaison responsibilities include, but are not limited to:

**(i) communicating with the CW specialist, shelter personnel, or Youth Services host home personnel to facilitate appropriate placement planning;**

**(ii) assisting with reducing premature discharge from the shelter or Youth Services host home prior to the location of an appropriate placement; and**

**(iii) entering into KIDS, shelter or Youth Services host home entry and exit dates.**

**(3) Emergency foster care. When the child is placed in emergency foster care, the CW specialist:**

**(A) has face-to-face contact with the child in the emergency foster home once every calendar month, with no more than 31 days between contacts; and**

**(B) attends weekly staffings with the emergency foster care contract agency.**

**(4) Community-based residential care – non-OKDHS operated. When the child is placed in a group home, specialized community home, or Developmental Disabilities Services Division (DDSD) group home, the CW specialist from the county of jurisdiction has face-to-face, private contact with the child and placement provider in the placement once every:**

**(A) calendar month, with no more than 31 days between contacts, when the child's placement is 30 miles or less from the county of jurisdiction; and**

**(B) 90 days when the child's placement is over 30 miles from the county of jurisdiction and has phone contact with the child every calendar month that the specialist and child do not have face-to-face contact.**

**(i) The facility liaison has face-to-face contact with the child and placement provider monthly.**

**(ii) The CW specialist contacts the facility liaison to communicate any pertinent actions that require initiation or follow-up to achieve the child's permanency plan.**

(5) Community-based residential care – OKDHS operated. When the child is placed in an OKDHS operated group home, the CW specialist has phone or personal contact with the child and group home specialist once every calendar month, with no more than 31 days between contacts. The group home specialist visits with the child and coordinates or completes any applicable permanency planning duties pertaining to the child.

(6) Inpatient treatment - acute. When a child is in acute inpatient treatment, face-to-face contact with the child at the placement location is provided by the facility liaison every calendar month, with no more than 31 days between contacts.

(A) Daily phone contact is maintained between the mental health facility and the child's CW specialist during the first five working days of treatment.

(B) When the child remains in acute inpatient treatment in excess of five business days, the CW specialist contacts the child's therapist or other mental health professional and facility liaison by phone a minimum of once a week and inquires about the child's progress to facilitate the discharge plan, per OAC 340:75-16.

(7) Inpatient treatment - residential. When the child is in inpatient residential treatment, face-to-face contact with the child at the placement location is provided by the facility liaison every calendar month, with no more than 31 days between contacts. Close contact is maintained between the liaison and the child's specialist. In addition, the CW specialist:

(A) has on-site interaction with the child every:

(i) calendar month, with no more than 31 days between contacts when the child's placement is 30 miles or less from the county of jurisdiction; and

(ii) 90 days when the child's placement is over 30 miles from the county of jurisdiction and has phone contact every calendar month that face-to-face contact between the specialist and child does not occur; and

(B) contacts the child's therapist or other mental health professional by phone every two weeks and inquires about the child's progress toward

the discharge plan, per OAC 340:75-16.

**(8) Own home.**

**(A)** The CW specialist has face-to-face private contact with the child a minimum of once every calendar month, with no more than 31 days between contacts.

**(B)** When the child initially returns to the parent(s) the CW specialist has face-to-face contact with the child and the parent(s) in the home within two business days of placement.

**(C)** After the initial visit within two business days of placement, or when the child is in the custody of the parent(s) in a supervision only case, the first three contacts are in the child's home. Contact location may then alternate between the home and any other location.

**(D)** Contacts are increased during times of change and stress.

**(9) Custody with relative or another person with OKDHS supervision.** The CW specialist has face-to-face contact with the child placed in the custody of a relative or another person with OKDHS supervision a minimum of once every calendar month, with no more than 31 days between contacts. The location of the specialist's contact may alternate between contact in the home and any other location.

**(10) Youth in Office of Juvenile Affairs (OJA) custody.** When a child or youth in OKDHS custody is also adjudicated delinquent or In Need of Supervision (INS) and placed in the custody of OJA:

**(A)** OJA is responsible for placement and services to the child or youth.

**(B)** CW retains responsibility for permanency planning and related services.

**(C)** The CW specialist contacts, personally or by telephone, the child or youth, and the OJA case specialist on a monthly basis.

**(i)** The CW specialist obtains from the OJA specialist the date and substance of the OJA specialist's monthly contact with the youth; and

**(ii) enters into KIDS contact screen the name of the OJA case specialist, selects the purpose of "Worker Visit – No Contact Guide," and enters information in "Purpose/Comments." Refer to OAC 340:75-6-46.**

**(b) Child contact requirements - special case circumstances. There are special case circumstances when minimum required contacts with the child and placement provider are allowed. The decision to allow the use of the minimum required contact rule requires CW supervisory approval. Reduced contact with the child and family is not considered when concerns are identified that require more intensive contact. The circumstances and the minimum amount of required contact are detailed in (1) through (6).**

**(1) Contact with child in inpatient facility. When a child requires admission to an inpatient facility procedures detailed in OAC 340:75-16-30 Instructions to Staff (ITS) # 4 are followed. No later than 24 hours after a child's placement into an acute inpatient treatment facility, the CW specialist contacts the facility liaison and the facility liaison supervisor by phone and email to provide notification of the child's placement.**

**(2) Contact with child in Developmental Disabilities Services Division (DDSD) placement. When a child in the custody of OKDHS is in a DDSD placement other than a group home, DDSD case management staff provides services to the child, per OAC 317:40-5-57. The CW specialist:**

**(A) in the county of placement has face-to-face, private contact with the child in the home a minimum of once every 90 days;**

**(B) in the county of placement contacts, either by phone or in person, the DDSD case manager monthly, and inquires about case circumstances, identified needs; and date and substance of the DDSD case manager's monthly contact with the child; and**

**(C) in the county of jurisdiction, when the child is placed outside the county of jurisdiction, contacts monthly, either by phone, electronic mail, or in person, the CW county of placement specialist in order for both specialists to:**

**(i) remain actively involved in placement and service planning for the child through coordination and information sharing with the placement provider and DDSD case management staff; and**

(ii) communicate pertinent actions that require initiation or follow-up to achieve the permanency plan for the child; and

(D) in the county of placement documents the DDS case manager's monthly contact with the child in the KIDS contacts screen:

(i) entering the name of the DDS case manager that made contact with the child;

(ii) selecting the purpose of "Worker Visit – No Contact Guide"; and

(iii) entering information in the "Purpose/Comments."

(3) Contact with youth, 18 years of age or older, in voluntary placement. The CW specialist's contact with the youth, 18 years of age or older, in voluntary placement, is determined jointly by the CW supervisor, CW specialist, youth, and placement provider.

(A) A minimum of one face-to-face contact with the youth is required in the placement location every six months until case closure.

(B) During the months when the CW specialist's contact with the youth is not in the provider's home, the specialist contacts the youth and the provider by phone.

(4) Contact with child in Interstate Compact on the Placement of Children (ICPC) placement in Oklahoma residential treatment center. The CW specialist has face-to-face contact with the child a minimum of every 90 days in the facility when a child from another state is placed in an Oklahoma residential treatment facility.

(5) Placement of child in OKDHS custody placed in out-of-state residential treatment center. The CW specialist has face-to-face contact with the child every six months when the child is placed out-of-state through ICPC, per OAC 340:75-1-86.

(6) Contact with child in ICPC placement with parent, relative, or foster home. The OKDHS CW specialist assures that an agency caseworker of the receiving state:

(A) makes a face-to-face contact with the child in the parent, relative, or

foster home no less frequently than every month; and

(B) submits a quarterly report on the content of the monthly contacts.

(7) Contact with child in Sunbeam Family Programs placement. When the child in out-of-home placement is placed with Sunbeam Family Programs, the assigned Sunbeam Family Programs worker has face-to-face, private contact with the child in the home per contract specifications. This worker's contact meets the minimum monthly requirement for contact with the child. The CW specialist maintains responsibility for coordination and completion of Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, and attendance at any court hearing involving the child.

6. (a) Parent contact requirements. The CW specialist has face-to-face contact with the child's parent within the first two weeks of the child's removal and a minimum of once every calendar month thereafter, with no more than 31 days between contacts. The CW supervisor and specialist decide the location of the contact based upon case circumstances. The CW specialist makes a home visit when assessing the home for reunification purposes. Exceptions to contacts with the parent(s) are granted when:

(1) the child has been returned to or has never been removed from the parent's custody and OKDHS has been ordered to provide supervision. The first three contacts by the CW specialist are in the parent's home. Contact location may then alternate between the home and any other location;

(2) the parent's whereabouts are unknown;

(3) parental rights have been terminated; or

(4) other justified reasons exist that are documented in the case record.

(b) Parent contact requirements – special circumstances. Phone contact with the parent of the child is allowed in place of face-to-face contact when the parent is incarcerated or living out-of-state. The CW county of jurisdiction specialist is responsible for contact unless an exception applies. Appropriate exceptions include, but are not limited to, the:

(1) parent has had no contact with the child and the child does not wish to

have contact;

(2) parent is incarcerated for an offense that resulted in the death penalty;  
or

(3) length of the parent's incarceration is expected to surpass the date of the child obtaining the age of majority.

7. **Service provider contact requirements.** The CW specialist has phone contact at least quarterly and no later than ten business days prior to each court hearing with any service provider for the child, parent, or family to obtain current information regarding the client's treatment status and obtain the service provider's recommendation regarding whether services are continued or terminated or additional services are necessary.

8. **Oklahoma Children's Services (OCS) provider contact requirements.** The CW specialist contacts the OCS provider and:

(1) schedules, attends, and presents safety issues and needed changes at the Comprehensive Home-Based Services (CHBS) case transfer meeting no later than 15 working days from the date the authorized referral is assigned;

(2) participates in monthly staffings, in person or by phone, with the assigned contract case manager (CCM) or parent aide;

(3) reviews a minimum of monthly the CCM or parent aide KIDS contacts and reports; and

(4) responds to critical incident reports, faxed or provided by phone to the CW specialist by the CCM or parent aide, that are risk alerts, per OAC 340:75-1-152.9.

9. **Need for increased contacts with child.** The CW specialist staffs the decision regarding the type and location of contacts with the CW supervisor and documents the staffing in KIDS Contacts screen. Situations that indicate the need for increased contact with the child in the home or placement location include, but are not limited to:

(1) any type of safety concern;

- (2) history of environmental neglect;
  - (3) concerns regarding access by the perpetrator;
  - (4) the age of the child; or
  - (5) an order of the court.
10. Documentation of contacts completed by non-OKDHS or non-CW staff. When a child in OKDHS custody is in a DDS placement, Office of Juvenile Affairs (OJA) custody, or placed out-of-state through ICPC, the CW specialist continues to ensure the child's well-being through ongoing contact and coordination with DDS, OJA, or the receiving state. The CW specialist gathers information about monthly face-to-face contacts completed with the child by a DDS, OJA, or out-of-state ICPC caseworker, and documents the information monthly in the KIDS contacts screen, specifying the type of contact and the name of the non-OKDHS or non-CW staff that made contact with the child.
11. Contacts for youth receiving extended services. The CW specialist documents in the youth's Individualized Service Plan (ISP), the frequency of contacts determined appropriate or effective for each six-month period between service plan reviews.
12. Comprehensive Home-Based Services (CHBS).
- (1) CHBS service initiation. Contractors initiate services after the case transfer meeting unless emergency services are authorized by the Oklahoma Children's Services (OCS) contract liaison.
  - (2) CHBS referral cancellation. Referrals held by the contractor awaiting notice of the case transfer meeting are canceled after the 15th working day.
  - (3) CHBS case transfer meeting. The CHBS contract case manager (CCM), CCM supervisor, and CW specialist and supervisor meet with the child and family in the family's home or other location that offers convenience and privacy to review the identified safety threats, diminished protective capacities, the safety plan, and CHBS service protocol. The referring CW specialist's role in the case transfer meeting is of vital importance to the effectiveness of CHBS for the family.

- (A) When the referring CW specialist is unable to attend the case transfer meeting, another CW specialist or CW supervisor, who has reviewed the case or has been briefed, attends.
- (B) The CW specialist outlines for the family and contractor:
- (i) each safety threat identified through the Child Protective Services assessment of child safety; and
  - (ii) remaining issues with the court-ordered ISP, the provisions of the safety plan, and the specific behaviors and dynamics that must change for the child to remain in his or her home.
- (C) The CW specialist ensures the family and provider understand the purpose of the referral and the roles and responsibilities of all parties, including those of the family.
- (4) Direction provided by CW specialist. The CHBS case management function relies on direction from the CW specialist. Form 04MP032E, Referral for Contracted Service, Form 04KI030E, Assessment of Child Safety, case contacts, and staffings provide valuable input to the CCM regarding safety threats and expectations for change that guide the CCM's case management practice. When the family:
- (A) is in crisis or risk to the child is relatively high, the CW specialist may request the CCM to intensify contacts or initiate services more rapidly; or
  - (B) has health, financial, or educational issues that need to be addressed, the CCM initiates and coordinates family involvement with these systems. The CW specialist contacts CHBS staff more frequently when the family is unstable or the child is at higher risk.
- (5) External KIDS (eKIDS). eKIDS allows the CW specialist to review KIDS CHBS contacts, assessment, and critical incident and other reports within a week of visits and other events. This information may be helpful to the CW specialist in recommending to the CCM needed adjustments in certain aspects of CHBS case management, but does not substitute for formal case staffings with the contractor.

**340:75-6-48.3. Runaway or abducted children in Oklahoma Department of Human Service (OKDHS) custody or supervision ■ 1**

Revised 3-26-10

When a child in Oklahoma Department of Human Services (OKDHS) custody or supervision runs away or is abducted, OKDHS immediately takes steps to locate the child.

**INSTRUCTIONS TO STAFF 340:75-6-48.3**

Revised 9-1-11

1. (a) Runaway or abducted child protocol. A child in Oklahoma Department of Human Services (OKDHS) custody or under OKDHS supervision or a child in an open Child Protective Services investigation is considered runaway or abducted when he or she, without the permission of OKDHS, leaves or is taken by his or her parent, placement provider, or any other person from an OKDHS authorized location, including own home, relative's home, foster care, and above foster care placements. When a child cannot be located, the CW specialist:

(1) immediately files a report with law enforcement and documents the:

(A) name, address, and phone number of law enforcement agency accepting the report;

(B) name of law enforcement officer who accepts the report via telephone;

(C) law enforcement case number; and

(D) date report is made to the law enforcement agency;

(2) immediately notifies the district attorney, child's attorney, and, if applicable, child's parent(s);

(3) submits the necessary paperwork as determined by the court of jurisdiction within one working day to request the court issue a pick-up order that indicates the child is a ward of the court;

(4) immediately documents a runaway or abducted placement episode in

**KIDS Placement screen no later than one business day after the episode when the child has an open removal and is in OKDHS custody;**

**(5) contacts any relative or collateral, including, but not limited to, court-appointed special advocate (CASA), guardian ad litem, service provider, counselor, therapist, and school personnel, who may have information about the whereabouts of the child. The CW specialist:**

**(A) continues to make these contacts a minimum of once per month until the child is located; and**

**(B) documents these contacts in KIDS Contacts screen.**

**(6) updates KIDS Living Arrangement fields in Client/Gen. Info./Birth Place/Living Details tab; and**

**(7) immediately holds a staffing with the CW Supervisor and county director, when feasible, to discuss the situation and determine whether national search efforts are necessary.**

**(A) A national search involves assistance from the National Center for Missing and Exploited Children (NCMEC), and may involve the Office of Inspector General (OIG), to locate a child. Examples of situations that require national search procedures include, but are not limited to, the child:**

**(i) has been abducted while in OKDHS custody, under OKDHS supervision, or during an open investigation;**

**(ii) is not in the approved OKDHS placement and there is no indication that this was a planned runaway by the child;**

**(iii) runs away, and due to behavior or circumstances, is at high risk of harm.**

**(B) When national search procedures are:**

**(1) needed, the CW specialist, CW supervisor, and county director follow OAC 340:75-6-48.3 Instructions to Staff (ITS) # 1(b); or**

**(2) not needed, the CW specialist, within one business day of the**

staffing with the CW supervisor and county director, sends an email to the CW supervisor for review and approval explaining the reason(s) a national search effort was not initiated. After approving the information contained in the email, the CW supervisor sends the email to Children and Family Services Division (CFSD) Permanency Planning Section indicating national search efforts are not needed.

(C) When information is received that changes the decision not to initiate national search efforts or seven days elapse without locating the youth, the CW specialist, CW supervisor, and county director follow OAC 340:75-6-48 ITS # 1(b) and (c).

(D) National search efforts are not required when the:

(i) youth has a pattern of running away and returning within 48 hours;

(ii) youth contacts the CW specialist, placement provider, or other connection and reports he or she left the placement on his or her own and remains in the area; or

(iii) CW specialist has knowledge of the youth's possible location and coordinates efforts to contact the youth at the possible location.

(b) National search protocol. When national search efforts are necessary, the CW specialist:

(1) completes Form 04MP023E, Runaway or Abducted Child Report, or 04MP026E, Abducted Child Report, as applicable, within one business day of the staffing held to determine whether national search efforts are initiated. Incomplete forms delay reports to NCMEC or OIG;

(2) immediately emails completed Form 04MP023E or 04MP026E to the CW supervisor for review and approval. Upon approval, the CW supervisor emails CFSD at email address, Runaway and Abducted Reports, available through the Global Address Book in Outlook, to notify CFSD permanency planning staff to report the runaway or abducted child to NCMEC, OIG, or both;

(3) contacts CFSD Child Protective Services (CPS) Section when a child has been abducted and CFSD CPS Section enters a protective service alert,

per OAC 340:75-3-10.1 ITS # 17.

(c) National search redetermination. When a child has been on runaway status for seven calendar days or longer, and there has been no contact with the child, a national search effort is required per OAC 340:75-6-48.3 ITS # 1(b).

(d) Protocol for the return of a child who is runaway or abducted. When the child is located, the CW specialist:

(1) immediately assesses the safety of the child, and determines whether to:

(A) return the child to an OKDHS authorized placement, when the child is in OKDHS custody.

(i) The CW specialist may consider placing an older child who left an OKDHS-authorized placement with the person with whom the child was found including, but not limited to, a:

(I) parent whose parental rights are terminated;

(II) parent who has not completed the court-ordered individualized service plan; or

(III) person who is not an authorized OKDHS placement provider.

(ii) Approval to place the child with the person with whom the child was found is determined on a case-by-case basis unless the person has a felony conviction per OAC 340:75-7-15. The automatic bar to placement for certain criminal history does not apply to a parent.

(iii) The CW specialist consults with the CW supervisor and CW field liaison (CWFL) for permission and procedures related to the proposed placement. The CWFL consults with CFSD Permanency Planning Section as needed.

(iv) The CW specialist:

(I) assesses the reason(s) the child left the previous placement without OKDHS permission;

**(II) assesses the proposed placement provider's current living situation; and**

**(III) determines whether a safety plan is required.**

**(v) The CW specialist may place the child in an OKDHS authorized placement until the appropriate approval is obtained to place the child in the proposed placement provider's home.**

**(vi) Court approval is required when the person to whom the child wants to return is a parent.**

**(vii) When a child, who is not in his or her approved OKDHS placement, has been located in another state, the CW specialist refers to information on runaways, per OAC 340:75-1-86 ITS; or**

**(B) when the child is under OKDHS supervision, take steps to return the child to the legal custodian or recommend the child be placed in OKDHS custody; and**

**(2) immediately or no later than one business day after the CW specialist has located a runaway or abducted child:**

**(A) notifies law enforcement, the district attorney, child's attorney, and, when applicable, child's parent(s);**

**(B) submits the necessary paperwork as determined by the court of jurisdiction to recall the pick-up order;**

**(C) notifies CFSD CPS and Permanency Planning Sections to close the protective service alert and reports to NCMEC, OIG, or both, when applicable;**

**(D) end dates KIDS runaway or abducted placement episode, when applicable;**

**(E) updates KIDS Living Arrangements fields; and**

**(F) contacts any relative or collateral, including, but not limited to CASA, guardian ad litem, service provider, counselor, therapist, and school personnel, who was contacted for information on the whereabouts of**

the child to report the child's return to the OKDHS authorized location. The CW specialist documents the contacts in KIDS Contacts screen.

(e) Protocol for a runaway or abducted child who cannot be located. The CW specialist:

(1) continues to contact law enforcement, relatives, and any collaterals once per month until the child is located.

(2) after a two year search, when there are no other children in the case, the child is not in permanent OKDHS custody, and the child has not been located, submits Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, to the court documenting the efforts to locate the child and requests dismissal of the deprived case.

(A) The CW specialist advises the parent(s) of the request for dismissal of the deprived case.

(B) When the court does not dismiss the deprived case, the CW case remains open and the CW specialist continues to make efforts every 90 days until the child is located or the case is dismissed. The CW specialist requests that the deprived case be dismissed at each subsequent court review.

(C) When the deprived case is dismissed, the CW specialist:

(i) notifies law enforcement and the child's parent(s);

(ii) submits the necessary paperwork as determined by the court of jurisdiction to recall the pick-up order;

(iii) notifies the CFSD CPS and Permanency Planning Sections to close out the protective service alert and reports to NCMEC, OIG, or both;

(iv) end dates KIDS runaway or abducted placement episode;

(v) updates removal and custody status information in KIDS; and

(vi) closes the CW case.

**340:75-6-85.3. Sibling placement ■ 1 through 4**

Revised 3-26-10

(a) When two or more children in foster care are siblings, every reasonable attempt is made to place siblings in the same home. In making a permanent placement, siblings are placed in the same permanent home, or if the siblings are separated, are allowed contact or visitation with other siblings, provided, the best interest of each child is the standard for determining whether siblings are placed in the same foster placement or permanent placement, or allowed contact or visitation with other siblings per Section 1-7-107 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-107).

(b) Per 10A O.S. § 1-7-106, a placement is made that meets the treatment needs of the child and supports the permanency plans for the child and family; however, when a child is determined to be an Indian child, as defined by the federal and state Indian Child Welfare Acts, the placement preferences specified by Section 1915 of Title 25 of the United State Code and Section 40.2 of Title 10 of the Oklahoma Statutes apply.

**INSTRUCTIONS TO STAFF 340:75-6-85.3**Revised 9-1-11

1. (a) **Judicial findings related to sibling placement.** The Oklahoma Children's Code requires the court at various hearings to determine whether Oklahoma Department of Human Services (OKDHS) has made reasonable efforts to:

(1) **place siblings, who have been removed, together in the same foster home, guardianship, or adoptive placement; and**

(2) **provide for frequent visitation or other ongoing interaction between siblings who have been removed and who are not placed together.**

(b) **Reasonable efforts to place siblings together. Examples of reasonable and ongoing efforts to place siblings together include, but are not limited to:**

(1) **conducting family team meetings that address sibling placements;**

(2) **diligent search for relatives and important people in the child's life who are appropriate and capable of providing placement and connections for the sibling group; [OAC 340:75-6-85.2]**

(3) **ongoing discussions with the foster care specialist or county of**

placement specialist regarding placing siblings together; and

(4) requesting that placement providers for the siblings notify the Child Welfare (CW) specialist or foster care specialist when there is an opening in the placement provider's home for a sibling(s).

(c) Review of sibling placements by Children and Family Services Division (CFSD). CFSD permanency planning (PP) staff review reports and queries monthly from sources such as the YI684 and KIDS Contacts screens to review whether siblings are placed together in the same placement.

(1) When siblings are not placed together, CFSD PP staff contacts the assigned CW specialist or supervisor to discuss the barriers to placing siblings together. Examples of barriers may include, but are not limited to:

(A) a sibling placed with his or her father or other family member who is unrelated to the other siblings;

(B) placement of a sibling in a higher level of care to address that sibling's individual treatment needs; or

(C) it is not safe to place the siblings together due to behavioral health or similar issues of one or more of the siblings.

(2) CFSD staff offers the CW specialist and supervisor assistance and guidance regarding placing siblings together when appropriate. Examples of assistance and guidance by CFSD staff includes, but is not limited to:

(A) review and assessment of case information, related to sibling relationships, provided from all parties including behavioral health professionals and placement providers;

(B) additional diligent search when needed for relatives and important people in the child's life who are appropriate and capable of providing placement and connections for the sibling group;

(C) participation in family team meetings to develop a plan to reunite the siblings in placement, or when factors prevent placement together, a plan to keep the siblings connected; and

(D) training for units, counties, and areas, as requested.

**(d) Sibling placement review at family team meetings. At each family team meeting, a review is conducted of the placement of each sibling to determine whether each child is placed with relatives and whether siblings are placed together. During each family team meeting:**

**(1) when siblings are not placed together, a plan is developed or updated to reunite the siblings in placement when feasible;**

**(2) when placement of siblings together is not feasible, a plan is developed or updated to maintain sibling connections when possible; and**

**(3) Form 04MP046E, Family Team Meeting Guide and Summary, is used to guide the meeting and document the plan for sibling reunification or maintenance of sibling connections.**

**(e) Sibling separation. Sibling separation may be in the child's best interests when:**

**(1) a sibling physically or emotionally endangers the health and well-being of another sibling and efforts to address the behaviors with counseling or therapy have failed;**

**(2) adoption is the permanency plan, and the:**

**(A) CW specialist and an adoption specialist have thoroughly explained adoption and answered any questions the sibling may have about adoption; and**

**(B) the sibling of the age to consent to adoption does not wish to be adopted;**

**(3) siblings are placed with different relatives and a plan is in place for continued sibling contact;**

**(4) a licensed mental health professional has determined, and provided a signed letter or report; that movement of the sibling from the current caregiver would be detrimental to the sibling's emotional health, development, and well-being; and**

**(5) efforts to place the siblings together have been exhausted and documented in the Relative/Kinship Connections screen, on Form**

04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, and in the Contacts screen.

**(f) Permanency plan of adoption and sibling separation.** When the permanency plan is adoption, the CW specialist, prior to initiating a sibling separation request, assesses:

- (1) the length of time the siblings have been separated;
- (2) the efforts made to place the siblings together;
- (3) the factor(s) that led to the disruption of the placement, if the siblings were previously placed together in out-of-home placement;
- (4) the day-to-day behavior of the children at home, in school, and at other public gatherings;
- (5) the type and frequency of contact between the siblings;
- (6) whether the children have been in counseling together or separately;
- (7) the recommendations of any counselor(s) or therapist(s) involved with the children; and
- (8) whether the children desire to be placed together.

**(g) Inappropriate reasons for sibling separation.** Examples of inappropriate reasons for the separation of siblings include:

- (1) the children have been separated in out-of-home placement and no efforts have been made to place them together;
  - (2) an infant is not placed with older siblings and is determined to not have a relationship with these siblings; and
  - (3) siblings have been in separate placements and no efforts have been made to facilitate contact; therefore, the children do not know one another.
2. During sibling separation, the CW specialist facilitates contact between the siblings through frequent visits, phone calls, letters, and other ongoing interaction and enlists the current providers in the facilitation and

**maintenance of the contacts.**

- (1) The CW specialist inquires, during each required monthly visit with the provider, regarding the type and amount of any additional sibling contact facilitated by the provider during the previous month.**
  - (2) The additional sibling contact information is documented in KIDS in the Contact screen.**
  - (3) When no sibling contact has been held in the previous month, the CW specialist facilitates a sibling visit, phone call, letter, or other interaction within two weeks.**
3. **(a) When siblings are placed separately and there are no documented reasons for separation, the CW specialist informs the current providers during the required monthly visit that:**
- (1) ongoing efforts are being made to place the siblings together;**
  - (2) the move will be implemented at the first available opportunity;**
  - (3) it is possible the provider's home may not be considered as a permanent placement; and**
  - (4) the plan to place siblings together does not negate the foster parents' right to object to the movement or the five-day notice, when applicable.**
- (b) The CW specialist documents ongoing efforts to place siblings together in KIDS in the Family/Kinship Connections screen, contacts, and on Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report.**
- (c) The court determines whether reasonable efforts have been made to place siblings, who have been removed, together or whether frequent visitation and other ongoing contact is occurring for the siblings not placed together.**
4. **Examples of ongoing efforts are:**
- (1) exploration of relatives who are appropriate and capable of providing placement for the sibling group during family team meetings or through other means; [OAC 340:75-6-85.2]**

- (2) informing the county or area foster care specialist or county of placement specialist of the need for a placement for the sibling group; and**
- (3) requesting the providers for siblings notify the CW specialist or foster care specialist when an opening occurs that is available for the other sibling(s).**

**340:75-6-110. Independent Living program**

Revised 7-1-11

(a) The Independent Living (IL) program seeks to serve youth:

(1) ages 16 and 17 years of age who are in Oklahoma Department of Human Services (OKDHS) legal custody and in out-of-home placement;

(2) ages 18, 19, and 20 years of age that were in OKDHS or tribal custody:

(A) in out-of-home placement, a cumulative total of nine months or more during the time the youth was 16 or 17 years of age;

(B) in out-of-home placement on their 18th birthday; and

(C) who have not reached their 21st birthday;

(3) who entered a permanent guardianship with kin or adoption after 16 years of age to achieve permanence and who have not yet reached their 21st birthday; and

(4) 21 and 22 years of age who on their 21st birthday were participating in the Education and Training Voucher Program.

(b) Laws that guide IL services administered by OKDHS are described in (1) and (2) of this subsection.

(1) **Federal IL component.** The Foster Care Independence Act of 1999 was enacted as part of Public Law (P.L.) 106-169. Public Law 106-169 amended by P.L. 110-351, Fostering Connections to Success and Increasing Adoption Act of 2008:

(A) supports states, including Oklahoma, in the delivery of IL services to eligible youth and provides them with services that focus on:

(i) education;

(ii) career planning;

(iii) life skills; and

(iv) aftercare services; and

(B) requires IL services complement the youth's own efforts to achieve self-sufficiency and that program participants recognize and accept personal responsibility for the transition from out-of-home care to adulthood.

(2) **State IL component.** Section 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-103) requires OKDHS, to the extent of available funds, to provide or contract for services for children in OKDHS custody. The Independent Living Act, 10A O.S. § 1-9-107, ensures youth who are currently in out-of-home care, who were in out-of-home care nine months or more between 16 to 18 years of age, who were in out-of-home care on their 18th birthday, or who entered a permanent guardianship with kin, or adoption after 16 years of age receive the provision of services necessary to become self-reliant and productive citizens, including, but not limited to:

- (A) protection;
- (B) support;
- (C) transitional planning;
- (D) housing;
- (E) medical coverage; and
- (F) education.

(c) **IL Service Provision.** The provision of IL services for youth:

(1) are initiated by the Child Welfare (CW) worker according to the age of the youth, as outlined in OKDHS Publication No. 94-08, Oklahoma Independent Living Program;

(2) in OKDHS custody placed in other states is the responsibility of OKDHS, per OAC 340:75-1-86;

(3) placed in Oklahoma through Interstate Compact for the Placement of Children (ICPC) is approved by Children and Family Services Division (CFSD) IL Section on a case-by-case basis, per OAC 340:75-1-86; and

(4) are initiated by the legal guardian or adoptive parent for youth who exited care after 16 years of age to permanent guardianship with kin or adoption.

(d) **Requirements.** Federal regulations, state statutes, and best practice require that eligible youth are provided each of the items listed in (1) through (4) of this subsection.

(1) **IL assessment.** An IL assessment is a comprehensive evaluation of the youth's readiness for IL and identification of the services and supports required for the youth to achieve a maximum level of self sufficiency. ■ 1 and 2

(2) **IL plan.** An IL plan describes the services supports and activities the CW worker and youth identify as necessary for the youth to transition to independence, and includes the components required by federal and state statutes. ■ 3

(3) **Judicial oversight.** A judicial determination is made at each dispositional and review hearing whether:

(A) the IL services needed to assist the youth in making the transition from custody to self-sufficiency are provided or are not appropriate; and

(B) during the 90-day period immediately prior to a youth's 18th birthday, OKDHS and, as appropriate, representatives of the youth, are providing the youth with assistance and support in developing an appropriate personalized transition plan based upon the youth's input, and as detailed as the youth elects, that includes specific options regarding:

(i) housing;

(ii) health insurance;

(iii) education;

(iv) local opportunities for mentors and continuing support services; and

(v) employment supports and services; and

(C) information was provided to the youth about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child:

(i) becomes unable to participate in his or her health care decisions; and

(ii) does not have, or does not want a relative, who would otherwise be authorized under state or tribal law, to make health care decisions; and

(D) the youth was provided with the option of executing a health care power of attorney, health care proxy, or other similar documents recognized under state or tribal law. ■ 4

(4) **IL support services.** A variety of services, resources, and youth development funds are provided to facilitate successful transition into adulthood. Each service, resource, and youth development fund category listed in (A) through (G) of this paragraph has distinct eligibility requirements. ■ 5

(A) **Contingency funds.** IL contingency funds are a category of youth development funds, outlined in OKDHS Appendix C-19-A. IL Youth Development Funds, obtained through a community contracted provider, are designed:

- (i) to support the youth's IL case plan in preparation for living independently; and
- (ii) for emergencies encountered after leaving care while learning to live independently. ■ 6

(B) **Incentive payments.** The IL incentive payment is a category of youth development funds that allows for monetary payments to eligible youth exiting OKDHS or tribal custody. Activities that the youth receives compensation for include:

- (i) life skills assessment;
- (ii) educational attainment;
- (iii) employment;
- (iv) placement stability;
- (v) volunteerism;
- (vi) life skills development; and
- (vii) future planning. ■ 7

(C) **Educational opportunities and scholarships.** Scholarships and IL services are available to assist the youth in completing education and training. ■ 8

(D) **Youth Advisory Board.** Youth Advisory Board includes current and former OKDHS and tribal custody youth, and CFSD and adult advisors. The board provides eligible youth an opportunity to work together with other interested youth and adults to:

- (i) educate the community regarding issues related to youth in out-of-home placement;
- (ii) improve the child welfare system through problem solving;
- (iii) promote independent living through training; and
- (iv) bridge the gap between youth and adults. ■ 9

(E) **Teen panels.** Teen panels provide an opportunity for OKDHS and tribal custody youth to educate staff, care providers, the community, and prospective adoptive and foster parents by presenting their views and experiences in the child welfare system. ■ 10

(F) **Voluntary placement of youth after age 18.** Youth may request placement in an OKDHS paid placement and services from OKDHS on a voluntary basis, or in special circumstances, a short-term voluntary placement when the youth:

- (i) reaches 18 years of age prior to completing his or her General Educational Development (GED) or high school education; or
- (ii) obtains a GED between the ages of 16 and 21 and left an out-of-home placement after reaching age 18; and ■ 11

(G) **IL specialized community homes.** IL specialized community homes provide an intensive, short-term IL curriculum for youth who are motivated to:

- (i) reach an educational or vocational goal;
- (ii) obtain and maintain employment; and
- (iii) learn skills that prepare the youth to move to an IL situation within one year. ■ 12

## INSTRUCTIONS TO STAFF 340:75-6-110

Revised 9-1-11

1. Determining the level of Independent Living (IL) services for youth. Information obtained during the completion of Form 04KI028E, Family Functional Assessment, and during the development of the child's individualized service plan, is used to determine the appropriate level of IL services for the youth. The Child Welfare specialist:

(1) updates the IL screen in KIDS to reflect completion of the IL assessment;

(2) when IL services are determined not appropriate for the youth, consults the CW supervisor and documents, in the KIDS Contacts screen, the consultation and the reasons the youth cannot live independently. The documentation includes medical, psychiatric, or psychological information from medical or mental health professionals, as applicable.

(3) files documentation in the CW paper record.

(4) when services are appropriate for a youth, selects the appropriate IL service category of:

(A) Regular IL;

(B) IL with Support, a category that includes youth who have resided in above foster care level placements and may require other supports outside of the IL continuum; or

(C) Development Disabilities Services Division (DDSD) only. This category includes youth;

(i) with a diagnosis of intellectual disability or intellectual disability accompanied by another mental or physical disability; and

(ii) who receive IL support through other sources, including but not limited to DDSD.

2. Basic life skills assessment. The Ansell-Casey Life Skills Assessment is utilized by the CW specialist or tribal worker and youth and is initiated with youth in Oklahoma Department of Human Services (OKDHS) or tribal custody at 16 years of age.

**(1) The youth completes a set of questions that measures the youth's skill competency.**

**(2) The placement provider simultaneously completes a similar set of questions designed to demonstrate the provider's evaluation of the youth's skills.**

**(3) The assessment is accessed at [www.caseylifeskills.org](http://www.caseylifeskills.org) or [www.nrcys.ou.edu](http://www.nrcys.ou.edu).**

**(4) The CW specialist or tribal worker ensures the life skills assessment is completed.**

**(5) The original assessment is filed in the:**

**(A) KIDS File Cabinet;**

**(B) the primary case record; and**

**(C) all duplicate cases.**

**(6) Copies of the life skills assessment is provided to the:**

**(A) youth; and**

**(B) placement provider.**

**(7) Results of the assessment are documented in the KIDS IL screen.**

### **3. IL plans.**

**(1) IL plans are required for youth;**

**(A) 16 years of age or older;**

**(B) in OKDHS or tribal custody;**

**(C) in out-of-home placement; and**

**(D) capable of receiving IL services.**

**(2) The CW or tribal worker assists the youth with completion of the IL plan. The CW specialist or tribal worker:**

**(A) maintains the original IL plan in the primary case record and provides a copy for all duplicate cases;**

**(B) provides a copy of the plan to the youth;**

**(C) documents completion of the IL plan in the KIDS IL screen;**

**(D) updates IL services in the KIDS IL screen as the services are provided to the youth; and**

**(E) updates the IL plan every six months, and attaches the plan to Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, for each dispositional or review hearing involving the youth.**

**(3) Determining type of IL plan. The IL plan is separate from the parent's individualized service plan when youth is in emergency or temporary OKDHS custody and the youth's mother or father's parental rights are intact. When a youth is in OKDHS permanent custody the CW specialist completes an IL and permanency plan that addresses permanence and IL for the youth.**

**(4) Developing the IL plan. When developing the IL plan, the CW specialist:**

**(A) uses as a guide, the seven key elements of success that include:**

**(i) education;**

**(ii) permanent connections;**

**(iii) essential documents;**

**(iv) employment;**

**(v) health;**

**(vi) housing; and**

**(vii) life skills;**

**(B) organizes and conducts a meeting with the youth, the youth's placement provider, parent(s), or relative, when the youth has an ongoing relationship and chooses to include a relative in the process, and:**

**(i) reviews the IL assessment and child-specific section of Form 04KI028E;**

**(ii) identifies the skills necessary for the youth to live independently;**

**(iii) discusses the youth's occupational and educational interests, including options for college or university education or vocational programs;**

**(iv) determines the need for tutoring and mentoring;**

**(v) establishes a plan for IL living arrangements and a supportive network of adults in the community that will serve as the youth's safety net; and**

**(vi) develops a personalized transition plan 90 days prior to the youth's 18th birthday and assists and supports the youth in implementing the plan in accordance with the requirements of OAC 340:75-6-110 (d)(3)(B-D); and**

**(C) provides to, and discusses with, the youth, OKDHS Publication 11-01, Health Care Decisions for Independent Living Youth.**

**4. Obtaining the appropriate IL determination in court. The CW specialist:**

**(1) when the youth is capable of receiving IL services, attaches a copy of the youth's updated IL plan to and documents on Form 04KI009E or Form 04KI014E all IL services provided since the last court hearing for the court's consideration in making the finding of "Independent living services appropriate"; or**

**(2) when the youth is not capable of receiving IL services, documents the basis for this determination on Form 04KI009E or Form 04KI014E for the**

court's consideration in making the finding of "Independent living services not appropriate"; and

(3) attaches to Form 04PP018E, Independent Living Transition Plan, to Form 04KI014E, when appropriate.

**5. Community contracted services.**

**(1) Services. Services provided through community contracts include:**

**(A) educational, vocational, and supplemental assistance;**

**(B) resource materials, such as instructional tools or supplies needed for the youth's transition;**

**(C) IL teen conferences, seminars, and activities;**

**(D) technical assistance to OKDHS and tribal CW staff and other contractors;**

**(E) training regarding the Oklahoma IL program and the preparation of youth for a successful transition to adulthood;**

**(F) processing requests for youth development funds;**

**(G) issuing youth development fund payments for goods and services; and**

**(H) coordinating special IL funding to encourage OKDHS counties and tribes to develop IL activities within local communities that include, at a minimum, training for youth in an area of skill needed for successful transition to independence.**

**(2) Enrollment. To access community contracted services, the CW specialist enrolls the eligible youth with the contracted provider, when the youth reaches 16 years of age, utilizing Form 04IL004E, Independent Living (IL) Community Contracted Services Enrollment.**

**(3) Resource materials. Resource materials that assist the youth, available through the area IL specialist or National Resource Center for Youth Services (NRCYS), 918-660-3700, include:**

- (A) FYI3 binder for the youth's bookkeeping and finances, family history, photographs, important documents, and receipts;**
  - (B) A Future Near Me workbook that contains 100 questions to guide a youth toward self-sufficiency;**
  - (C) The Path Before Me workbook written for Native American youth; and**
  - (D) one piece of luggage per eligible youth.**
- (4) IL opportunities.**
- (A) Teen conferences provide opportunities or youth to learn specialized skills through workshops and recreational activities. The CW specialist enrolls the eligible youth via KIDS Training screens and supervises the youth at the workshops and recreational activities. The youth to staff ratio is no more than three youth to one CW specialist.**
  - (B) National Teen Conference - Destination Future is a national leadership conference sponsored by NRCYS. The CW specialist assists the youth in completing and submitting the conference application to Children and Family Services Division (CFSD) IL Section. The selection of youth is based upon the youth's participation in IL services and community involvement. The CW specialist accompanies the youth to the conference.**
  - (C) Shared Vision for Youth activities introduce youth to state vocational and technical schools, community colleges and universities, branches of the military, job corps, police, fire and emergency personnel, community business partners, and other employment opportunities.**
  - (D) IL seminars and area events are held in various communities throughout Oklahoma and provide training to the youth on important life skills. The CW specialist enrolls the eligible youth via the area IL specialist or NRCYS and accompanies the youth or obtains alternate supervision through the placement provider.**
- (5) Technical assistance. The IL community contractor consults with CW specialists regarding:**

- (A) developing and training local community IL advisory boards;**
  - (B) utilizing training resource materials;**
  - (C) informing CW staff of new resources;**
  - (D) implementing IL programs. Assistance may include site visits and phone consultation; and**
  - (E) developing collaborative efforts between OKDHS and community-based resources.**
- (6) Area IL specialists. IL specialists in each Field Operations Division (FOD) service area assist CW and tribal staff by:**
- (A) ensuring eligible youth receive an IL assessment;**
  - (B) recommending elements to include in the youth's individual IL case and transition plan;**
  - (C) consulting with CW staff regarding eligible youth for services with Social Security Administration, IL community contractors, and DDSD;**
  - (D) reviewing and updating IL data on KIDS;**
  - (E) facilitating life skills groups;**
  - (F) attending family team and transitional planning meetings for IL eligible youth;**
  - (G) providing IL resources;**
  - (H) training CW staff regarding availability of IL services;**
  - (I) facilitating area wide youth service boards;**
  - (J) assisting each area with IL activities and events;**
  - (K) maintaining a list of area IL resources;**
  - (L) processing requests for youth development funds; and**

(M) ensuring youth complete paperwork necessary to enter post-secondary education.

(7) Assistance to promote involvement of OKDHS and tribal staff in IL activities. The IL program provides reimbursement for mileage, per diem, and lodging to specified IL activities and events for OKDHS and tribal CW staff and placement providers.

#### 6. IL contingency funds.

(1) The approval of IL contingency funds is contingent upon funding availability.

(2) IL contingency funds are not used to reimburse youth, OKDHS staff, or contractors for a purchase made on behalf of the youth.

(3) Exceptions to reimbursement and item cost limits, per OKDHS Appendix C-19-A, require approval by CFSD IL Section.

(4) Requests for an item, per OKDHS Appendix C-19-A, are not split between two codes.

(5) Eligibility criteria for IL contingency funds are listed in (A) through (D).

(A) Preparation contingency funds.

(i) Eligible youth:

(I) are 16 or 17 years of age and are currently in OKDHS or tribal custody in out-of-home placement; or

(II) entered adoption or a permanent guardianship with kin after age 16.

(ii) Preparation contingency funds are used for education and work related expenses, miscellaneous services, and permanent connection related activities necessary to achieve the youth's IL plan. Appropriate request for IL Preparation contingency funds include:

(I) education related – tutoring, summer and night school, correspondence courses, General Educational Development (GED) classes and testing, national college admission examinations, college application fees, calculators, tape recorders and other study aids, career assessments, or any item that enhances the youth's academic achievement;

(II) miscellaneous related – band, cheerleading squad, and sports equipment and clothing, class related trips, class ring, junior-senior prom expenses, animals and supplies needed for school related clubs, yearbooks, or goods and services that are identified on the IL case plan that assist the youth in a successful transition to adult living;

(III) work related – clothing, such as uniforms, special shoes and protective wear, inoculations and health tests, and transportation assistance, such as purchase of a bicycle, taxi fare, gasoline, or bus tickets until the youth receives his or her first paycheck; and

(IV) permanent connection related – costs connected with searches for family or unrelated persons willing to make a permanent connection to the youth, expenses associated with family group conferences, person-centered planning meetings or other activities that result in connections for youth, and costs for visits to support or maintain connections.

**(B) Supportive services contingency funds.**

**(i) Eligible youth:**

(I) are 18, 19, or 20 years of age and were in OKDHS or tribal custody and out-of-home placement for a cumulative total of nine months or more between 16 to 18 years of age; or

(II) entered adoption or a permanent guardianship with kin after 16 years of age.

(ii) Supported services contingency funds are used for education related expenses, car expenses, furniture, appliances, alternate transportation, clothing, medical expenses, purchased services, such as substance abuse counseling and mentors, work related

services, and other miscellaneous services necessary to achieve the youth's IL plan. Appropriate requests for ILO Supportive Services contingency funds include:

(I) car expenses to assist youth when the youth is in school or working and the repairs are necessary to maintain transportation to job or school;

(II) furniture or appliances to assist youth with housing needs excluding electronic items such as gaming, video, and music equipment;

(III) alternate transportation, such as public transit, bicycles, or gas for carpooling, that assist the youth with transportation when seeking or maintaining employment, education, or medical care;

(IV) clothing, including work clothing;

(V) medical expenses for a youth's medical or dental treatment, prescriptions, eyeglasses, or medical insurance, when these services are not available through other resources;

(VI) counseling and mentoring services for youth to obtain outpatient sliding scale counseling, non-medical substance abuse treatment, or mentoring;

(VII) miscellaneous goods and services, planned with the youth, that assist in completing the goal of transition to independence and are not covered by any other contingency fund or IL service;

(VIII) education related expenses such as tutoring, GED classes and testing, summer, night, and correspondence courses, national college admission examinations, college application fees, tape recorders, calculators, other study aids, and career assessments; and

(IX) work related – expenses such as clothing, uniforms, special shoes and protective wear, inoculations and health tests, and transportation assistance, such as the purchase of a bicycle, taxi fare, gasoline, or bus tickets until the youth receives his or her first paycheck;

**(C) Housing contingency funds.**

**(i) Youth eligible for housing contingency funds were in OKDHS or tribal custody and out-of-home placement on their 18th birthday and have not yet reached 21 years of age.**

**(ii) Housing contingency funds are:**

**(I) designated to assist youth with housing in emergency situations; and**

**(II) used for living expenses, such as rent, utilities, deposits, and food. Youth, 18 to 21 years of age, who have left care may use IL housing contingency funds for deposits and food to establish the initial post-care living arrangement or for housing assistance to prevent homelessness.**

**(iii) Payment for housing for youth attending post secondary institutions where dorms are available is assessed on a case-by-case basis.**

**(iv) Youth may be eligible for a total of six months housing payments.**

**(v) Housing payments extending beyond two consecutive months require approval from Children and Family Services Division (CFSD) IL Section.**

**(vi) Youth who take advantage of an IL specialized community home (SCH) or other community supported transitional placement may have three months of housing paid to the IL SCH or transitional placement and still be eligible for an additional six months of housing.**

**(vii) All subsequent requests for emergencies are considered on a case-by-case basis by CFSD IL Section.**

**(viii) Appropriate items for IL Housing contingency funds include:**

**(I) rent deposit;**

(II) rent payment;

(III) utility deposit for gas, water, and electric only;

(IV) utility payments for gas, water, and electric only;

(V) food; and

(VI) room and board payments that include rent, utilities, and food.

(D) One time only contingency funds.

(i) Youth eligible for one time only contingency funds are ages:

(I) 16 and 17 in OKDHS or tribal custody in out-of-home placement;

(II) 18 through 20 who were in OKDHS or tribal custody for a cumulative total of nine months or more between ages 16 through 17; and

(III) 16 through 20 who entered a permanent guardianship with kin or adoption at or after age 16.

(ii) The one time only contingency funds are used to purchase goods and services the youth needs on a one time only basis.

(3) Contingency funds limits. Eligible youth may access:

(A) an item in IL preparation and supported services contingency funds more than once but expenditures may not exceed the cost limit for each item, per youth, per year October 1 through September 30;

(B) graduation expenses only during the year of the youth's graduation; and

(C) one time only contingency funds at any time.

(4) Accessing IL contingency funds for youth in care. To access preparation or one time only contingency funds for eligible youth, 16 and

**17 years of age, or supportive services or one time only contingency funds for eligible youth, ages 18, 19, and 20 years of age in voluntary care, the CW specialist:**

**(A) prior to requesting contingency funds, determines whether the goods and services are available elsewhere at no cost;**

**(B) refers to OKDHS Appendix C-19-A, Independent Living Youth Development Funds, for a list of services and goods cost limits and codes available through contingency funds;**

**(C) discusses goods and services that support the youth's IL case plan with the youth and placement provider during each visit and documents the discussion in KIDS Contracts screen;**

**(D) negotiates with the vendor obtaining the lowest cost for goods, services, and cost comparisons on all goods and services greater than \$200;**

**(E) completes Form 04IL006E, Request for Independent Living Youth Development Funds, and includes complete vendor information and instructions regarding where the youth development fund payment is mailed;**

**(F) submits completed Form 04IL006E to the CW supervisor for approval;**

**(G) emails or faxes the CW supervisor-approved Form 04IL006E to NRCYS, 918-660-3785. NRCYS IL staff:**

**(i) processes the request by verifying youth's available funding and determining whether the request supports the youth's IL case plan; and**

**(ii) faxes approved Form 04IL006E to the contracted fiscal agent who issues the youth development fund payment and mails the payment to the location designated in the instruction section of Form 04IL006E;**

**(H) enters the goods and services in KIDS Service Log screen;**

- (I) verifies that the goods and services were received by the youth and advises the youth that the fiscal agent must have all receipts for goods and services for the youth to continue to receive youth development funds;
- (J) assists in obtaining the receipts for goods and services if requested by the fiscal agent; and
- (K) files Form 04IL006E and any supporting documentation in the youth's case record.
- (5) Accessing One Time Only, Supportive Services, and Housing contingency funds for youth, 18, 19, and 20 years of age who left care. When a youth contacts the current IL community contractor, the contractor:
- (A) verifies the youth's eligibility for services and opens a KIDS IL case;
- (B) consults with the youth regarding the contingency fund request and how it complements the youth's efforts to achieve self-sufficiency;
- (C) when necessary, requests the youth fax or provide verification of employment, housing lease agreement, or car ownership;
- (D) when goods and services are needed, completes Form 04IL006E and consults, as needed, with the CW specialist familiar with the youth formerly in OKDHS custody to identify vendors and services in the area where the youth resides;
- (E) faxes Form 04IL006E to the contracted fiscal agent. The contracted fiscal agent issues the contingency fund payment and mails the payment to the location identified in the instruction section of Form 04IL006E;
- (F) enters the conversations with the youth in KIDS Contacts screen and documents goods and services received on KIDS Service Log screen; and
- (G) when the contractor determines the youth requesting contingency funds may benefit from case management, such as a parenting youth or the youth who is in an unsafe place or relationship, makes an

agreement with the youth to allow a case manager to schedule a face-to-face contact.

**7. Incentive payment process for exit interviews.**

(1) The Child Welfare (CW) specialist discusses the incentive payment process with eligible youth at age 16 and refers to the list of accomplishment categories and payment schedule outlined in Form 04IL002E, Independent Living (IL) Incentive Payment Worksheet.

(2) To access IL incentive payments, the CW specialist:

(A) conducts an exit interview with the youth using Form 04IL002E two months prior to the youth exiting OKDHS custody or voluntary care after age 18;

(B) offers the youth the opportunity to complete Form 04IL003E, Independent Living Youth Exit Interview, during the exit interview;

(C) completes Form 04IL005E, Independent Living Payment Claim for the youth's signature;

(D) determines the incentive payment by verifying the youth's accomplishments during the exit interview process;

(E) ensures the youth's address is correct as the incentive payment is mailed to the address listed on Form 04IL005E; and

(F) mails Forms 04IL002E, 04IL003E, and 04IL005E, and required documentation to CFSD IL Section.

**8. IL Scholarship and educational opportunities.**

(1) Oklahoma Higher Learning Access program (OHLAP).

(A) Section 2601 et seq. of Title 70 of the Oklahoma Statutes (70 O.S. § 2601 et seq.) sets forth a scholarship program for students between the eighth and tenth grade that pays for tuition at an Oklahoma public two-year college or four-year university.

**(B) OHLAP application for youth in OKDHS custody. CFSD IL Section staff initiates enrollment for eligible youth in OHLAP and documents enrollment in KIDS Education and Contacts screens.**

**(2) Tuition waiver. 70 O.S. § 3230 provides tuition waivers for eligible youth in OKDHS or tribal custody for undergraduate resident tuition at institutions within the Oklahoma State System of Higher Education and resident tuition for enrollment in post secondary programs of area vocational-technical districts.**

**(A) Youth are eligible until they:**

- (i) earn a baccalaureate degree or program certificate; or**
- (ii) reach 26 years of age, whichever comes first.**

**(B) To receive a tuition waiver, the youth must:**

- (i) have been in the custody of OKDHS or a federally recognized Indian tribe for any nine of the 24 months between his or her 16th and 18th birthdays;**
- (ii) be an Oklahoma resident;**
- (iii) have graduated from a high school accredited by the State Board of Education, Oklahoma School of Science and Mathematics, completed GED requirements or, with approval, from a public high school in states bordering Oklahoma;**
- (iv) have satisfied admission standards determined by Oklahoma State Regents for Higher Education for first time students;**
- (v) have secured admission to and enrolled in a post-secondary vocational-technical program that has a cooperative agreement with the Oklahoma State System of Higher Education;**
- (vi) have graduated from high school or completed the GED during the 1999 - 2000 school year or thereafter; and**
- (vii) utilize the tuition waiver within three years after reaching age 18.**

**(C) To access the tuition waiver:**

- (i) the CW specialist notifies the current IL community contractor or CFSD IL Section staff of a youth who meets the eligibility criteria;**
- (ii) CFSD notifies Oklahoma State Regents for Higher Education of the youth's eligibility;**
- (iii) Oklahoma State Regents for Higher Education provides a list of eligible youth to the colleges and universities; and**
- (iv) the IL community contractor mails individual tuition waiver eligibility letters to the school or youth.**

**(3) Lou Hartpence Scholarship. Funding for post secondary education, either vocational training or college, is available, subject to funding, to assist eligible youth through a privately endowed trust fund established by Mary Louise Hartpence, a former OKDHS employee.**

**(A) Scholarships are available to youth who:**

- (i) are in the legal custody of OKDHS; or**
- (ii) have been released from OKDHS custody within the past six months.**

**(B) The scholarship award:**

- (i) may be received in addition to other grants or scholarships and used without restriction;**
- (ii) is not available for graduate studies, including additional vocational courses, once the youth graduates or completes initial training or certification;**
- (iii) continues as long as the youth:**
  - (I) maintains a 2.0 grade average;**
  - (II) enrolls in 12 hours or more per semester;**

(III) submits verification of enrollment and copies of grades each term or semester to the scholarship committee; and

(IV) is in good standing with the educational institution; and

(iv) allotments are:

(I) \$1,000 per year for first and second year recipients;

(II) \$2,000 per year for third year recipients; and

(III) \$3,000 per year for fourth or more year recipients.

(C) To apply for the Lou Hartpence Scholarship, the eligible youth and CW specialist submit Form 04IL009E, Lou Hartpence Scholarship Application, and all required attachments to CFSD IL Section no later than six months after the date of the youth's 18th birthday, regardless whether the youth has graduated from high school.

(i) Form 04IL009E and all required attachments are reviewed by a scholarship committee that recommends to the Commission for Human Services (Commission) the youth to receive the scholarship monies.

(ii) The Commission approves the recipients for the scholarship awards.

(4) Education and Training Voucher (ETV) program.

(A) The ETV program is a provision of the Independence Act of 1999, Public Law 106-169. This program makes funding available for post secondary education and training. Funding may be used for tuition, fees, books, supplies, room and board, transportation, and other miscellaneous and personal items. An eligible youth is one:

(i) eligible for services under the OKDHS IL program, including a youth who was likely to remain in out-of-home care but attained permanency through legal guardianship after age 16;

(ii) who entered a permanent guardianship with kin or was adopted from out-of-home care after reaching age 16; and

(iii) who participated in the ETV program on his or her 21st birthday until reaching age 23 and enrolled in a post secondary education or training program and has made satisfactory progress towards completion of that program.

(B) Education and Training Voucher (ETV) Access. To access the ETV program, the CW specialist notifies the current IL community contractor or CFSD IL staff of a youth who:

(i) meets the eligibility criteria; and

(ii) has been accepted into a post secondary education or vocational training program.

#### 9. Youth Advisory Board.

(1) The CW specialist advises any eligible youth of the Youth Advisory Board and the youth's opportunity to participate.

(2) When a youth indicates a desire to participate in a Youth Advisory Board, the CW specialist contacts the current IL contractor.

(3) Reimbursement for mileage is available for the individual providing the transportation to the Youth Advisory Board. This reimbursement can be made to the eligible youth, the CW specialist, placement provider, or mentor. Mileage reimbursement requests are submitted to the CFSD IL Coordinator office for approval and processing.

#### 10. Teen Panels.

(1) Eligible youth are 16 to 21 years of age, in OKDHS or tribal custody, in out-of-home placement, or youth formerly in OKDHS custody.

(2) Participation in Teen panels. The CW or tribal worker:

(A) advises any eligible youth of the opportunity to participate on a teen panel;

(B) when a youth indicates a desire to participate on a teen panel, contacts CFSD IL staff to list the youth as an available participant;

**(C) submits Form 04IL005E, Independent Living Payment Claim, to the current IL community contractor for payment of the stipend. The youth receives:**

**(i) \$25 stipend for participating on a teen panel for foster and adoptive parent training; and**

**(ii) up to \$100 stipend for participating on a teen panel for a conference or co-training with CFSD IL staff; and**

**(D) requests mileage reimbursement for the person, including youth, staff, or foster parent, providing transportation to the teen panel. Mileage reimbursement requests are submitted to the CFSD IL staff for approval and processing.**

#### **11. Voluntary placement.**

**(1) Eligibility for voluntary placement. Youth who request voluntary placement must meet the criteria in (A) - (F) of this paragraph.**

**(A) Youth is appropriate for out-of-home placement.**

**(B) Placement is available for the youth.**

**(C) Youth has made a written request for voluntary placement.**

**(D) Youth agrees to participate in the development of an IL plan outlining the steps to achieve self-sufficiency, participate in IL services and activities, and abide by the plan.**

**(E) Youth will apply for medical services through Title XIX.**

**(F) Youth will participate in an approved school or educational program to obtain a GED or high school diploma and seek employment, as appropriate.**

**(2) Special circumstances for voluntary placement. Requests for voluntary placement after age 18 for reasons other than completion of high school or GED such as providing care during the summer months following graduation from high school prior to the youth entering college or a**

vocational program, follow the same procedure as a voluntary placement request.

(3) Youth's benefits or resources. When the youth receives benefits, the youth signs a notarized statement agreeing to reimburse OKDHS for the cost of care from any benefits or resources available. When the youth does not wish to reimburse OKDHS from the benefits, the specialist explores with the youth alternatives to voluntary placement which are consistent with the goal of self-sufficiency. Refer to OAC 340:75-13-28.

(4) Voluntary placement request. To request voluntary placement, the youth signs Form 04IL001E, Voluntary Placement Request.

(A) Form 04IL001E is submitted to the CW supervisor for approval one month prior to the child's 18th birthday.

(B) When the supervisor approves the voluntary placement request, Form 04IL001E is forwarded to the county director for final approval.

(C) When the youth's request for voluntary placement is approved by the county director, the status type for the official custody is changed to "voluntary" in KIDS and the youth's birth date is used as the status-begin date.

(5) Medical eligibility. Youth 18 years of age in voluntary OKDHS or tribal placement are eligible for Title XIX Medicaid, known as SoonerCare, under a certified Temporary Assistance for Needy Families (TANF) case.

(A) The CW specialist notifies and provides Form 04IL001E, Voluntary Placement Request, to the custody specialist when the youth enters voluntary placement to allow the youth to receive medical benefits. The CW specialist:

(i) scans Form 04IL001E into the KIDS file cabinet in the Client tab;

(ii) chooses User Generated Form as the document type;

(iii) selects a file name; and

(iv) uses Voluntary Placement Agreement and date – Client Name as the document description.

**(B) When a youth exits care at 18 years of age or exits OKDHS or tribal voluntary care between 18 and up to 21 years of age, the CW specialist:**

**(i) completes the exit interview that includes:**

**(I) Form 04IL002E, Independent Living (IL) Incentive Payment Worksheet;**

**(II) Form 04IL003E, Independent Living Youth Exit Interview; and**

**(III) Form 04IL005E, Independent Living Payment Claim.**

**(ii) completes pages 1-3 and 11 of non-OKDHS Form SC-1, [http://www.okhca.org/publications/pdflib/SCapplication\\_english.pdf](http://www.okhca.org/publications/pdflib/SCapplication_english.pdf) SoonerCare Health Benefits Application found at at the time of the exit interview;**

**(iii) forwards to CFSD Independent Living Section:**

**(I) Form 04IL002E;**

**(II) Form 04IL003E;**

**(III) Form 04IL005E;**

**(IV) non-OKDHS Form SC-1; and**

**(V) a copy of the youth's birth certificate; and**

**(iv) documents in KIDS Contacts that the youth left care at age 18 or left voluntary care at 18, 19, or 20 years of age.**

**(B) When the youth exiting voluntary OKDHS or tribal care is over 18 years of age, but has not reached his or her 21st birthday, the application is processed and approved by the Family Support Health Related and Medical Services Unit.**

**(i) The Family Support Health Related and Medical Services Unit forward approved applications to the appropriate local OKDHS human services center where a Family Support Services eligibility worker is assigned.**

**(ii) CFSD IL Section sends the SoonerCare approval notice and procedure card to the youth.**

**(E) The youth locates a physician in the youth's local community.**

**(F) The youth is responsible to contact the local OKDHS human services center at ages 19 and 20 to have the SoonerCare case recertified.**

**(G) The CW specialist sends Form 04KI002E, Eligibility Determination, to Family Support Health Related and Medical Services Unit to remove the youth from or close the C case, as appropriate, for the youth leaving OKDHS or tribal voluntary foster care.**

**12. IL Specialized Community Homes (SCH). An IL SCH is a residential program for the youth preparing to transition to his or her first IL situation and for youth who have exited care and are homeless or in an unsafe environment.**

**(1) Eligible youth are:**

**(A) ages 16 and 17 years of age in OKDHS or tribal custody and in out-of-home placement;**

**(B) 18 years of age receiving voluntary extended services to complete high school education or GED; and**

**(C) youth who exited care at age 18 who request an opportunity to participate in the program.**

**(2) Placement in a SCH. The CW specialist:**

**(A) follows procedures in OAC 340:75-11-233 when making a placement request for youth ages 17.3 to 18 in OKDHS custody;**

**(B) contacts CFSD IL Section when making a placement request for youth 18, 19, and 20 years of age in voluntary care; and**

**(C) refers youth who exited care at age 18 to the Youth In Care Alumni Network (YESICAN) toll-free number, 800-397-2945, for placement assistance. These youth are then referred to CFSD IL Section.**

**340:75-7-94. Foster care reviews**

Revised 3-26-10

(a) **Non-compliance or rule violations in resource home.** ■ 1 through 10 When rule violations or non-compliance issues that occur in the foster home require remediation for continued use of the home, Form 04AF023E, Written Plan of Compliance, is initiated.

(b) **Yearly re-assessments of resource home.** ■ 11 through 14 The foster parent's performance is formally assessed yearly to evaluate strengths, identify areas needing improvement, and their compliance with the requirements per OAC 340:75-7-12(b) by providing complete, consistent, and truthful information in a timely manner.

(c) **Closure of a foster home.** ■ 5 through 7 The foster home is closed when:

- (1) services of the particular foster home are no longer needed;
- (2) kinship children are no longer placed in the kinship home;
- (3) the child leaves a foster home jointly approved for that specific child;
- (4) the foster parent requests closure; or
- (5) there are unresolved non-compliance issues related to a rule or a written plan of compliance, including but not limited to failure of the foster parents to meet the initial screening and requirements per OAC 340:75-7-12.

(d) **Fair hearing.** ■ 15 Foster parents retain the right to appeal closure of the home through the fair hearing process, per OAC 340:75-1-12.6.

**INSTRUCTIONS TO STAFF 340:75-7-94**Revised 9-1-11

1. **Concerns in a foster home.** At the time of observation or receipt of the information, Child Welfare (CW) staff evaluates observed or reported concerns including, but not limited to, the Bridge resource parent's discipline practices, judgment, or supervision related to the child.

- (1) **CW staff evaluates and determines the need for a child abuse and neglect referral, per OAC 340:75-3-8.1.**

- (2) When a child in Oklahoma Department of Human Services (OKDHS) custody is removed from a Bridge resource home during an investigation and the decision is not to return the child to the home, the CW specialist responsible for the investigation:
- (A) immediately notifies the Bridge resource parent of the decision by phone; and
  - (B) provides Form 04MP031E, Notice of Decision Not to Return Child After Investigation, to the Bridge resource parent within three days of the decision.
2. Use of the Bridge resource home during an investigation. Child Welfare does not place a child in the Bridge resource home when there is a pending Child Protective Services investigation. The CW specialist assigned to the investigation notifies the resource specialist when initiating an investigation of the Bridge resource home. The decision regarding future placements in the Bridge resource home is discussed with the investigating CW specialist, CW supervisor, resource specialist, and resource specialist supervisor. The discussion is documented in KIDS Resource Contacts screen.
3. Removal during an investigation. When a child in OKDHS custody is removed from a Bridge resource home as a result of an investigation, the CW specialist assigned the investigation staffs with the CW supervisor, who consults with the CW field liaison (CWFL) or county director, as necessary, to determine whether to:
- (1) return the child to the Bridge resource home immediately; or
  - (2) seek a different placement for the child. When the decision is to not return the child to the Bridge resource home, the CW specialist assigned to the investigation:
- (A) notifies the Bridge resource parent of the decision immediately by phone; and
  - (B) provides the placement plan and the rationale behind the decision in writing via Form 04MP031E, Notice of Decision Not to Return Child After Investigation, to the Bridge resource parent within three business days of the decision.

4. Time requirements for action related to the continued use or closure of a Bridge resource home. When the continued use or closure of the Bridge resource home is based on the findings of an abuse or neglect investigation, action to continue use or closure of the Bridge resource home is taken within ten business days of the completed investigation. When no appeal is requested or if appealed, within 10 business days after the findings are reviewed by the Children and Family Services Division (CFSD) Appeals Section and the Bridge resource parent is notified of the determination of the findings. Action is taken immediately to proceed with notice of closure and the Bridge resource is closed in KIDS within 30 calendar days when the decision to close the Bridge resource home is based on:
- (A) policy violation;
  - (B) non-compliance with a written plan of compliance (WPC); or
  - (C) request of the resource family.
5. Closure of a foster home. The resource specialist contacts the Bridge resource parent in person or by phone to discuss closure of the foster home and provides Form 04FC008E, Notice of Closure to OKDHS Foster Parents, that explains the reason for closure. The foster care contract is either cancelled or terminated per OAC 340:75-7-52.
6. Reason for closure. A Bridge resource home is closed when:
- (1) services are no longer needed for a kinship home. The resource specialist explores with the kinship Bridge resource parent whether the family wishes to provide services as a traditional foster home, per OAC 340:75-7-12. If so, a new resource is opened in KIDS as Type - CW Foster Family;
  - (2) services are no longer needed for a jointly approved home. The resource specialist places no other child in the Bridge resource home unless the child meets the criteria, per OAC 340:75-7-19;
  - (3) a Bridge resource parent requests closure and the home is in good standing with no identified issues of concern,;
  - (4) non-compliance issues cannot be resolved.

**7. Closure of Bridge resource home process. The resource specialist:**

**(1) personally contacts the Bridge resource parent to explain the reason for the closure. The resource specialist attempts to resolve any concerns or misunderstandings related to the closure decision;**

**(2) documents the action in KIDS and the resource record;**

**(3) completes Form 04FC008E, Notice of Closure to OKDHS Foster Parents, by:**

**(A) describing the reason for closure of the home in clear and concise language;**

**(B) detailing any OKDHS requirements the Bridge resource home or Bridge resource parent does not meet;**

**(C) attaching copies of the relevant OKDHS rules, laws, or foster care contract;**

**(D) mailing or hand-delivering the original Form 04FC008E to the Bridge resource parent; and**

**(E) filing a copy in the resource record; and**

**(4) writes in clear and concise language a summary outlining the reason for closure of the Bridge resource home that includes the foster family's performance history and a recommendation regarding future consideration of the foster family providing care.**

**8. Rules violation in Bridge resource home. When the concern reported regarding a Bridge resource home does not meet the criteria for abuse, neglect, or both, per OAC 340:75-3, the resource specialist documents the information on Form 04AF022E, Report of Violation of Rules in an OKDHS Resource Home.**

**9. Written Plan of Compliance. When non-compliance issues or rule violations in the foster home require remediation for continued use of the home, Form 04AF023E, Written Plan of Compliance, is initiated. Form 04AF023E is a collaboration between OKDHS and the foster family to identify the action steps necessary for the Bridge resource parent and OKDHS to ensure continued**

compliance of the Bridge resource home.

(1) The resource specialist initiates Form 04AF023E:

(A) with the Bridge resource parent to address issues identified as a result of an investigation, per OAC 340:75-3, or a rule violation and concern, per OAC 340:75-7-94(a); and

(B) within 10 business days of the completed investigation when no appeal is requested, per OAC 340:75-1-12.2; or

(C) when a substantiated investigation finding is appealed, within 10 business days after a final determination of the findings is made by CFSD Appeals Section.

(2) When new non-compliance issues are identified, Form 04AF023E is reviewed to determine whether additional action steps are warranted. When warranted, the action steps are added to the current written plan of compliance.

(3) When the Bridge resource parent disputes the identified issues and refuses to sign Form 04AF023E, the CW supervisor forwards Form 04AF023E to CFSD Foster Care Section for review. The CFSD Foster Care Section reviews and responds in writing to the CW supervisor within 10 business days.

(4) When the non-compliance issue is smoking in the home or automobile while a child in OKDHS custody is present, and the foster parent refuses to comply, OKDHS may or may not, based upon the facts of the case, elect to:

(A) remove the child from the home;

(B) approve future placement of children in the foster home; or

(C) close the home when the child leaves the foster home.

10. Preparing written plan of compliance (WPC). When preparing Form 04AF023E the resource specialist:

(1) staffs the issues with the CW supervisor;

- (2) identifies with the Bridge resource parent action steps that are measurable;
- (3) identifies a time limit geared toward the action steps. Generally, the time frame does not extend beyond 90 days;
- (4) reviews the progress on the action steps at least once during the specified time frame;
- (5) along with the foster family, signs and dates Form 04AF023E. The CW supervisor approves in KIDS and signs Form 04AF023E. A signed copy is provided to the foster family;
- (6) adds action steps to original Form 04AF023E when new issues of concern are identified. Signatures and dates are updated; and
- (7) evaluates Form 04AF023E for completion and makes a recommendation for continued use of the foster home. Staffs the recommendation with the CW supervisor. The CW supervisor approves in KIDS and signs Form 04AF023E in regard to the resolution. The foster family and resource specialist sign and date the resolution. The original is provided to the foster family and a signed copy is filed in the resource record.

**11. Yearly re-assessments. Resource reviews:**

- (1) are conducted yearly by the assigned resource specialist following initial approval of the home using Form 04AF029E, Bridge Resource Family Re-assessment Guide, to obtain the information needed to complete Form 04AF030E, Bridge Resource Family Re-assessment, via KIDS Resource Re-Assess screen;
- (2) are arranged at a time of convenience to foster families and conducted in the foster home. The resource specialist:
  - (A) reviews the resource record;
  - (B) completes Form 04AF004E, House Assessment, with the foster family ensuring the home is clean and safe;
  - (C) reviews with the foster family OKDHS Publication No. 99-17, Foster Parent Handbook, and Form 04AF021E, Verification of Receipt of

**OKDHS Rules;**

**(D) explains Form 15GR008E, Notice of Grievance Rights – Foster Parents. The foster parent verifies the review of Form 15GR008E by signing;**

**(E) asks the foster parent to complete Form 04AF010E, Resource Family Financial Assessment, every three years;**

**(F) requests that foster parents and all adult household members complete Form 04AD003E, Request for Background Check, every year;**

**(G) provides Form 04AF008E, Medical Examination Report, to the foster parents and all adult household members, for completion every three years, or more often if circumstances warrant; and**

**(H) requests three references from the Bridge resource parent(s) and sends Form 04FC034E, Bridge Resource Family Personal Reference Letter Annual Re-assessment, to each reference; and**

**(3) conform to rules per OAC 340:75-7;**

**(4) include:**

**(A) a signed and dated Form 04FC009E, Foster Home Annual Assessment;**

**(B) a copy of the current driver license;**

**(C) a copy of the current insurance verification on each vehicle, which must be in the file at all times;**

**(D) a signed and dated Form 04AF004E, House Assessment;**

**(E) a signed and dated Form 04AF005E, Notice to Bridge Resource Applicants;**

**(F) a signed and dated Form 15GR008E, Notice of Grievance Rights – Foster Parents;**

**(G) documentation of rabies vaccination for applicable animals by a**

licensed veterinarian;

(H) completed, signed, and dated Form 04AF007E, Records Check; and

(I) every three years, Forms 04AF008E, Medical Examination Report and Form 04AF010E, Resource Family Financial Assessment; and

(J) Form 04AD003E every year. If these forms are due in less than 12 months, they are obtained at the re-assessment.

**12. Untimely re-assessments.** The resource remains approved, regardless of the timeliness or findings of assessments, until there is a specific action by either party to cancel or terminate the foster care contract or close the home. The resource specialist and CW supervisor document the reasons for the untimely re-assessment in the KIDS Resource Contacts screen.

**13. Review results.**

(1) The resource specialist and CW supervisor discuss any concerns identified in Form 04FC009E.

(2) The resource specialist and foster family review Form 04FC009E and the foster parent signs.

(3) The CW supervisor signs and approves Form 04FC009E.

(4) Signed copies of Forms 04FC009E and 15GR008E are provided to the foster family.

(5) A signed copy of Form 04FC009E and attachments are filed in the resource record.

**14. Placement of children.** CW specialists and resource specialists:

(1) do not place additional children until Form 04FC009E is completed;

(2) do not move children currently placed in the home, even when the foster family fails to submit the required forms timely, per OAC 340:75-7-94(c)(1); and

(3) suspend or close the home until the forms per OAC 340:75-7-94(c)(1)

are received, if there are no children currently placed.

**15. Fair hearing.** When the local OKDHS office receives a copy of the appointment letter for the fair hearing, the resource specialist distributes one copy of Form 13MP002E, Hearing Summary, with attachments, to the appellant and authorized representative, if any, prior to the hearing date. The resource specialist prepares a fair hearing summary by completing Form 13MP002E, Hearing Summary, per OAC 340:2-5. When preparing Form 13MP002E, the resource specialist:

**(1) explains why the home is being closed;**

**(2) briefly describes the action taken, the facts supporting the action, and the information relied upon in taking the action;**

**(3) documents:**

**(A) number of children the family has cared for since certification;**

**(B) number, type, and outcome of referrals and rule violation episodes that occurred during the foster family's tenure or association with OKDHS; and**

**(C) whether the foster family requested an appeal of the findings of any investigation and, if so, the outcome;**

**(4) describes the WPC history and results;**

**(5) lists all training the foster family has completed and dates of completion;**

**(6) attaches supporting documentation, such as the foster care contract, Form 04FC008E, and Form 04AF021E, Verification of Receipt of OKDHS Rules, to support the OKDHS decision to close the foster home.**

**(A) Form 04KI003E, Report to District Attorney, is not used in the fair hearing process unless the administrative hearing officer (AHO) presiding over the hearing orders it disclosed, after an in camera review and based upon a finding of compelling reasons.**

**(B) If Form 04KI003E is disclosed, the CW specialist redacts the name of**

- the reporting party prior to giving Form 04KI003E to the AHO;
- (7) submits original Form 13MP002E to the Legal Division Appeals Unit;
- (8) reviews OAC 340:2-5 regarding the administrative hearing process; and
- (9) informs the CW specialist who completed the child abuse or neglect investigation and CW supervisor of the hearing. The CW specialist must attend the fair hearing. If the CW specialist is no longer employed by OKDHS, the CW supervisor or county director must attend the hearing.

**340:75-15-41.1. Adoption placement considerations**

Issued 3-26-10

(a) **Legislative intent.** The intent of the Oklahoma Legislature is that every child be raised in a secure, loving home and that adoption is the best way to provide a permanent family for a child whose biological parents are not able or willing to provide for the child's care or whose parents believe the child's best interest are served through adoption, per Section 7501-1.2 of Title 10 of the Oklahoma Statutes (10 O.S. § 7501-1.2).

(b) **Sibling placement.** Every reasonable attempt is made to place siblings who have been removed together whether in temporary or permanent placement. If separated, siblings are provided frequent contact or visitation when appropriate. The best interests of each child determines whether joint placement, contact, or visitation is allowed. If the child is a part of a sibling group, placement of the entire sibling group in the same placement is in the best interests of the child and siblings unless there is a preponderance of evidence to the contrary. [10A O.S. § 1-7-107] ■ 1

(c) **Indian Child Welfare Act and placement.** The federal Indian Child Welfare Act (FICWA), 25 United States Code § 1915, Oklahoma Indian Child Welfare Act (OICWA), 10 O.S. § 40.6, and OAC 340:75-19-14 define placement preferences for Indian children.

(d) **Multiethnic Placement Act of 1994.** OKDHS follows the provisions of the Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996, per OAC 340:75-1-9, unless the court finds that the Indian Child Welfare Act (ICWA) applies to the child. ■ 2

(e) **Placement provider's age.** If a prospective placement provider meets the minimum age required per OAC 340:75-7-12, OKDHS may not use the age of an otherwise eligible individual as a reason for denial of placement. [10A O.S. § 1-4-705] ■ 2

(f) **Child's placement preference.** In determining placement of a deprived child in foster care, OKDHS is governed by the long-term best interests of the child. The child may express a preference as to placement and the preference may be given with or without the parents, foster parents, guardians, or any other parties being present. OKDHS determines whether the best interests of the child are served by the child's preference. OKDHS is not bound by the child's preference and may consider other facts in determining the placement, per 10A O.S. § 1-7-110.

(g) **Bars to placement.** Per 10A O.S. § 1-4-705, OKDHS does not approve prospective foster or adoptive parents as Bridge resource parents if the applicant, or any person residing in the prospective applicant's home, has a criminal conviction record for any of the felony offenses listed in (1) through (5). The felony offenses are:

(1) physical assault, battery, or a drug-related offense within the five-year period preceding the application date;

(2) child abuse or neglect;

(3) domestic abuse;

(4) a crime against a child, including, but not limited to, child pornography; or

(5) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in paragraph (1) of this Subsection. Homicide includes manslaughter. A crime involving violence means an offense that:

(A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

(B) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. ■ 3

(h) **Eligibility of foster parent to adopt the child.** Per 10A O.S. § 1-4-812, during any permanency hearing, if the court determines the child is to be placed for adoption and the child has resided with the foster parent for at least one year, the court considers the foster parent eligible to adopt and gives great weight to the foster parent in the adoption consideration unless there is an existing, loving, emotional bond with a relative of the child, by blood or marriage, who is willing, able, and eligible to adopt the child. The court must take into account the statutory factors to make the determination including, but not limited to, the age and preference of the child and the long-term best interests of the child. ■ 4

## **INSTRUCTIONS TO STAFF 340:75-15-41.1**

### **Revised 9-1-11**

**1. Siblings. Siblings are placed together when possible unless a joint placement is contrary to the safety or well-being of any of the siblings. A foster parent who wishes to adopt a child in his or her care is advised that Oklahoma Statutes and Oklahoma Department of Human Services (OKDHS) rules**

**supporting sibling relationships extend to adoption, when the child is part of a sibling group. Siblings are separated in adoptive placement only in certain circumstances in accordance with OAC 340:75-6-85.2.**

- 2. Age of applicant. When the age difference between the applicant and child is more than 55 years, the child welfare field liaison (CWFL) and Children and Family Services Division (CFSD) Adoption Services Section are consulted.**
- 3. Drug related offenses. An alcohol-related felony conviction is a drug related offense and bars a person from approval as an adoptive parent, when the conviction occurred within five years proceeding the application date.**
- 4. Application to adopt by a foster parent or relative.**

**(1) Foster parent or relative inquiry. When a foster parent or relative expresses interest in adopting a child in his or her care, a criteria staffing is held and Form 04AN020E, Adoption Placement Criteria Staffing, is completed, per OAC 340:75-15-6, to determine whether an adoptive family assessment is completed.**

**(2) Conversion assessment or Bridge resource family re-assessment. The conversion resource family assessment begins with a review of the current resource family assessment for foster care. The conversion assessment is completed according to Form 04AF002E, Guidelines for Resource Family Assessment - Bridge Family Profile, or Form 04AF029E, Bridge Resource Family Re-assessment Guide, when an integrated assessment has previously been completed within 60 calendar days of the referral to the resource family assessment contractor.**



**340:75-15-128.1. Adoption assistance benefits**

Revised 10-1-09

(a) Adoption assistance benefits may include Medicaid coverage, a monthly assistance payment, special services, reimbursement of non-recurring adoption expenses, or any combination of these. Children eligible for Title IV-E (IV-E) assistance are also eligible for available Title XX services.

(1) **Medicaid.** The child is eligible for the Oklahoma Medicaid program or the Medicaid program in the state of residence, if IV-E eligible. All necessary medical and dental care under the scope of that program is compensable at usual and customary charges, per OAC 340:75-15-129.

(2) **Monthly assistance payments.** A child may be eligible for a monthly assistance payment to provide financial support to families who adopt children considered difficult to place. Payments are made to eligible families as long as Oklahoma Department of Human Services (OKDHS) has sufficient funds available and is authorized to make payments under Form 04AN002E, Adoption Assistance Agreement, as allowable within the OKDHS budget.

(A) **Payments.** The standard monthly adoption assistance payments correspond to the child's age set out in OKDHS Appendix C-20, Children and Family Services Division Rates Schedule.

(B) **Difficulty of care (DOC) rate descriptions.** The DOC descriptions are guidelines from which the most appropriate DOC rate is determined for the eligible child. Not every situation will clearly fit into one DOC rate category. DOC descriptions are set out in OKDHS Appendix C-20.

(i) Consideration of the child's age is part of determining the appropriate rate category.

(ii) Documentation that the child's needs, conditions, or behaviors fit the rate category is required from the adoptive family and professional sources outside the adoptive family.

(iii) OKDHS may require updated documentation from time to time to establish a child's ongoing eligibility for a particular DOC rate.

(3) **Special services.** Special services are used to meet the child's needs that cannot be met by the adoptive parent(s) and that are not covered under any other

program for which the child would qualify.

(A) These services include corrective appliances such as leg braces, prostheses, and walkers.

(B) Tutoring and private school tuition are not covered as special services, as public school systems are mandated to provide all children with special needs an appropriate public education.

(C) The child's needs are reviewed at least annually and special services may be approved for a limited time.

(D) The amount paid does not exceed the reasonable fee for the service rendered.

(E) The special service is negotiated with the adoptive parent(s), approved by Children and Family Services Division (CFSD) Post-Adoption Services Section, and included in Form 04AN002E, Adoption Assistance Agreement.

(F) Child care services may be paid by OKDHS as a part of adoption assistance for children who are in foster care, as defined in Section 1355.20 of Title 45 Chapter XIII of The Code of Federal Regulations, at the time of approval for adoption assistance; provided, a child determined eligible, will retain eligibility in any subsequent adoption. The child is eligible when:

(i) the child is five years of age or younger;

(ii) the child is adopted through OKDHS or a federally recognized Indian tribe as defined by the Federal and Oklahoma Indian Child Welfare Acts;

(iii) the child has been adopted by the parent who is applying for benefits;

(iv) the adoptive parent applying for benefits has fully executed Form 04AN002E, Adoption Assistance Agreement, that lists child care as an adoption assistance benefit for the child and includes Form 04AN033E, Post-Adoption Child Care Referral, when the child resides in Oklahoma; and

(v) employment has been verified and child care has been approved for only the days and hours the parent works; however, in a two-parent family, care may be approved for sleep time when one parent works days and the other parent works during normal night time sleep hours.

(G) The special service for child care is:

- (i) negotiated with the adoptive parent(s), but cannot exceed the one star child care center rate as listed on OKDHS Appendix C-4-B, Child Care Provider Rate Schedule, for a child residing outside Oklahoma;
- (ii) approved by CFSD Post-Adoption Services Section;
- (iii) included in Form 04AN002E, Adoption Assistance Agreement; and
- (iv) paid from CFSD funds when the child resides outside Oklahoma.

(4) **Reimbursement of non-recurring adoption expenses.** Certain non-recurring expenses incurred by or on behalf of the adoptive parent(s) in connection with the adoption of a child with special needs may be reimbursed.

(A) **Reimbursable expenses.** Non-recurring adoption expenses:

- (i) are the reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs;
- (ii) are not incurred in violation of state or federal law; and
- (iii) have not been reimbursed from other sources or funds. Financial reimbursement is available to the adoptive parent(s) of an eligible child for:
  - (I) adoption fees;
  - (II) court costs;
  - (III) attorney fees;
  - (IV) adoptive home study fee;
  - (V) costs incurred to obtain health and psychological reports on family members;
  - (VI) supervision of the adoptive placement by another agency;
  - (VII) transportation, food, and lodging for the adoptive parent(s) and child during the placement process; and

(VIII) cost of fingerprinting paid by the adoptive parent(s).

(B) **Eligibility.** The child must meet all eligibility criteria for a child with special needs, per OAC 340:75-15-128.4, and have been placed for adoption in accordance with applicable state and local laws. It is not required that the child:

(i) be in the custody of OKDHS or a federally recognized tribe at the time of finalization of the adoption; or

(ii) meet the IV-E categorical eligibility requirements for adoption assistance, per OAC 340:75-15-128.2.

(C) **Amount of reimbursement.** Reimbursement of non-recurring adoption expenses, as defined in OAC 340:75-15-128.1(a)(4)(A), may be approved on behalf of the eligible child as described in (i) and (ii).

(i) **Finalized adoption.** Assistance is limited to documented actual expenses incurred up to a maximum of \$1,200 per child if the adoption is finalized. If an Order Terminating Parental Rights or Order Determining the Child Eligible for Adoption Without the Consent of a Biological Parent had to be obtained in the adoption case, a request for reimbursement up to a maximum of \$2,000 per child is considered by OKDHS on a case-by-case basis. In cases where siblings are placed together with the same adoptive family, each child is treated as an individual with separate reimbursement for non-recurring expenses.

(ii) **Non-finalized adoption.** A potential adoptive parent(s) whose trial adoption disrupts prior to finalization may be eligible for up to a maximum reimbursement of \$500 per child.

(D) **Approval and payment.** The request for reimbursement of non-recurring adoption expenses must be approved and Form 04AN002E signed by the adoptive parent(s) and OKDHS designee prior to finalization of the adoption. Payment is made directly to the adoptive parent(s) for approved amounts shown on the itemized statement as paid in full. Payment is made directly to a vendor, such as an attorney and private adoption agency, for the fee that the itemized statement indicates has not been paid in full by the adoptive parent(s). ■ 1

(E) **Interstate placement.** The provisions of OAC 340:75-15-128.5(b) apply to reimbursement of non-recurring adoption expenses in interstate adoptions.

(b) **Overpayments.** CFSD Post-Adoption Services Section staff immediately verbally

notifies the adoptive parent(s) when it is discovered that an overpayment has occurred. OKDHS researches, analyzes, and verifies the overpayment amount within 60 days of the verbal notification to the adoptive parent(s). The adoptive parent(s) is responsible for repayment, even if he or she is not responsible for causing the overpayment.

(1) Post-Adoption Services Section staff contacts the adoptive parent(s) regarding an adoption assistance overpayment and discusses the amount to be automatically deducted, when possible, from the monthly adoption assistance payment.

(A) The adoptive parent(s) is notified in writing by certified mail of the overpayment agreement plan. Upon receipt of the overpayment agreement plan, the adoptive parent(s) signs and returns the plan with original signatures to OKDHS.

(B) The overpayment agreement plan must not exceed 36 months from the date of receipt of written notification of the plan.

(C) The minimum monthly payment toward the overpayment must not be less than \$150, with the exception of the final payment.

(2) Post-Adoption Services Section staff notifies OKDHS Legal Division when the adoptive parent(s) does not respond to the written notification of or fails to comply with the overpayment agreement plan.

(3) A referral is made to Office of Inspector General if fraud is suspected.

(c) **Modification.** Form 04AN002E may be modified and the adoption assistance payment amount may be readjusted periodically when warranted by a change in circumstances and with the concurrence of the adoptive parent(s). A change in the child's eligibility for the DOC rate paid constitutes a change in circumstance.

(1) The adoption assistance payment amount may not be automatically adjusted without agreement of the adoptive parent(s) except for an across-the-board reduction or increase in OKDHS foster care reimbursement rates or DOC rates.

(2) Modification of Form 04AN002E is prospective only and is not retroactive.

(3) If the parties cannot come to an agreement, OKDHS establishes the payment amount.

(4) The adoptive parent(s) must inform OKDHS of circumstances that would make the child ineligible for adoption assistance payments or eligible for payments of a

different amount. OKDHS may require:

(A) the adoptive parent(s) to provide updated documentation of a child's ongoing eligibility for the payment amount received; and

(B) evaluation of a child by a suitably licensed or certified examiner selected by OKDHS if the child's eligibility is in question.

(d) **Termination.** When Form 04AN002E is signed and in effect, it is only terminated if one of the conditions described in (1) through (5) is met.

(1) The child has attained the age of 18 years, except the child may continue to receive assistance until the day of the child's 19th birthday if the child:

(A) continues to attend high school or pursues General Educational Development (GED); or

(B) meets the criteria for an adoption assistance DOC rate, as determined by OKDHS.

(2) The adoptive parent(s) fails to submit, no later than 60 days prior to the child reaching age 18, a request for adoption assistance to continue beyond age 18.

(A) The request for adoption assistance to continue beyond age 18 includes:

(i) a statement from school personnel providing documentation of the child's high school attendance and anticipated date of graduation;

(ii) a statement from school personnel providing documentation that the child is pursuing GED; or

(iii) medical or psychological assessments conducted and dated within six months preceding the child's 18th birthday, signed by a licensed physician, psychiatrist, or clinician, describing the child's conditions, including diagnosis, treatment, and prognosis.

(B) If the adoptive parent(s) does not timely submit the required documentation, or if OKDHS determines the child does not meet the criteria that warrant continuation of assistance beyond age 18, adoption assistance for the child turning 18 terminates effective the day of the child's 18th birthday.

(3) OKDHS determines that the adoptive parent(s) is no longer legally responsible

for support of the child.

(4) OKDHS determines that the adoptive parent(s) is no longer providing financial support to the child. If a child is placed in out-of-home care, including psychiatric, residential, therapeutic, or foster family care, and the adoptive parent(s) continues to provide financial support to the child, adoption assistance may continue. The rate of payment may be renegotiated, as appropriate.

(5) All of the child's adoptive parents are deceased.

**(e) Death of adoptive parents or dissolution of the adoption.** A child who was receiving IV-E adoption assistance at the time of the death of all of the child's adoptive parents or at the time the adoption dissolves may be eligible for adoption assistance if the child is adopted again after October 1, 1997. A child receiving state funded adoption assistance is eligible if adopted after May 29, 1998. To be eligible, the child must continue to meet the special needs criteria and all of the requirements in (1) through (4).

(1) The prospective adoptive parent(s) must make application on Form 04AN001E, Adoption Assistance Application.

(2) The prospective adoptive parent(s) must provide from a district or tribal court a copy of a file-stamped Petition for Adoption if requesting prefinalization adoption assistance or a Final Decree of Adoption if requesting adoption assistance to begin after adoption.

(3) OKDHS must be able to document the child was receiving IV-E or state funded assistance at the time of the death of the adoptive parent(s) or at the time the adoption dissolved.

(4) OKDHS must be provided documentation that the new adoptive parent(s) is not the biological parent(s).

**(f) Relocation by adoptive family to another state.** An Adoption Assistance Agreement with OKDHS signed on or after October 1, 1983 remains in effect regardless of the state in which the adoptive parent(s) is a resident at any given time.

## **INSTRUCTIONS TO STAFF 340:75-15-128.1**

### **Revised 9-1-11**

#### **1. Approval and payment for non-recurring adoption expenses.**

**(1) Designated Children and Family Services Division Post-Adoption Services Section completes Adoption Fees Authorization to Purchase screen in the Finance system and mails the authorization form to the vendor.**

**(2) The authorization is signed by both the vendor and the adoptive parent and returned to Oklahoma Department of Human Services (OKDHS) Finance Division at the address listed on the form.**

**(3) OKDHS Finance Division issues payment to the vendor within ten business days of receipt of the authorization form.**

**340:75-15-128.5. Adoption assistance application procedures**

Revised 6-1-09

(a) **Application process.** To apply for adoption assistance, Form 04AN001E, Adoption Assistance Application, is completed by the prospective adoptive parent(s), custodial agency, or tribe on behalf of the child and family and is submitted to Children and Family Services Division (CFSD), Adoption Assistance Section for approval. ■ 1

(b) **Interstate adoptive placements.** The provisions of the Adoption Assistance Program of the state in which the application is made govern the terms of an adoption assistance agreement, including, but not limited to, the rates of the adoption assistance payments.

(1) For federally funded adoption assistance in interstate adoptions, application is made to:

(A) Oklahoma, if the child is in the custody of the Oklahoma Department of Human Services (OKDHS) or a tribe and receiving Title IV-E foster care and placed for adoption in another state;

(B) the other state, when an Oklahoma child is placed by any other entity;

(C) the other state, when a child is placed in Oklahoma by the public child welfare agency of another state or a tribal child in Title IV-E foster care of another state; or

(D) Oklahoma, when a child is placed in Oklahoma from another state by any other entity and there is compliance with the provisions of the Interstate Compact on the Placement of Children.

(2) For state funded adoption assistance in interstate adoptions, application is made to Oklahoma only when the child is in the legal custody of OKDHS or an Oklahoma tribe, as defined in OAC 340:75-15-128.3(a)(2), at the time of adoption, regardless of the residence of the adoptive parent(s) by whom the child is adopted. A child placed in Oklahoma from another state is not eligible for state funded adoption assistance in Oklahoma.

(c) **Determination of adoption assistance benefits.**

(1) Each Adoption Assistance Agreement is tailored to the individual situation, not according to a set of predetermined guidelines.

(2) The adoptive parent(s) is advised by the adoption specialist of the different components of adoption assistance, including special services, coverage under Title XIX Medicaid, reimbursement of non-recurring adoption expenses, and a monthly assistance payment.

(A) If the child is eligible for Title IV-E adoption assistance, the amount of assistance payment, if any, is determined through agreement between the adoptive parent(s) and OKDHS on an amount within the range of adoption assistance rates in OKDHS Appendix C-20, Children and Family Services Division Rates Schedule, up to a maximum amount which must not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home. Therapeutic foster care does not constitute a foster family home for which foster care maintenance payment is made.

(i) The adoption specialist works with the adoptive parent(s) to reach agreement on the assistance amount, taking into consideration the circumstances of the adopting parent(s) and the needs of the child.

(ii) If the parties cannot come to an agreement, OKDHS establishes the payment amount.

(B) If the child is eligible for state funded adoption assistance, OKDHS determines the adoption assistance payment amount within the range of rates in OKDHS Appendix C-20 based on the needs of the child and circumstances of the adoptive family. The maximum amount of adoption assistance may not exceed the foster care maintenance payment that would have been paid during the period if the child with respect to whom the payment is made had been in a foster family home. Therapeutic foster care does not constitute a foster family home for which foster care maintenance payment is made.

(C) For federally funded or state funded adoption assistance, a zero payment agreement may be reached at the time Form 04AN002E, Adoption Assistance Agreement, is signed.

(i) The zero payment agreement applies in cases where a risk of physical or mental disease exists but is not manifested, no other special factor or condition exists, and the other two criteria set forth in OAC 340:75-15-128.4(1) and (3) are met.

(ii) If documented symptoms of a physical or mental disease are later manifested, Form 04AN002E may be modified by agreement of the adoptive

parent(s) and CFSD.

(D) For federally funded or state funded adoption assistance, if the child is eligible for a Difficulty of Care (DOC) Rate, this rate is the maximum monthly assistance payment.

(E) For federally funded or state funded adoption assistance, updated supporting documentation for continuing eligibility may be required of the adoptive parent(s) by OKDHS at any time.

(d) **Adoption Assistance Agreement.** Form 04AN002E must be signed by the adoptive parent(s) and OKDHS prior to finalization of the adoption for Title IV-E federally funded adoption assistance, state funded adoption assistance, and non-recurring assistance. ■ 2

(1) Adoption assistance must be approved and the initial agreement signed prior to the child attaining 18 years of age.

(2) When a child has been determined eligible by OKDHS, adoption assistance may commence at the time of adoptive placement or at the time of finalization of the adoption. ■ 3

(e) **Annual reviews.** When adoption assistance benefits are for more than one year, OKDHS annually reviews Form 04AN002E and mails to the adoptive parent(s) Form 04AN014E, Adoption Assistance Annual Review, to ensure the adoptive parent(s) is fulfilling the obligations of Form 04AN002E. The adoptive parent is required to:

(1) inform OKDHS when circumstances occur that make the child ineligible for assistance payments or eligible for assistance payments in a different amount; and

(2) provide assurance annually that each child, who has attained the minimum age for compulsory school attendance under state law of the child's state of residence is:

(A) enrolled in an institution which provides elementary or secondary education as determined under the law of the state or other jurisdiction in which the institution is located;

(B) instructed in elementary or secondary education at home in accordance with a home school law or other jurisdiction in which the home is located;

(C) in an independent study elementary or secondary education program in accordance with the law of the state or other jurisdiction in which the program is

located, which is administered by the local school or school district; or

(D) incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.

(f) **Application made after finalization of adoption.** This Subsection applies only to Title IV-E federally funded adoption assistance. The provision for state funded application made after finalization of adoption is found at OAC 340:75-15-128.3(e). Federal regulations require that Form 04AN002E be signed and in effect at the time of, or prior to, the final decree of adoption. [45 CFR 1356.40(b)(1)] If the adoptive parent(s) feels benefits on behalf of an adoptive child were wrongly denied, the adoptive parent(s) may request a fair hearing, even if the adoptive parent(s) applied for adoption assistance after finalization of the adoption. If the adoptive parent(s) prevails in a fair hearing, OKDHS may determine whether the child would have met all eligibility requirements at the time of the placement in the adoptive home and at finalization of the adoption and reverse the earlier decision to deny benefits.

(1) **Eligibility.** A child may be eligible for Title IV-E post adoption assistance only if:

(A) the adoptive parent(s) prevails in a fair hearing and it is determined that the adoptive parent(s) proved an extenuating circumstance exists, such as:

(i) relevant facts regarding the child, the biological family, or the child's background were known and were not presented to the adoptive parent(s) prior to the finalization of the adoption;

(ii) denial of assistance was based upon a means test of the adoptive parent(s);

(iii) erroneous determination by OKDHS that a child was ineligible for adoption assistance; or

(iv) OKDHS was required and failed to advise the adoptive parent(s) of the availability of the Title IV-E adoption assistance program; and

(B) at the time of the placement in the adoptive home and at finalization of the adoption, the child met all eligibility requirements per OAC 340:75-15-128.2 and 340:75-15-128.4.

(2) **Benefits.** The benefits are the same as those listed in OAC 340:75-15-128.1.

(3) **Payment.** If adoption assistance payments are approved by OKDHS, they begin

effective the date of approval. OKDHS considers retroactive payments on a case-by-case basis, but in no event for a period that exceeds five years or the date the initial application for assistance was denied, whichever is less.

(4) **Procedures.** The procedures for securing Title IV-E post adoption assistance are identified in (A) and (B) of this paragraph.

(A) **Application packet.** The application includes:

- (i) a court order showing the child was removed from the home by a judicial determination to the effect that remaining in the home was contrary to the welfare of the child;
- (ii) Form 04AN001E, Adoption Assistance Application;
- (iii) Form 08MA002E, SoonerCare Health Benefits Application;
- (iv) description of child's special needs which meet the eligibility criteria;
- (v) documentation of special needs from physician(s), social worker(s), adoptive parent(s), or other professionals, as required; and
- (vi) criminal background check.

(B) **Application process.** Application for Title IV-E post adoption assistance is made by the adoptive parent(s) to CFSD, Adoption Assistance Section and reviewed by the Adoption Assistance Review Committee.

## INSTRUCTIONS TO STAFF 340:75-15-128.5

Revised 9-1-11

1. **Adoption assistance application packet.** **When a child is in Oklahoma Department of Human Services (OKDHS) custody, the adoption specialist completes the application packet for the adoptive parent(s) and submits it to Children and Family Services Division (CFSD), Adoption Assistance Section within ten days of the placement date. The packet includes:**

**(1) the court order documenting removal of the child from the home and that continuation in the home is contrary to the welfare of the child;**

**(2) Form 04AN001E, Adoption Assistance Application, signed by the**

applicant(s);

(3) Form 08MA002E, SoonerCare Health Benefits Application, signed by the applicant(s);

(4) Form 04AN022E, Child Profile Assessment for Adoption;

(5) documentation of special needs from physician(s), therapist(s), social worker(s), adoptive parent(s), or other professional(s), as required;

(6) documentation of the negotiation process used to determine the monthly payment amount;

(7) documentation of special care needs when difficulty of care (DOC) is requested, with the DOC rate descriptions attached, highlighting the criteria that best corresponds to the specific child's conditions;

(8) a cover memo or other documentation that addresses:

(A) the adoptive parent(s)' felony conviction status; and

(B) the efforts made to place the child without adoption assistance;

(9) a copy of the adoption assistance adult payee's Social Security card; and

(10) screen prints of termination of parental rights (TPR) screens from the biological KIDS case for each child for whom adoption assistance is requested. When TPR is not documented in KIDS, the adoption specialist submits a copy of the last court report that addresses the legal status of each child.

2. **Adoption Assistance Agreement.** When the Adoption Assistance Review Committee approves adoption assistance, the committee sends Form 04AN002E, Adoption Assistance Agreement, to the adoption specialist, who explains the adoption assistance program and its benefits to the adoptive parent(s) and executes Form 04AN002E.

3. **Required documentation for adoption assistance and non-recurring adoption expenses.** To start adoption assistance after finalization or to initiate payment for approved non-recurring adoption expenses, the adoption specialist

**submits to CFSD, Adoption Assistance Section within 30 working days of finalization of the adoption, copies of:**

- (1) Petition for Adoption;**
- (2) Final Decree of Adoption;**
- (3) itemized statement(s) of actual expense(s) for the adoption;**
- (4) original petition filed to remove the child from the parent(s)' home;**
- (5) court order removing the child from the home and assigning custody;**
- (6) Order of Adjudication, Order of Disposition, and Order(s) Terminating Parental Rights; and**
- (7) completed Form 04AN010E, Finalized Adoption Case Transmittal.**