

POLICY TRANSMITTAL NO. 08-13	DATE: MAY 9, 2008
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-6-48; 75-13-9; 75-13-13; 75-13-15; 75-15-5; 75-15-8;
75-15-41; 75-15-42; 75-15-61; 75-15-84; 75-15-87; and 75-15-128.2.

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

The proposed revisions to Subchapters 6, 13, and 15 of Chapter 75 amend the rules to bring the foster and adoptive home approval process into compliance with Senate Bill 553 (SB 553) and Senate Bill 469 (SB 469) as well as update agency procedures to comply with federal guidelines.

340:75-6-48 is amended to ensure a face-to-face contact with the child in an Interstate Compact on the Placement of Children (ICPC) placement no less frequently than every six months with a report submitted regarding the content of the contact.

340:75-13-9 is amended to update the procedure for obtaining Oklahoma birth certificates for children in Oklahoma Department of Human Services (OKDHS) custody.

340:75-13-13 is amended to: (1) update language to include the term constructive removal; (2) clarify that to qualify for IV-E, a child must be a citizen of the United States or have an alien status that qualifies for IV-E; and (3) clarifies that Title IV-E, Section 472 of the Social Security Act allows a resource value of \$10,000 for Title IV-E eligibility.

340:75-13-15 is amended to clarify that within 15 working days of receipt of the initial court order, the custody specialist makes an initial eligibility determination for Title IV-E and reports the IV-E eligibility determination to the referring Child Welfare worker.

340:75-15-5 is amended to correct spelling and grammatical errors.

340:75-15-41 is amended to clarify that during the adoption criteria staffing process, every effort is made to place children with family.

340:75-15-61 and 340:75-15-84 are amended to update sentence structure.

340:75-15-87 is amended to clarify that in-person or telephone contact is made with each personal reference and update sentence

structure.

340:75-15-128.2 is amended to: (1) update sentence structure; and (2) delete information that is contained in another section of policy.

Original signed on 3-3-08

Linda Smith, Director
Children and Family Services Division

Sharon Neuwald, Coordinator
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WF # 07-34 (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

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

<u>REMOVE</u>	<u>INSERT</u>
340:75-6-48	340:75-6-48, pages 1-11, revised 5-15-08
340:75-13-9	340:75-13-9, pages 1-3, revised 5-15-08
340:75-13-13	340:75-13-13, pages 1-4, revised 5-15-08
340:75-13-15	340:75-13-15, pages 1-2, revised 5-15-08
340:75-15-5	340:75-15-5, pages 1-2, revised 5-15-08
340:75-15-8	340:75-15-8, pages 1-8, revised 5-15-08
340:75-15-41	340:75-15-41, pages 1-5, revised 5-15-08
340:75-15-42	340:75-15-42, pages 1-3, revised 5-15-08
340:75-15-61	340:75-15-61, pages 1-5, revised 5-15-08
340:75-15-84	340:75-15-84, pages 1-7, revised 5-15-08
340:75-15-87	340:75-15-87, pages 1-10, revised 5-15-08
340:75-15-128.2	340:75-15-128.2, pages 1-2, revised 5-15-08

340:75-6-48. CW worker contacts with child, placement providers, parents, and service providers

Revised 5-15-08

(a) **Child and placement provider.** The purposes of a Child Welfare (CW) worker's contacts include, but are not limited to, maintaining the child's connections to his or her family, allowing the worker to evaluate the interactions, conditions, and services the child is receiving, particularly those in the home or in placement, and establishing and maintaining a teamwork relationship. ■ 1 CW worker contacts with the child in Oklahoma Department of Human Services (OKDHS) custody and the placement provider are provided in (1) through (7).

(1) **Foster family care and therapeutic foster care.**

(A) The CW worker in the county of placement has face-to-face contact with the child in the foster home 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. 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 worker contacts monthly, either by phone, electronic mail, or in person, the CW worker in the county of placement to discuss and determine responsibility for any pertinent actions that either require follow-up or initiation in order to achieve the permanency plan for the child.

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

(D) If there is good cause to believe that a child needs to be interviewed privately during a contact in the foster home, for reasons other than abuse and neglect allegations, the foster parent provides a place in the home where the child can be interviewed outside the foster parent's presence. ■ 2

(2) **Shelter.** A CW worker has face-to-face contact with the child at the shelter

within 24 hours of the child's entry into the shelter and a minimum of once weekly while the child remains in the shelter. During the shelter stay, when the child's CW worker offices:

(A) within 60 miles of the shelter, the CW worker 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 worker contacts weekly, either by phone or in person, the shelter social worker while the child remains in shelter care, per OAC 340:75-10-10.

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

(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 or specialized community home, the CW worker 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.

(i) The facility liaison contacts the child and placement provider during the months the CW worker does not have a face-to-face contact with the child.

(ii) Each calendar month the facility liaison completes the required contact with the child, the CW worker contacts the facility liaison to communicate any pertinent actions that either require initiation or follow-up in order 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 worker has phone or personal contact with the child and group home worker once every calendar month, with no

more than 31 days between contacts. The group home worker 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.

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

(B) If the child remains in acute inpatient treatment in excess of five working days, the CW worker 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 in order 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 worker. In addition, the CW worker:

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

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

(ii) 90 days if the child's placement is over 30 miles from the county of jurisdiction; 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 worker has face-to-face private contact with the child a minimum of once every calendar month, with no more than 31 days between contacts. When the child:

- (i) initially returns to the parent(s) or 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; and
- (ii) has been returned to the parent(s) for at least six months and OKDHS has been ordered to continue legal custody, supervision, or both, the CW worker has one face-to-face private contact with the child within two weeks prior to each scheduled court hearing unless more frequent visits are ordered by the court in order to obtain updated information to provide to the court.

(B) Contacts are increased during times of change and stress. ■ 4

(b) **Child - special case circumstances.** There are several special case circumstances when minimum required contacts with the child and placement provider may be 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. ■ 4 The circumstances and the minimum amount of required contact are detailed in (1) through (6).

(1) **Own home with CHBS.** When there is an open Comprehensive Home-Based Services (CHBS) case for the purpose of reunification of a child in the custody or supervision of OKDHS, the assigned contract case manager (CCM) has face-to-face, private contact with the child in the home per contract specifications and the CW worker has face-to-face private contact with the child in the home a minimum of once every 90 days. The CW worker contacts the CCM monthly, either by phone or in person, and inquires about case circumstances and identified needs.

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

(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 and identified needs; 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 worker to communicate any pertinent actions that require initiation or follow-up in order to achieve the permanency plan for the child.

(3) **Youth, 18 years or older, in voluntary placement.** The CW worker's contact with the youth, 18 years or older, in placement voluntarily, is determined jointly by the CW supervisor, CW worker, 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 worker's contact with the youth is not in the provider's home, the worker contacts the youth and the provider by phone. ■ 5

(4) **Custody with relative or another person with OKDHS supervision.** The CW worker 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 worker's contact may alternate between contact in the home and any other location.

(5) **ICPC placement in residential treatment centers or group homes.** The CW worker has face-to-face contact with the child at least every 90 days in the facility when placed in Oklahoma and every six months when placed out-of-state through Interstate Compact on the Placement of Children (ICPC), per OAC 340:75-1-86.

(6) **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 worker 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.

(7) ICPC placement with parent, relative, or foster home. The CW worker assures that an agency caseworker of the receiving State makes a face-to-face contact with the child in the parent, relative, or foster home no less frequently than every six months and submits a report on the content of the contact.

(c) **Parents.** The CW worker has face-to-face contact with the parent(s) of the child 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 worker decide the location of the contact based upon case circumstances. The CW worker makes a home visit when assessing the home for reunification purposes. Exceptions to contacts with the parent(s) are made 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 worker are in the parent(s)' home. Contact location may then alternate between the home and any other location;

(2) there is an open CHBS case for the purpose of reunification. The CCM has contact with the parent(s) in the home per contract specifications and the CW worker has contact with the:

(A) parent(s) in the home a minimum of once every 90 days; and

(B) assigned CCM monthly, by phone or in person, to:

(i) staff the case;

(ii) discuss current case circumstances; and

(iii) assess the need for more intensive contact by the CW worker;

(3) the child has been returned for at least six months and OKDHS has been ordered to continue legal custody, supervision, or both. The CW worker has one face-to-face private contact with the parent(s) within two weeks prior to each scheduled court hearing unless more frequent visits are ordered by the court in order to obtain updated information to provide to the court. Contacts are increased during times of change and stress;

(4) the parent(s)' whereabouts are unknown;

(5) parental rights have been terminated; or

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

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

- (1) parent(s) has had no contact with the child and the child does not wish to have contact;
- (2) parent(s) 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.

(e) **Service providers.** The CW worker has phone contact at least quarterly and no later than ten working days prior to each court hearing with any service provider for the child, parent(s), or family in order 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.

(f) **OCS providers.** The CW worker contacts the Oklahoma Children's Services (OCS) provider and:

- (1) schedules, attends, and presents safety issues and needed changes at the CHBS intake staffing no later than 15 working days from the date the authorized referral is assigned; ■ 6
- (2) participates in monthly staffings, in person or by phone, with the assigned CCM or parent aide;
- (3) reviews at least monthly the CCM or parent aide KIDS contacts and reports; and
- (4) responds to critical incident reports, faxed or phoned in to the CW worker by the CCM or parent aide, that are risk alerts, per OAC 340:75-1-152.9.

INSTRUCTIONS TO STAFF 340:75-6-48

Revised 5-15-08

1. (a) **Contact guides.** Contact guides are available for use when making contact with a child in out-of-home placement, parent(s), and placement provider. Guides that provide a format to assist the Child Welfare (CW) worker in gathering and documenting information obtained during a contact are Forms:
 - (1) 04MP007E, Contact Guide for Face-to-Face Visit with Child(ren);
 - (2) 04MP002E, Contact Guide for Face-to-Face Visit with Parent(s)/Legal Guardian(s);

(3) 04MP003E, Contact Guide for Face-to-Face Visit with Placement Provider(s);

(4) 04MP004E, Contact Guide for Face-to-Face Visit with Newborn(s) – Age 0 to 6 Months;

(5) 04MP005E, Contact Guide for Face-to-Face Visit with Infant(s) – Age 7 to 12 Months;

(6) 04MP006E, Contact Guide for Face-to-Face Visit with Toddler(s) – Age 13 to 36 Months; and

(7) 04MP008E, Contact Guide for Face-to-Face Visit with Youth – Age 16 to 18.

(b) Purpose of contacts. The purpose of CW worker contacts with the child, placement provider, and parent(s) includes, but is not limited to:

(1) ensuring the parent(s) understands the treatment and service plan and the consequences of failure to correct the conditions of intervention;

(2) informing the parent(s) of the next court hearing;

(3) assessing the parent(s)' ability to provide a safe home environment for his or her child;

(4) evaluating the home situation and progress on the treatment and service plan;

(5) providing the parent(s) with information about the child and services the child is receiving, including medical care;

(6) informing the parent(s) and child of each other's situation, progress, and other related issues;

(7) ensuring the parent(s) understands the importance of visitation in developing and maintaining a healthy parent-child relationship;

(8) advising the parent(s) of his or her rights, roles, and responsibilities and the status of the case;

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- (9) ensuring the child's needs are met and his or her safety is intact in the placement;**
- (10) encouraging and guiding the parent(s) in the completion of his or her treatment and service plan;**
- (11) assisting the parent(s) in obtaining the identified services needed to correct the conditions that led to the child's removal; and**
- (12) providing timely and relevant information to the placement provider that is pertinent to the care needs of the child and permanency planning process, per Section 7005-1.4 of Title 10 of the Oklahoma Statutes.**
- 2. (a) Private interviews with a child in foster care placement. The CW worker:**
- (1) documents in KIDS Contacts screen the good cause for requesting to interview a child privately in the foster care placement, such as when the child:**
- (A) acts out in the foster home and refuses to cooperate with the foster parent(s);**
 - (B) asks to be moved from the foster home; or**
 - (C) makes disparaging remarks that do not reach the level of abuse or neglect allegations regarding care received in the foster home; and**
- (2) may have private contact with the child outside the foster home, such as taking the child on an excursion away from the foster home or driving the child home from a visit or school.**
- (b) Contact alternatives. Contact with the child is made primarily by the CW worker responsible for the child; however, when there are conflicts in the work schedule or other job-related demands, another CW worker may make the contact. The CW worker responsible for the child:**
- (1) makes every effort to maintain a supportive relationship with the child to ensure that the child's needs and concerns are addressed on an ongoing basis; and**
 - (2) makes no less than one visit each quarter with the child.**

- (c) **Unannounced contacts.** Not every visit with a child in placement is previously arranged. The CW worker develops a schedule for each child in placement so that at least every third contact attempted is unannounced. The CW worker has at least three successful unannounced contacts per year.
3. **Contact with facility liaison.** No later than 24 hours after a child's placement into an acute inpatient treatment facility, the CW worker contacts the facility liaison and the facility liaison supervisor by phone and e-mail to notify them of the child's placement.
 4. **Increased need for contacts.** Situations that indicate the need for increased contact with the child in the home or placement location include, but are not limited to, any type of safety concern, history of environmental neglect, concerns regarding access by the perpetrator, the age of the child, or an order of the court. The CW worker staffs the decision regarding the type and location of contacts with the CW supervisor and documents this staffing in KIDS Contacts screen.
 5. **Contacts for youth receiving extended services.** The CW worker documents on the youth's Form 04KI008E, Treatment Plan, or Form 04KI012E, Individualized Service Plan (ISP), the frequency of contacts that are determined appropriate or effective for each six-month period between treatment and service plan reviews.
 6. **Comprehensive Home-Based Services (CHBS).**
 - (1) **CHBS service initiation.** Contractors do not initiate services before the intake staffing 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 intake staffing are canceled after the 15th working day.
 - (3) **CHBS intake staffing.** The CHBS contract case manager (CCM), CCM supervisor, and CW worker meet with the child and family in the family's home or other location that offers convenience and privacy to review the identified risk-related factors and CHBS service protocol. The referring CW worker's role in the intake staffing is of vital importance to the effectiveness of CHBS for the family.
 - (A) If for any reason, the referring CW worker is unable to attend the

intake staffing, another CW worker or CW supervisor who has reviewed the case or has been briefed attends.

(B) The CW worker outlines for the family and contractor:

(i) each area of risk determined through the Child Protective Services investigation or assessment; and

(ii) any remaining issues of compliance with court-ordered Form 04KI008E, Form 04KI012E, or the specific behaviors and dynamics that must change for the child to remain in his or her home or placement with the resource family.

(C) The CW worker must ensure that the family and provider understand the purpose of the referral and the roles and responsibilities of all parties, including those of the family.

(4) CW worker direction. The CHBS case management function relies on direction from the CW worker. Form 04MP019E, Referral for Service, Form 04KI023E, Safety Assessment, case contacts, and staffings provide valuable input to the CCM regarding circumstances of risk and expectations for change that guide the CCM's case management practice. If the family:

(A) is in crisis or risk to the child is relatively high, the CW worker 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 worker contacts CHBS staff more frequently when the family is unstable or the child is at higher risk.

(5) EKIDS. External KIDS (eKIDS) allows the CW worker 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 worker 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.

340:75-13-9. Birth verification

Revised 5-15-08

No later than 15 days after the filing of a petition and order placing a child in custody of Oklahoma Department of Human Services (OKDHS) the Child Welfare (CW) worker requests a certified copy of the child's birth certificate. ■ 1 Upon receipt, the CW worker files the certificate in the paper case record. If a certified copy of the birth certificate is needed by the youth or caregiver the original is provided and the copy retained. Upon the child's discharge from OKDHS custody, if the original birth certificate remains in the paper case record, the original is given to the youth.

INSTRUCTIONS TO STAFF

Revised 5-15-08

1. (a) In-state birth certificates. To request a full-certified copy of a birth certificate from Oklahoma State Department of Health Division of Vital Records, the child's Child Welfare (CW) worker:

(1) utilizes Form VS 151, Application for Search and Certified Copy of Birth Certificate, located on Oklahoma Department of Human Services (OKDHS) InfoNet under Forms;

(2) types or legibly prints the required information pertaining to the child on Form VS 151, including the child's:

(A) full name at birth;

(B) date and place of birth;

(C) father's full name; and

(D) mother's full maiden name;

(3) obtains a certified copy of the most recent court order indicating the child is in the legal custody of OKDHS.

(4) enters his or her name and county address as the mailing address on Form VS 151 in order to return the birth certificate to the appropriate person and signs the VS-151;

(5) mails original Form VS 151 along with a copy of the OKDHS employee identification (ID) of the person signing Form VS 151 to Children and Family Services Division (CFSD) Resource Unit. CFSD sends Form VS 151 to Vital Records for processing; and

(6) retains a copy of Form VS 151 in the child's case record.

(A) Vital Records sends the certified copy of the birth certificate to CFSD for mailing to the local OKDHS office.

(B) If Vital Records returns Form VS 151 noting that the certified birth certificate cannot be found with the information provided, CFSD returns Form VS 151 to the requesting CW worker who:

(i) checks the information for accuracy and, if needed, checks with the birth hospital to ensure the proper paperwork was filed with Vital Records, before resubmitting Form VS 151 to CFSD; and

(ii) when unable to locate any further information and obtain a certified birth certificate, contacts CFSD Resource Unit for assistance;

(C) The CFSD copy of Form VS 151 is destroyed upon receipt of the full-certified copy of the birth certificate from Vital Records.

(b) Amended birth certificates. The CW worker submits Form 03PA209E, Affidavit Acknowledging Paternity, or a court order to obtain an amended birth certificate for the child. When a court order is submitted in lieu of Form 03PA209E, the CW worker includes the father's date and place of birth with the order.

(c) Out-of-state birth certificates. To request a full-certified copy of the birth certificate for a child born in another state, the child's CW worker:

(1) contacts the appropriate state's Vital Records office to determine the requirements for obtaining a birth certificate;

(2) obtains and completes that state's birth certificate application. The CW worker's name and office mailing address are included on the application;

(3) completes:

- (A) notarized Form 10AD012E, Claim Form, that includes the child's name and KK number and that state's federal employer identification (FEI) number; and
- (B) Form 10CL017E, Claim Code Slip. The CW worker ensures the Case Related Information and Contact Information sections of Form 10CL017E are fully completed; and
- (4) remits to CFSD Administrative Services Unit (ASU) the birth certificate application, Forms 10AD012E and 10CL017E, and, if requested by that state, a photocopy of his or her OKDHS ID badge.
- (d) CFSD ASU procedures for out-of-state birth certificates. Upon receipt of the CW worker's request for an out-of-state birth certificate and required documents listed in OAC 340:75-13-9 Instructions to Staff 1(c), ASU:
- (1) verifies the information on Form 10AD012E and requests that state to complete Form 23CO135E, Vendor Information, if the vendor is not currently listed in the Office of State Finance vendor database;
- (2) submits original Form 10AD012E and, if applicable, Form 23CO135E to OKDHS Finance Division for payment processing. The birth certificate application, photocopy of OKDHS ID badge, if applicable, and Form 10CL017E are retained by ASU;
- (3) upon receipt of a warrant from Finance Division, mails the warrant, original birth certificate application, photocopy of OKDHS ID badge, if applicable, and Form 10AD012E to that state's Vital Records office; and
- (4) maintains copies of all documentation.
- (e) Receipt of out-of-state birth certificates. The out-of-state Vital Records office mails the full-certified copy of the birth certificate to the address on the birth certificate application.

340:75-13-13. IV-E eligibility criteriaRevised 5-15-08

Both criteria in (1) and (2) must be met for a child to be determined eligible for Title IV-E (IV-E).

(1) **Legal status.** ■ 1 The removal or placement of the child is the result of a:

(A) court order, made on a case-by-case basis, documenting:

(i) continuation in the home is contrary to the child's welfare, or that the placement is in the child's best interests, or language to that effect, per OAC 340:75-3-10.1.

(I) This determination must be made in the first court order that sanctions the child's removal from the home.

(II) Failure to include this finding in the first court order results in a determination of ineligibility for IV-E foster care reimbursement for the duration of the child's stay in out-of-home care; and

(ii) prior to the placement of the child in out-of-home care, reasonable efforts were made to prevent the removal from the home, or reasonable efforts were not required due to an emergency, per OAC 340:75-1-18.4.

(I) The determination must be made no later than 60 days from the date of the child's removal from the home.

(II) Failure to include this finding within 60 days of the child's removal results in a determination of ineligibility for the duration of the child's stay in out-of-home care; or

(B) voluntary consent with a signed written agreement between Oklahoma Department of Human Services (OKDHS) or a tribe and the parent(s) or legal guardian of the child that is binding on the parties to the agreement and specifies the legal status of the child, the rights and obligations of the parent(s) or legal guardian, and the rights and responsibilities of OKDHS or the tribe. A court order with required IV-E findings and custody to OKDHS or the tribe is necessary when the child is in out-of-home care more than 90 days, per OAC 340:75-4-12.1.

(2) **Relationship to AFDC.** In the initial month of IV-E eligibility consideration, the child must have been categorically related to the Aid to Families with Dependent Children (AFDC) program using the AFDC rules in effect as of July 16, 1996, per DHS:10-1. To qualify for IV-E, a child must be:

(A) physically and legally removed from the parent(s); or

(B) constructively removed from the parent(s) or specified relative, per DHS:10-1-21, regardless whether the child was physically moved from the current relative or non-relative caregiver's home. The child must have been living with the parent(s) or specified relative and AFDC eligible in that home:

(i) in the month of the initiation of court proceedings; or

(ii) within six months of the initiation of court proceedings and would have been eligible in the month court proceedings were initiated if the child had still been living in that home; and ■ 2

(C) a citizen of the United States or having an alien status that qualifies for IV-E.
■ 3

(3) **Resources.** Title IV-E, Section 472 of the Social Security Act allows a resource value of \$10,000 for Title IV-E eligibility.

INSTRUCTIONS TO STAFF 340:75-13-13

Revised 5-15-08

1. Legal status.

(1) **CW cases.** A Title IV-E (IV-E) eligibility determination is not made without a copy of the court order removing the child from the home that contains the specific judicial determinations required by state and federal law, or Forms 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Home Placement and Medical Care of Child, or 04IL001E, Voluntary Placement Request.

(A) Upon receipt of the applicable documents, the custody specialist reviews the court order to ensure it contains the required judicial findings.

(B) The county director develops and documents a plan with the local court to ensure the orders contain the required findings and are received within five days of the filing of the petition, including procedures for:

- (i) review of each order for required judicial findings;
- (ii) documentation of all incorrect orders;
- (iii) action steps for working with the court to correct future orders; and
- (iv) quarterly review of the plan and remediation of problem issues.

(2) Tribal cases. If the tribal court order does not contain required judicial determinations, a copy of the order is faxed to the Children and Family Services Division tribal coordinator, who consults with the tribe regarding judicial determinations necessary for determining IV-E eligibility.

2. Constructive removal. Constructive removal is a non-physical or paper removal of custody from the parent or legal guardian under certain circumstances.

3. Citizenship or alien status. The parent of the removed child provides written documentation of the status of the child's residency in the United States. If the parent has no documentation of citizenship or lawful presence in the United States for the child or asserts some other immigration status, the CW worker contacts OKDHS legal division for guidance. Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), codified at Section 1641(b) of Title 8 of the United States Code (8USC 1641(b)) only United States citizens and qualified aliens are eligible for Title IV-E funded foster care and adoption assistance. An alien child may be determined eligible for Title IV-E purposes, regardless of how long they have been in the United States. All qualified alien children who are eligible for Title IV-E purposes are eligible for Medicaid under Title XIX. The use of federal funds for medical treatment, other than for emergency Medicaid purposes, is prohibited for persons who are not in the following qualified categories. The payment of medical services for these children is paid from state funds. A qualified alien is:

- (1) a lawful permanent resident;**

(2) an alien who is granted asylum;

(3) a refugee who is admitted to the United States;

(4) an alien granted withholding of deportation or removal;

(5) Cuban/Haitian entrants;

(6) an alien paroled into the United States for at least one year; and

(7) certain battered spouses and children as defined at 8 USC 1641(b) and (c).

340:75-13-15. Initial eligibility determination

Revised 5-15-08

Within 15 working days of receipt of the initial court order, the custody specialist makes an initial eligibility determination for Title IV-E and reports the IV-E eligibility determination to the referring Child Welfare worker. ■ 1 & 2

INSTRUCTIONS TO STAFF 340:75-13-15

Revised 5-15-08

1. Financial information.

(1) If the income of the child's family is unknown and no determination of potential Aid to Families with Dependent Children (AFDC) categorical relationship is made, all third party sources are examined.

(2) If no evidence exists indicating the child or any household member has any income, the case is determined Title IV-E (IV-E) eligible when all other criteria are met.

(3) If verification indicates potential eligibility for AFDC, the AFDC categorical relationship is established. Financial information may be obtained through several sources, including, but not limited to:

(A) Form 04KI002E, Eligibility Determination;

(B) the Child Welfare (CW) worker or tribal representative who has personal knowledge of the household's situation at the time of the child's removal;

(C) wage and data exchange screens, such as BENDEX, SDX, OWL, OWC, ACES, IEV, and UIB, per OAC 340:65-3-4; and

(D) the family's public assistance records.

2. Role of the custody specialist. Instructions for determining IV-E eligibility are outlined in the Children and Family Services Division IV-E Custody Specialist Manual. The custody specialist:

(1) certifies the child for Title XIX effective the:

(A) date of the child's removal from the home; or

(B) first month following the child's removal from an active case, per OAC 340:75-13-80; and

(2) notifies the referring CW worker of the child's eligibility determination and case number.

PART 2. LEGAL BASE AND SCOPE OF THE ADOPTION PROGRAM**340:75-15-5. Legal base**

Revised 5-15-08

(a) Legal base.

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

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

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

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

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

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

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

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

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

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

340:75-15-8. Responsibilities of the adoption specialist and adoption transition specialist

Revised 6-1-07

(a) Responsibilities of both the adoption specialist and adoption transition specialist include: ■ 1

(1) consulting with Permanency Planning, Foster Care, and Child Protective Services staff and serving as team members in addressing permanency issues for children in out-of-home care. Consultation may be informal between workers or occur in a multi-disciplinary team through criteria staffings and permanency planning reviews. Consultation regarding adoption issues is an ongoing process and begins with the referral for Swift adoption services, including the completion of Form 04AN022E, Child Profile Assessment for Adoption, and concludes when an adoptive placement for a child is made; and

(2) recruiting adoptive homes by engaging in activities designed to recruit families who reflect the diversity of the children in out-of-home care and who are willing and able to parent children with special needs.

(b) Additional responsibilities of the adoption specialist include:

(1) assessing and preparing adoptive families on an ongoing basis to parent children with special needs;

(2) offering or facilitating post placement services when a child is placed in trial adoption and until the adoption is legalized, per OAC 340:75-15-103 through 340:75-15-109;

(3) offering or facilitating post adoption services at the family's request after the adoption is legalized, per OAC 340:75-15-124 through 340:75-15-133;

(4) completing a thorough review of the KIDS case and the accompanying paper file to include correction of inaccurate or incorrect information;

(5) managing the child's case and taking the lead in a partnership relationship between the child, placement provider, and service providers to develop effective case plans that help achieve safety, permanency, and well-being. The adoption transition specialist ensures the child receives appropriate care and the child's needs for connection, closeness, and attachment are met;

(6) identifying each child's needs in the assessment process and arranging services to meet the needs to enhance the child's well-being while in out-of-home care. The specialist:

(A) works with the placement provider and service providers to ensure that the child is emotionally and psychologically prepared and ready to accept a new family; and

(B) prepares the child for adoptive placement through a series of steps and activities and seeks an adoptive family that is in the child's best interest; and

(7) collaborating with the adoption transition specialist to plan the child's transition into adoptive placement.

INSTRUCTIONS TO STAFF 340:75-15-8

Revised 5-15-08

1. (a) Adoption consultation. The adoption consultation process includes:

(1) monthly review of Report YI602, Adoption Permanency Plan Case Goal Report, by the adoption specialist and adoption transition specialist. Initial consultation occurs within 30 calendar days after the child's name first appears on Report YI602 or after e-mail notification is received;

(2) scheduling criteria staffings for each child on Report YI602;

(3) documenting all adoption consultations and criteria staffings in the permanency planning case KIDS Contacts screen and all Swift services referrals in KIDS Adoption Efforts screen;

(4) sending the child's biological KK case record to Departmental Services Unit to be copied;

(5) researching all Oklahoma Department of Human Services (OKDHS) files related to the child, including any Family Support Services Division services records and medical records within the database maintained by Oklahoma Health Care Authority (OHCA);

(6) completing Form 04AN023E, Child Profile Referral, to submit to the Swift profile contractor after the criteria staffing. The referral packet includes, at a minimum:

- (A) copy of the child's biological KK case;**
- (B) copy of child's full-certified birth certificate;**
- (C) copy of all legal orders pertaining to custody status and disposition of the child, including, but not limited to the:**
 - (i) original deprived petition;**
 - (ii) amended deprived petition;**
 - (iii) Emergency Custody Order;**
 - (iv) Temporary Custody Order;**
 - (v) Adjudication Order;**
 - (vi) Disposition Order;**
 - (vii) Termination of Parental Rights Order for mother; and**
 - (viii) Termination of Parental Rights Order for father;**
- (D) KIDS reports, including Forms:**
 - (i) 04KI028E, Client Information Report, attached for each child and biological parent;**
 - (ii) 04KI029E, Case Contacts Report;**
 - (iii) 04KI030E, Client Medical/Psychological; and**
 - (iv) 04KI010E, Placement Worksheet;**
- (E) signed Form 08HI003E, Authorization to Disclose Medical Records, on each medical, dental, psychological, Form 04MP001E, Consent for Release of Information, for each educational provider identified in the case records or within the database maintained by OHCA;**
- (F) Form 04AN012E, Perinatal Information, that is mailed to the hospital where the child was born;**

- (G) Oklahoma State Department of Health Form ODH 347, Medical and Social History Report for Adoption;**
- (H) Form 04AN026E, Assessment of Child by Caregiver;**
- (I) OKDHS Publication No. 85-67, revised 7/2005, My Feelings About Adoption, for children up to 12 years of age, and OKDHS Publication No. 05-09, revised 7/2005, Adoption Guidebook, for children age 13 and older; and**
- (J) Form 04AN020E, Adoptive Placement Criteria Staffing;**
- (7) initiating Forms ODH 347 and 04AN026E and OKDHS Publication No. 85-67, revised 7/2005, and 05-09, revised 7/2005.**
- (A) If not previously completed by the Child Welfare (CW) worker, these are completed as part of Swift services. Swift services may be completed by the adoption specialist, adoption transition specialist, or CW worker. When appropriate, former foster parents, CW workers, and relatives may be contacted for additional information.**
- (B) The resource assessment contractor completes Form 04AN022E, Child Profile Assessment for Adoption, including attachments;**
- (8) arranging for the child to be staffed at the next statewide adoption staffing, when there is no identified adoptive family;**
- (9) faxing copies of all recommended resource family assessments to the appropriate CW worker within three working days of statewide adoption staffing;**
- (10) assisting the CW worker with the selection and recommendation process; and**
- (11) assisting the CW worker with referrals for media recruitment, adoption parties, and adoption exchanges, when there is no recommended resource family for the child.**
- (b) To facilitate the recruitment of adoptive homes, the adoption specialist and adoption transition specialist:**

(1) develop an annual local recruitment plan in coordination with area adoption and county foster resource staff;

(2) use a combination of child-specific and more general targeted recruitment strategies, including registration of children on www.AdoptUsKids, ensuring participation at adoption parties, and facilitating participation in the Waiting Child television campaign and photograph exhibit project;

(3) coordinate recruitment activities with Children and Family Services Division Adoption Services Section; and

(4) jointly recruit foster homes.

(c) For the assessment and preparation of adoptive families, the adoption specialist:

(1) enrolls the adoptive applicant in required pre-service training, including Behavior Crisis Management Training (BCMT); and

(2) completes Form 04AF009E, Referral for Resource Family Assessment, and sends the form to the resource assessment contractor within two weeks of receipt of the completed application along with:

(A) Form 04AN020E, if applicable;

(B) Form 04AF004E, House Assessment, completed at the initial home visit by the adoption specialist on all new inquiries. The resource assessment contractor completes Form 04AF004E on all conversion assessments;

(C) Form 04AF001E, Resource Family Assessment Application;

(D) Form 04AN022E, Child Profile Assessment for Adoption, for conversion assessments;

(E) Form 04AF007E, Records Check;

(F) Form 04AD003E, Request for Background Check, for all household members age 18 years or older;

- (G) fingerprinting results, if available;**
 - (H) copy of all KIDS Pre-Resource and Resource contacts;**
 - (I) copy of entire resource record, including re-evaluations, for kinship and foster families applying to adopt; and**
 - (J) any other forms or documentation that the applicant returns to the adoption specialist. The contractor completes the assessment using Form 04AF002E, Guidelines for Resource Family Assessment.**
- (d) The case review process begins when the adoption transition specialist receives primary assignment to any child in a Permanency Planning case and includes a review of the:**
- (1) case plan. The child must have a case plan goal of adoption and current Form 04KI008E, Treatment Plan, or 04KI012E, Individualized Service Plan (ISP), must reflect services and activities appropriate to an adoption goal;**
 - (2) court information. KIDS Court Hearing, Report/Progress Report, Parental Rights, and Status screens are reviewed. Missing or inaccurate termination of parental rights and legal status data is entered or corrected;**
 - (3) placement history and current placement;**
 - (4) educational history and current information. KIDS Client/Education screen must reflect the child's current school information, grade level, education status, school performance, and educational strengths and needs;**
 - (5) medical history and current information. KIDS Client/Medical screens must reflect current medical treatment and needs of the child, including all medications, immunizations, and mental health information;**
 - (6) adoption efforts. KIDS Adoption Efforts screen is reviewed for history and updated by completing contacts related to adoption efforts. These contact purposes include adoption consultation, adoption criteria staffing, adoption matching party, and adoption statewide staffing;**
 - (7) KIDS contacts. In order to gain a better understanding of the child and**

history of the case through the CW process, KIDS Contacts are reviewed especially those contacts with relatives or other important persons in the child's life that may have expressed an interest in the child's placement; and

(8) CW paper case record. The child's paper case record must contain applicable reports and information as referenced in OAC 340:75-1-26. All sections are checked and missing documents obtained, including a copy of the child's birth certificate and Social Security card.

(e) Placement services are provided by the adoption transition specialist per OAC 340:75-6-85.3 and 340:75-6-85.4. The adoption transition specialist:

(1) discusses his or her role with the child's current caregiver; and

(2) discusses the child's preparation for adoption and OKDHS adoption efforts with the child's current caregiver and requests current Form 04AN026E, Assessment of Child by Caregiver.

(f) Child assessment and preparation begins with the case review and continues with developing Form 04KI012E. Children who are old enough to participate in case planning are included in this process. Other child assessment and preparation activities include initiating the child's Life Book and completion of OKDHS Publication No. 85-67, revised 7/2005, for children up to 12 years of age, and OKDHS Publication No. 05-09, revised 7/2005, for children age 13 and older. The Companion Book for Social Workers is used to assist adoption transition specialists with OKDHS Publication No. 05-09, revised 7/2005.

(g) The adoption transition specialist for the child and adoption specialist for the family:

(1) consult with each other regarding the offer of the child to the family and full disclosure. The adoption transition specialist may be asked to assist with full disclosure either by direct participation or availability to the family in case of questions; and

(2) in the event that the resource family accepts the offer of a child, collaborate with each other to develop a pre-adoptive visitation plan that is in the child's best interest. At a minimum, the adoption transition specialist participates in the first pre-adoptive visit. Additional adoption

transition specialist responsibilities include:

- (A) preparing the child's case for transfer to the adoption specialist. All KIDS information must be current;**
- (B) maintaining an open assignment and reporting to the court as needed;**
- (C) requesting consent to the adoption from the court of jurisdiction; and**
- (D) requesting dismissal of the deprived case once the adoption is finalized.**

PART 6. ADOPTION PROCESS

340:75-15-41. Adoptive placement criteria staffing

Revised 5-15-08

The adoption process is a team effort that includes the adoption specialist and supervisor, adoption transition specialist and supervisor, Child Welfare (CW) worker and supervisor, and service providers.

(1) **Criteria staffing.** Within 30 calendar days of the initial adoption consultation, 04AN020E, Adoptive Placement Criteria Staffing, is completed on any child with the goal of adoption to assist in determining the type of placement that best meets the child's needs and to ensure that every effort is made to place with family. The assessment may identify a prospective adoptive parent(s)' ability to meet the child's needs and addresses the legal status and any legal barriers to adoption.

(2) **Placement assessment.** Completion of the adoptive placement criteria staffing is not approval for adoptive placement. A child for whom there is no resource identified is referred to statewide adoption staffing. ■ 1 Form 04AN020E is completed for the child on all interested, prospective caregivers. Factors considered when identifying the placement that best meets the child's needs are described in (A) through (K).

(A) **Siblings.** Siblings are placed together when possible. Siblings are separated in adoptive placement only in certain circumstances, in accordance with OAC 340:75-6-85.2 and 340:75-15-43.

(B) **Attachment.** The attachment of the child to the siblings, foster family, and significant others is assessed and used as an indicator of the child's ability to attach to an adoptive family. ■ 2

(C) **Age.** Age is evaluated in relation to the applicant's ability to parent the child into adult years. ■ 3

(D) **Health.** The health records of the prospective adoptive applicant must indicate the applicant has the health to participate with the child in normal developmental activities and parent the child into adult years.

(E) **Culture.** Oklahoma Department of Human Services (OKDHS) does not rely on generalizations about the identity needs of children of a particular race or ethnicity. OKDHS does not presume from the race or ethnicity of the prospective

adoptive applicant that he or she would be unable to maintain the child's ties to another racial, ethnic, or cultural community.

(F) **Adoption of an Indian child.** The child who meets the definition of an Indian child under the federal and state Indian Child Welfare Act (ICWA), Section 1901 of Title 25 of the United States Code and Section 40 et seq. of Title 10 of the Oklahoma Statutes, must be placed according to the placement preferences per OAC 340:75-19-23. Prior to placing an Indian child in a non-extended family or non-Indian family, the child's CW worker must request that the court of adjudication conduct a good cause hearing. ICWA requires that:

(i) a good cause hearing is set;

(ii) prior notice is given to all parties, including the tribe; and

(iii) the court make a finding that good cause exists to not follow the placement preferences of ICWA.

(G) **Religion.** The child is provided an opportunity for spiritual and moral development. If the child has made a religious commitment or the parent(s) has made a specific request, OKDHS makes a reasonable effort to find an adoptive family of like faith.

(H) **Language.** If the child's primary language is other than English, special consideration is given to identifying an adoptive family fluent in the same language as the child, including sign language for a child who is hearing impaired.

(I) **Education.** The child is given the opportunity to develop his or her potential and will not be subjected to unrealistic academic expectations.

(J) **Geographic location.** The child is placed in a locality where the child and adoptive family are protected from identification and from undue interference by the birth family. When foster parents or relatives are considered as an adoptive family, this criterion is of special significance. An assessment is made to determine the adoptive parent(s)' ability to parent without undue interference.

(K) **Resources.** The adoptive family must have adequate resources to meet the child's financial, medical, health, educational, shelter, and emotional needs. Adoption assistance is a resource for the child who meets eligibility criteria, per OAC 340:75-15-128.

INSTRUCTIONS TO STAFF 340:75-15-41**Revised 5-15-08****1. Criteria staffing procedures.**

(1) The adoption specialist schedules the time and place for the criteria staffing during the initial adoption consultation.

(2) Prior to the staffing, the Child Welfare (CW) worker and CW supervisor complete Form 04AN020E, Adoptive Placement Criteria Staffing, to the extent possible.

(3) The assigned court-appointed special advocate (CASA) reviews Form 04AN020E. Any additional information provided by CASA may be included on Form 04AN020E. The CW worker requests CASA sign Form 04AN020E indicating the opportunity to review the content and notification of the date, time, and location of the upcoming criteria staffing.

(4) The CW worker:

(A) notifies all appropriate participants of the criteria staffing.

(i) Recommended participants include the area adoption specialist, child's CW worker, CW supervisor, resource specialist, Developmental Disabilities Services Division (DDSD) case manager, therapeutic foster care (TFC) therapist, and tribal social worker.

(ii) Other persons with information that may assist in planning for the child are also invited, including, but not limited to, CW field liaison (CWFL) and SoonerStart and Office of Juvenile Affairs staff.

(iii) All participants are required to review and sign Form 04AN020E;

(B) attaches the most recent completed Permanency Planning Review form to Form 04AN020E;

(C) if the court of jurisdiction has given any specific direction or court order regarding adoptive placement of the child, attaches a copy of the court order or court minutes to Form 04AN020E. If not attached, it must be identified on Form 04AN020E as an action step with a due date;

(D) prior to submitting a request for separating siblings, staffs concerns regarding sibling placement and separation with the designated Children and Family Services Division (CFSD) Permanency Planning Section programs field representative.

(i) If this is not completed prior to criteria staffing, it must be identified on Form 04AN020E as an action step with a due date.

(ii) Requests to separate siblings for the purpose of adoptive placement must be submitted in a memo to and approved by CFSD Sibling Separation Committee;

(E) if Form 04AF004E, House Assessment, was previously completed for a relative of the child, attaches a copy of this form to Form 04AN020E. If not attached, it must be identified on Form 04AN020E as an action step with a due date; and

(F) conducts a thorough Child Abuse and Neglect Information System search for prospective resources identified.

(i) The results of all Child Protective Services investigations and assessments, including any policy violations and written plans of compliance, are included on Form 04AN020E.

(ii) If this is not completed prior to the criteria staffing, it must be identified on Form 04AN020E as an action step with a due date.

(5) The area adoption supervisor and CW supervisor review completed Form 04AN020E, including the documented action steps, and sign as mandatory reviewers of Form 04AN020E.

(A) If no areas of concern are identified, the adoption specialist proceeds with the Swift services referral.

(i) If a resource for the child is identified, the resource assessment referral is made after Form 04AF001E, Resource Family Assessment Application, is received.

(ii) The CW worker notifies the identified resource of the results of the criteria staffing and that a referral for a resource family assessment will be made.

- (B) If an area of concern or placement dispute is identified, the adoption specialist or area adoption supervisor promptly notifies CFSD Adoption Services Section. If no resolution is reached after review by the Adoption Services Section, the Adoption Services Section programs manager notifies the CWFL and county director that a grand staffing is needed.**
- 2. Child's ability to attach. The child's CW worker is aware that an indicator of success in adoption is the child's ability to attach. The child's CW worker solicits the cooperation and assistance of the foster family and other professionals, if indicated, to help the child accept adoption and transition into the placement.**
 - 3. Age of applicant. When the age difference between the applicant and child is more than 55 years, the CWFL and Adoption Services Section are consulted.**

340:75-15-42. Statewide adoption staffing

Revised 6-26-03

(a) A child in Oklahoma Department of Human Services custody is referred for statewide adoption staffing when the child's permanency plan is adoption, unless a prospective caregiver is identified for the child at criteria staffing, per OAC 340:75-15-41.

(b) After a thorough review of family assessments submitted for adoptive placement consideration, the Child Welfare (CW) worker selects three families who are best able to meet the identified needs of the child and ranks the families in order of preference.

(c) If no families are identified for consideration at the initial statewide staffing, information regarding the child's continued need for an adoptive family is presented at each subsequent staffing and child specific recruitment activities are initiated to recruit an adoptive family, per OAC 340:75-15-82. ■ 1

INSTRUCTIONS TO STAFF 340:75-15-42

Revised 5-15-08

1. Statewide adoption staffing. Statewide adoption staffing, found in the STO DCFS/Adoption/Statewide Staffing public folder on Outlook, occurs monthly and is an opportunity for Child Welfare (CW) workers to obtain resource family assessments for adoptive placement consideration. Tribal representatives are invited quarterly to statewide staffing.

(1) The CW worker:

(A) brings 45 copies of Form 04AN022E, Child Profile Assessment for Adoption, and a current color photograph of each child to be presented;

(B) gives a brief presentation of the child, five to seven minutes in length, describing:

(i) primary reason the child came into care and child's current legal status;

(ii) child's current placement, including level of care and length of time in current placement;

(iii) child's personality, including the child's positives and strengths, interests and hobbies, and activities that are important to the child;

(iv) a recent visit with the child;

(v) type of family the child desires;

(vi) child's goals for the future, if an older child;

(vii) child's health;

(viii) child's school performance and educational needs;

(ix) child's day-to-day behavior;

(x) child's progress in counseling, if applicable; and

(xi) contact with child's biological family, including placement with siblings or visitation with siblings;

(C) reads all resource family assessments submitted within 30 days of staffing the child;

(D) from the resource family assessments submitted for consideration, selects three families who appear best able to meet the identified needs of the child and prepares an adoptive placement recommendation for each family, per OAC 340:75-15-45; and

(E) if no resource family assessments are submitted for consideration, explores other recruitment opportunities, including:

(i) re-staffing the child;

(ii) scheduling the child for the next adoption party;

(iii) referral to Waiting Child; and

(iv) listing the child's profile on the Internet.

(F) forwards resource family assessments to the child's CW worker within three working days; and

(G) consults with the CW worker to facilitate the adoptive placement recommendation process.

340:75-15-61. Interstate placements for adoptionRevised 5-15-08

The Interstate Compact on the Placement of Children (ICPC) is a means to ensure protection and services to children who are placed across state lines for adoption. The Oklahoma Department of Human Services contracts for the administration of adoption ICPC services. There is a \$250 fee for processing independent and private agency adoptions which is paid directly to the contractor by the independent attorney or the private agency. The contracted Deputy Compact Administrator (DCA) is authorized to conduct the necessary investigation of the proposed placement and determines whether the placement is contrary to the child's interests. After the placement is approved by the contracted DCA, the contracted DCA is responsible for overseeing the placement as long as it continues or until legalization of the adoption. This oversight does not include direct supervision of the placement but does include processing supervisory reports from the receiving state, facilitating communication between the states or parties involved, and notifying the agency or individual of an adoption disruption or legalization. [OAC 340:75-1-86] ■ 1 through 5

INSTRUCTIONS TO STAFF 340:75-15-61Revised 5-15-08

1. **Processing out-of-state studies or assessments. The Oklahoma Department of Human Services (OKDHS) does not process applications from out-of-state adoptive, but accepts certified resource family studies or assessments from a licensed agency or public agency in another state. In cooperation with a licensed adoption agency in another state, an adoptive family may be considered for an Oklahoma child. The State Office Adoption Section coordinates placement and supervision with an agency in the state where the adoptive family resides. All provisions of the Interstate Compact on the Placement of Children (ICPC) are followed. [OAC 340:75-15-61 and 340:75-15-82] Assessments for placement of single children under five years of age are not accepted, as most young children requiring adoptive placement are part of a sibling group or placed for adoption with a relative or foster parent. Families requesting to adopt these children are given information about the types of children available through OKDHS and are encouraged to consider these children.**
2. (a) Procedures when Oklahoma is the sending state. To initiate a request for an adoptive home study in another state, the child's Child Welfare (CW) worker submits Form 04IC002E, Interstate Compact Application Request to

Place Child, and a referral packet to the contracted Deputy Compact Administrator (DCA). An original and three copies of each document and five copies of Form 04IC002E are submitted. Only requests for a specific child can be processed through ICPC.

(1) Referral packet. The referral packet is a summary of the child's background, including:

(A) social information, which presents a clear statement of the relationship of the child to the proposed placement family;

(B) psychological information;

(C) educational information;

(D) Form ODH 347, Medical and Social History Report for Adoption;

(E) medical information;

(F) legal documents; and

(G) Form 04AN020E, Adoptive Placement Criteria Staffing.

(2) Referral request.

(A) The contracted DCA forwards the information to the ICPC office of the receiving state.

(B) The DCA in the receiving state refers the request to the local office or to a private agency. When the adoptive home assessment is completed and sent to the ICPC office by the receiving state, it is approved or denied and sent back to the contracted DCA in Oklahoma.

(C) The child's CW worker opens an "Other Services Workload Request" to document in KIDS that a home assessment has been requested from another state. The Type of Service Request is documented as ICPC-Sending Out-of-State.

(D) The contracted DCA in Oklahoma approves, denies, or requests additional information prior to taking action on the referral. Receipt of an approved adoptive home assessment and an approved Form

04IC002E is not approval for an adoptive placement. The child's CW worker determines whether this is the best plan for the child.

(E) The adoption specialist converts the "Other Services Workload Request" to a Resource once the completed approved home assessment has been received. The Resource category is Adoption.

(F) Form 04AN024E, Placement Recommendation Worksheet, is completed for the recommended out-of-state family and submitted to the State Office along with a copy of the home assessment, Form 04AN022E, Child Profile Assessment for Adoption, Form 04AN020E, and Form 04IC002E.

(G) Prior to signing the placement affidavit, the family must be given full disclosure.

(b) Travel. OKDHS does not assist with travel arrangements for independent or private agency adoptions. For OKDHS adoptions, travel arrangements are coordinated between OKDHS and the adoptive family. The payment for travel is negotiated between OKDHS and the adoptive family. If the adoptive family is not able to make travel arrangements and pay for travel, the State Office Adoption DCA assists in arrangement of travel for custody children in coordination with the local CW worker. The CW worker submits a signed Form 23AD001E, Application for Agency Travel, for each person who is traveling. Form 23AD001E includes the child's date of birth and KK number. A recent court order showing the child is in OKDHS custody and a travel itinerary are attached.

(c) Placement. When the child is placed in another state, Form 04IC003E, Interstate Compact on the Placement of Children Report on Child's Placement Status, is submitted by the CW worker to the contracted DCA. This form is then sent to the ICPC office in the receiving state by the contracted DCA. When a placement is approved, a copy of Form 04IC002E signed by the sending state DCA is sent to the supervising county. When the child is placed in the adoptive home, an adoption case is opened in KIDS with the case type of Adoption.

(1) When the child is placed in the home upon receipt of Form 04IC003E, post placement supervision is provided by the receiving state. Reports of supervision are submitted to the contracted DCA upon request.

- (2) Documentation of the visits and services provided to the family by the receiving state is entered into the Contact Information screen of the Adoption case on KIDS.
- (3) Medical expenses. A child in the permanent custody of OKDHS is eligible for Oklahoma Medicaid, which may be a resource if the adoptive family cannot provide medical care. Children who are Title IV-E eligible before placement will be eligible to receive Medicaid in the receiving state. The majority of states also cover children who are non Title IV-E eligible. A referral is made to the Interstate Compact on Adoption and Medical Assistance, State Office Adoption Assistance Section, per OAC 340:75-15-129, for assistance in obtaining medical services in the receiving state. If the receiving state does not cover children who are non Title IV-E eligible, the adoptive family is responsible for the child's medical expenses.
- (4) When the adoptive parent(s) is ready to proceed with finalization of the adoption, the adoption specialist completes the ICPC Directive Authorizing Consent to Adoption found in the Outlook Public Folder STO DCFS/Adoption/ICPC Adoptions, and sends it as an attachment by e-mail to the State Office Adoption Services Section. The form is signed by the Director's designee and is returned by mail to the adoption specialist. The completed form is sent to the receiving state through the contracted DCA.
- (5) After the adoption is finalized, all records pertaining to the adoption are submitted to the State Office, in accordance with OAC 340:75-15-108.
- 3.** Procedures when Oklahoma is the receiving state for a child who is in the custody of a public agency. OKDHS completes adoptive home assessments for ICPC requests made by the public agency in other states. When a public agency in another state requests an adoptive home assessment in Oklahoma, the adoption specialist or contractor completes an adoptive home assessment according to Form 04AF002E, Guidelines for Resource Family Assessment. The adoption specialist opens an Other Services Workload Request on KIDS. The Type of Request is ICPC - Receiving into State. Once the home assessment is completed and approved, the Other Services Workload Request is converted to a Resource. The Resource Category is Other Services. The Resource Type is ICPC/Adoptive. The completed assessment is submitted to the ICPC contracted DCA. When the child is placed in the adoptive home, an ICPC-Adoption case is opened in KIDS.

- 4. Procedures when Oklahoma is the receiving state for a child who is in the custody of a non-public agency. When a request for an adoptive home assessment is made by a person or private agency in the sending state, that person or agency is responsible for making arrangements for an assessment and supervision of the placement by a licensed child-placing agency or a person qualified by training or experience. Exceptions must be approved by the DCA.**

- 5. Closure of ICPC adoption. Adoptive placements made through ICPC are closed when the adoption is finalized or the child is returned to the sending state. Form 04IC003E is submitted to the contracted DCA. If the child placed through ICPC is in the custody of OKDHS, the child's closed case and the ICPC placement case are forwarded to State Office Adoption Services Section within 30 calendar days of finalization of the adoption. All adoptions handled through the ICPC are treated confidentially.**

340:75-15-84. Application process

Revised 5-15-08

(a) **Application to adopt.** The applicant is referred to the adoption specialist for the county in which the applicant lives. The adoption specialist responds promptly to prospective applicants. The applicant is invited to attend a group orientation meeting or an individual intake interview is scheduled upon request of the applicant. If the applicant chooses to apply, the adoption specialist provides an application packet. ■ 1 & 2 The adoption specialist discusses with the applicant information about the adoption program described in (1) through (10).

(1) The program is child focused. A family is selected who will best meet the child's long-term best interests and individual needs. Families inquiring about adopting a child of a certain age, race, or other characteristic OKDHS reasonably believes may not be available for adoption in the foreseeable future are advised their application will not be processed.

(2) The completed resource family assessment summary is the basis for selection.

(3) Oklahoma Department of Human Services (OKDHS) contracts with licensed child-placing agencies to complete resource family assessments.

(4) An application, including one by a foster parent or relative, does not guarantee placement of a child in the applicant's home.

(5) There is no fee for services provided by OKDHS to applicants who apply to adopt a child in the legal custody of OKDHS.

(6) A family is referred to licensed child-placing agencies if the family is interested in adopting a specific type of child that is not available through OKDHS.

(7) A criminal background and Child Abuse and Neglect Information System check is required and includes, but is not limited to:

(A) fingerprinting and a Federal Bureau of Investigation (FBI) check of each applicant and adult residing in the household;

(B) an Oklahoma State Bureau of Investigation (OSBI) check that includes Department of Public Safety check and Sex Offenders Registry check for each adult household member;

(C) a Child Abuse and Neglect Information System check and OKDHS records check for each adult household member;

(D) a search of all applicable out-of-state child abuse and neglect registries when an applicant or adult household member has not lived continuously in Oklahoma for the past five years; ■ 5

(E) an Oklahoma State Courts Network check at www.oscn.net;

(E) an Oklahoma District Court Records check (ODCR) at www.odcr.com;

(G) an offender information and offender lookup through Oklahoma Department of Corrections (DOC) at www.doc.state.ok.us;

(H) a Juvenile Justice Information System (JOLTS) records check for each child in the family 13 years of age or older; and

(I) a discharge from military duty, DD Form 214, Certificate of Release of Discharge From Active Duty, that is provided by the applicant.

(8) Verification of marriages, divorces, legal separations, or annulments, employment, and income are required.

(9) Applicants are required to complete 27 hours of pre-service training, including six hours of Behavior Crisis Management Training (BCMT), per OAC 340:75-7-14.

(10) Applicants are responsible for providing copies to OKDHS of any non-OKDHS assessments or evaluations, including previous adoptive, foster home, relative, divorce custody, or other custody assessments.

(11) OKDHS inquires whether the applicant has applied to be or has been an approved foster or adoptive parent in another state. OKDHS requests from all applicable states, any history of child abuse or neglect or criminal history from the appropriate state agency.

(b) **Application to adopt by OKDHS employees.** OKDHS employees may apply to adopt from OKDHS, though no preferential treatment is given.

(c) **Reapplication to adopt.** When previous adoptive parents apply to adopt again, the adoption application information is updated. ■ 3

(d) **Denial or withdrawal of applications.** When it becomes apparent that the

applicant does not meet the resource family requirements set out in Form 04AF002E, Guidelines for Resource Family Assessment, the resource family assessment process may be discontinued and the application withdrawn or denied.

(1) The reasons for discontinuing the assessment prior to completion, per OAC 340:75-15-88, are explained to the applicant in person when possible and are stated in a letter to the applicant regardless whether personal contact is made. ■ 4

(2) The applicant may voluntarily withdraw the application. If the applicant declines to withdraw the application, local staff denies the application.

(3) Families desiring to adopt a child of a certain age, race, or other characteristic OKDHS reasonably believes may not be available for adoption in the foreseeable future are referred to licensed child-placing agencies that are more likely to place children matching the request.

(e) **Out-of-state adoptive applicants.** OKDHS does not process applications from adoptive applicants outside of Oklahoma, but accepts certified resource family studies or assessments from a licensed agency or the public agency in another state.

(1) In cooperation with a licensed adoption agency in another state, an adoptive family may be considered for a child in Oklahoma.

(2) Children and Family Services Division Adoption Services Section coordinates placement and supervision with an agency in the state where the adoptive family resides.

(3) All provisions of the Interstate Compact on the Placement of Children are followed, per OAC 340:75-15-61 and 340:75-15-82.

INSTRUCTIONS TO STAFF 340:75-15-84

Revised 5-15-08

1. (a) Response to prospective adoptive applicants. The adoption specialist:

(1) plans the intake interview for a location that best meets the needs of the family, such as:

(A) the local Oklahoma Department of Human Services (OKDHS) office;

(B) the family's home. When the intake interview is done in the home,

Form 04AF004E, House Assessment, is completed at this time; or

(C) another site selected by the family;

(2) explains the adoption process;

(3) explains the types of children waiting for adoptive homes;

(4) answers the prospective applicant's questions during the intake interview; and

(5) shares non-identifying information about children for whom OKDHS has responsibility for adoptive planning.

(A) The information is general and does not reveal confidential information about the child or the child's biological family.

(B) The information sharing process assists the family in gaining realistic expectations about the children available for adoption and the family's ability to parent these children.

(b) Initial screening. When an applicant inquires about adopting a child of a certain age, race, or other characteristic OKDHS reasonably believes may not be available for adoption in the foreseeable future, the adoption specialist:

(1) explains to the applicant this type of child is generally:

(A) part of a sibling group;

(B) placed with a relative; or

(C) placed with an existing approved applicant awaiting adoptive placement of sibling groups;

(2) provides information about the types of children available through OKDHS and encourages the applicant to consider these children; and

(3) refers the applicant to licensed child-placing agencies that are better able to place children matching their request.

2. (a) Application packet. The adoption specialist:

- (1) reviews each form with the family to explain its purpose;**
- (2) advises the family that the home assessment may begin when Forms 04AF001E, Resource Family Assessment Application, and 04AN009E, Notice to Adoptive Parent Applicant(s), are returned; and**
- (3) explains that the other forms may be completed during the assessment process. The forms included in the packet are:**
 - (A) Form 04AD003E, Request for Background Check, and fingerprint cards are completed by each applicant and all adult household members. All names, including maiden names, used by each adult household member must be included on Form 04AD003E.**
 - (B) Form 04AF010E, Resource Family Financial Assessment;**
 - (C) Form 04AF001E;**
 - (D) Form 04AF008E, Medical Examination Report, for each adult family member and a doctor's statement of health on the children;**
 - (E) Form 04AF017E, Family Health History;**
 - (F) Form 04TB001E, Letter to Verify Tribal Membership of Resource Family Applicants. Resource family members who are tribal members or eligible for tribal membership submit this form;**
 - (G) Forms 04AF020E, Family/Parent Questionnaire, and 04AF019E, Child's Questionnaire, that are an optional component of the assessment process. The family is advised they have the option of completing these forms or sharing this information through interviews with the adoption specialist;**
 - (H) Form 04AF018E, Child Needs Information Checklist; and**
 - (I) Form 04AN009E.**
- (b) Assessment procedure. The family is advised that an area subcontractor will contact the family to begin the resource family assessment.**

3. The procedures for reapplication to adopt are:

- (1) when an adoptive home case is reopened after a family has adopted a child from OKDHS, the adoptive home case record is requested via e-mail from Children and Family Services Division Adoption Assistance Section;**
- (2) current Form 04AF001E is completed by the applicant. The top of Form 04AF001E is marked "Reapplication";**
- (3) current Form 04AF008E, or substitute medical statement, is completed for each family member;**
- (4) Form 04AN007E, Guidelines for Adoptive Home Annual Evaluation and Reapplication, that reflects changes in the family situation, is completed by the adoption specialist. Included in the update are:**
 - (A) changes in the family situation since the last home assessment;**
 - (B) a home visit;**
 - (C) at least one joint interview;**
 - (D) information on any child added to the family; and**
 - (E) family experiences;**
- (5) current Form 04AF010E, is completed;**
- (6) at minimum, three references are contacted. The appropriate references are selected from those identified in OAC 340:75-15-87 Instructions to Staff;**
- (7) updated Forms 04AD003E and 04AF007E, Records Check, are completed;**
- (8) if the family has moved or it has been over one year since finalization, a new Form 04AF004E is completed; and**
- (9) if the reapplication is from an employee who has a work relationship with the adoption specialist in the county, the area supervisor makes arrangements for the adoptive family assessment to be completed by an adoption specialist from outside the county or one who does not have a work relationship with the applicant.**

4. **Notice of closure.** When possible, the adoption specialist makes face-to-face contact with the adoptive family to clarify the reason for closure of the home.
 - (1) A letter is sent to the family, with the reason for closure stated in clear, concise language. Relevant OKDHS rules or procedures are cited and attached.
 - (2) The adoption specialist may consult with Children and Family Services Division Adoption Services Section staff to determine whether to close an adoptive home.

5. **Child abuse and neglect information.** If a state that maintains a child abuse and neglect registry does not respond appropriately to an information request, the adoption supervisor notifies the CFSD adoption programs manager who contacts the Administration for Children and Families regional office for assistance. If information cannot be obtained from the other state(s), the CW staff documents the name of the state(s) and efforts made to obtain the information in the resource record. The prospective adoptive home is not approved without the results of the state-maintained child abuse and neglect registry checks.

340:75-15-87. Assessment and preparation processRevised 5-15-08

(a) **Assessment.** The assessment process is a tool for Oklahoma Department of Human Services (OKDHS) to assist the family in determining the family's ability to parent a child with special needs. The family is provided basic background information required to understand the adoption process, laws, and types of parenting issues faced by parents who adopt children with special needs. All services provided to the family in preparation for placement are designed to increase the family's ability to problem solve, access help, and cope with parenting a child with a unique history and needs. ■ 1

(b) **Joint approval of foster and adoptive families.** OKDHS jointly approves Child Welfare (CW) foster homes as adoptive homes when the home meets eligibility standards of both programs, per OAC 340:75-7-19. The differences in the goals of the two programs are explained to the family. The family is advised that children in foster care are not moved in order to place an adoptive child in the home. All children in the home, including children in foster care placement, are considered in making placement decisions regarding an adoptive placement.

(c) **Interviews with applicants.** Individual and joint interviews are held with each family and household member with a minimum of two home visits on separate days. Information regarding the current family structure, family history, and social support is gathered through the interviews. ■ 2

(d) **Reference information.** Signed Form 04AF001E, Resource Family Assessment Application, grants OKDHS permission to contact the listed references. Forms are mailed to appropriate references and in-person or telephone contact is made with each personal reference. ■ 3

(e) **Health and age.** Form 04AF008E, Medical Examination Report, or other medical examination report by a doctor for each household member must be submitted before the assessment is complete. ■ 4 An application to adopt a specific child elicits information to assess the adoptive applicant's ability to provide care for the child into adult years, given the applicant's health history and age. ■ 5

(f) **Background checks.**

(1) **Authorization.** Section 7505-5.3 of Title 10 of the Oklahoma Statutes mandates a criminal background check and Child Abuse and Neglect Information System check for all public agency and private adoptive parent applicants and all other household members 18 years and older. The background check includes a search

of:

- (A) Oklahoma Department of Public Safety records;
- (B) Oklahoma State Bureau of Investigation (OSBI) records;
- (C) Federal Bureau of Investigations (FBI) national criminal history records search;
- (D) Department of Corrections (DOC) files maintained pursuant to the Sex Offenders Registration Act;
- (E) Oklahoma State Courts Network (OSCN);
- (F) Oklahoma District Court Records (ODCR);
- (G) Child Abuse and Neglect Information System; and
- (H) all applicable out-of-state child abuse and neglect registries when an applicant or adult household member has not lived continuously in Oklahoma for the past five years. If no registry is maintained in the applicable state, the adoption specialist requests any information that can be provided. The prospective adoptive parent is not approved without the results of the state-maintained child abuse and neglect registry check if a registry is maintained in the applicable state. ■ 8

(2) **Fingerprint search.** A national criminal history records search based upon submission of fingerprints is required for adoptive applicants and other household members 18 years and older.

- (A) When a fingerprint search has been done in the past five years and is available for review by the person conducting the adoptive home study, then only an OSBI criminal background check is required. ■ 6
- (B) A home study is not initiated if any applicant or adult household member refuses to submit the forms granting permission for the background check.
 - (i) All adult household members age 18 and older complete and sign Form 04AD003E, Request for Background Check, and submit fingerprint cards authorizing OKDHS to conduct a records check. ■ 7
 - (ii) Background information is considered in making a final recommendation.

Information that reveals a risk to the child is used in denying the application, per OAC 340:75-15-88. ■ 8

(3) **Fingerprinting charges.** Once an applicant receives fingerprint cards, law enforcement or a private fingerprinting company may fingerprint the applicant. There is no charge to OKDHS applicants. Non-OKDHS adoptive applicants are responsible for any charges incurred for this service.

(4) **Obtaining fingerprinting services.** Law enforcement is not mandated to provide the fingerprinting service. Local law enforcement is contacted to ascertain their willingness and availability to provide this service and the cost per person.

(5) **Time frames.** If the fingerprinting is not done correctly, the cards are rejected by either the OSBI or Federal Bureau of Investigation (FBI). The applicant must be reprinted when this occurs. If the fingerprint cards are found unacceptable the second time, the applicant must pay the fee to be re-fingerprinted and non-OKDHS applicants must pay the search fee. The estimated time frame to receive all results from the OSBI and FBI is approximately eight weeks.

(6) **Exception to fingerprinting.** The Director of OKDHS or designee may authorize an exception to the fingerprinting requirement, and authorize use of an alternative procedure for obtaining a national criminal records check for any adult residing in the home who has a severe condition that precludes such person being fingerprinted. The alternative procedure may be used in limited, and case-specific circumstances when OKDHS may not be able to:

(A) obtain an individual's fingerprints as a result of the individual's disability; or

(B) obtain legible fingerprints due to low quality fingerprints, as a result of age, occupation or otherwise, thereby making it impossible for the national crime information databases (NCID) to provide the results. ■ 6

(g) **Marriage history.** The applicant provides copies of present marriage license and any divorce decrees, legal separations, and annulments, if applicable. Documentation of the validity of the present marriage is necessary to determine eligibility to adopt and protect the legal status of the prospective adoptive child. If there is a child from a previous marriage, the child's role in the family is discussed and child support is documented.

(h) **Financial statement.** The applicant completes Form 04AF010E, Resource Family Financial Assessment, and provides documentation of employment and income. Management of resources is more important than the family's income and is addressed

in the assessment summary.

(i) **Photographs.** Recent photographs of the applicant are provided as part of the final assessment summary. ■ 9

(j) **Pre-service training.** Each adoptive applicant must complete a prescribed course of pre-service training consisting of approximately 27 hours of instruction designed to assist the applicant in evaluating the strengths, needs, and challenges in parenting a child with special needs, per OAC 340:75-7-14. ■ 10

INSTRUCTIONS TO STAFF 340:75-15-87

Revised 5-15-08

1. Assessment time frames.

(1) **An at-home consultation is scheduled within ten working days after receiving the application or on a date agreed upon with the family.**

(2) **The assessment process begins with completion of Form 04AF004E, House Assessment, by the adoption specialist.**

(3) **Form 04AF002E, Guidelines for Resource Family Assessment, is followed in completing the process.**

(A) **Information is gathered in a series of interviews with persons who have applied to adopt and any other household members.**

(B) **Within two weeks of receipt of the completed application, a referral is made to the resource assessment contractor, per OAC 340:75-15-8 Instructions to Staff.**

(C) **The assessment is completed within 90 calendar days of the referral to the resource assessment contractor.**

2. Interviews.

(1) **Assessment and preparation process.** The resource assessment contractor assists the adoptive applicant in:

(A) **understanding the types of parenting issues faced by families who**

adopt children with special needs.

(i) The family gains insight and feedback about their strengths, needs, and challenges in parenting the type of child they have applied to adopt.

(ii) The assessment includes the gender, age range, and race of child the family wishes to adopt, and the special needs the family feels they are capable of parenting. Special needs may include being part of a sibling group, age, race, mental, physical, or emotional disabilities, or being at high risk for developing a physical or mental disability; and

(B) reviewing Form 04AF018E, Child Needs Information Checklist, and explains the conditions listed.

(i) If the applicant has applied to adopt a specific child, the assessment summary addresses the applicant's relationship to the child, the child's needs, and whether the applicant can meet the child's special needs on a permanent basis and into adulthood.

(ii) When assessing an applicant, the most important criterion is the applicant's ability to parent a child not born to him or her. Marital status, income level, education, age, health, and other factors are considered only in relation to the applicant's ability to parent an adopted child.

(2) Assessment tools. The adoption specialist or resource assessment contractor uses the Genogram, Family Network Diagram, and Eco-Map as tools in assisting adoptive applicants to assess their strengths and challenges in parenting a child with special needs through adoption.

(A) The adoption specialist allows the applicants to determine the pace at which the process proceeds. Some applicants are ready to quickly move through the assessment, while others need more time to process information.

(B) The Genogram, Family Network Diagram, and Eco-Map are included with a narrative obtained through the interviews in the assessment summary.

3. References.

(1) The adoption specialist sends the applicant, as appropriate, Forms:

(A) 04AF015E, Resource Family Reference Letter for Adult Children;

(B) 04AF014E, Resource Family Reference Letter for School Personnel;

(C) 04AF011E, Resource Family Reference Letter for an Employer;

(D) 04AF013E, Resource Family Assessment Reference Letter for Mental Health Professionals; and

(E) 04AF012E, Child's Mental Health Reference Letter.

(2) Personal references are contacted by the adoption specialist in person or by telephone.

(3) References may be contacted for an interview if they fail to respond to the reference letter request or if information contained in the response requires further clarification. No additional references are contacted without the specific written permission of the applicant. If voluntary references contact the adoption specialist to provide information, this is included in the assessment.

4. Health.

(1) If any family member has received counseling or therapy, Form 08HI003E, Authorization to Disclose Medical Records, must be signed and:

(A) if the person is an adult, Form 04AF013E is sent requesting information about the treatment received; or

(B) if the person is younger than 18 years of age, Form 04AF012E is sent requesting information about the treatment received.

(2) The reference information is not given to the adoptive family as part of the completed assessment. If negative reference information is received, the issues are fully explored with the applicant without revealing the source of the information.

- (3) Form 04AF017E, Family Health History, is completed by the applicant. The narrative summary describes the family's health history, health insurance coverage, and assesses their ability to care for a child into adult years. A statement from the family physician is required for all children in the home to verify the children are free from communicable diseases and are current on immunizations.**
- 5. Age. If the age difference between the applicant and the child is more than 55 years, the Child Welfare field liaison and Children and Family Services Division (CFSD) Adoption Services Section are consulted at the time of the local adoptive placement criteria staffing, per OAC 340:75-15-41.**
- 6. Fingerprinting.**
- (1) OKDHS adoptive applicants. Oklahoma Department of Human Services (OKDHS) adoptive applicants and household members 18 years of age and older must be fingerprinted. If they have been fingerprinted in the last five years and the information is available for review by the person conducting the home study, then only an Oklahoma State Bureau of Investigation (OSBI) search is required. The search fee is paid by OKDHS for all OKDHS adoptive applicants and their adult household members.**
- (A) The adoption specialist provides the applicant and any household member 18 years of age and older with two fingerprint cards. The cards are taken to local law enforcement or a private fingerprinting company where the fingerprinting takes place. OKDHS pays for the required fingerprinting. Tribal homes that are in the process of certification to serve children in OKDHS custody are included in this process.**
- (B) After fingerprints are obtained, the applicant returns the cards to the respective adoption specialist who checks the fingerprint cards for completeness and applicant's signature. The completed fingerprint cards and Form 04AD003E, Request for Background Check, are placed in a sealed manila envelope marked confidential and mailed to CFSD Fingerprint Processing Section, PO Box 268935, Oklahoma City, OK 73126.**
- (C) The results are returned to the CFSD Fingerprint Processing Section in approximately eight weeks. If an FBI criminal history is found on the applicant, this information is not dispersed to non-governmental agencies. The applicant may access this information by mailing a letter**

of request, that includes an address in which to mail the information, to the Fingerprint Processing Section.

(D) Exception to fingerprinting. CW staff submits the request for an exception in writing to the Fingerprint Processing Section. The Fingerprint Processing Section determines if the request meets the criteria for an exception and sends the request to the Adoption Section for approval. The Adoption Section responds to the CW staff with the determination and the response is placed in the adoption resource file. The Fingerprint Processing Section uses the alternative procedure and requests a name-based check of the national crime information databases (NCID) to obtain a comprehensive criminal background check. An alternative background check process is not to be used when fingerprint impressions are of low quality due to lack of technological capacity or use of improper techniques. The alternate procedure is for limited and case-specific situations, such as when a fingerprint specialist has documented that the prospective adoptive parent's disabling condition prevents fingerprinting, or the individual does not have fingers.

(2) Non-OKDHS adoptive applicants. Non-OKDHS adoptive applicants and adult household members 18 years of age and older must complete Form 04AD003E. An OSBI check is required for all OKDHS and non-OKDHS applicants and includes a search of:

(A) Oklahoma Department of Corrections files maintained pursuant to the Sex Offenders Registration Act; and

(B) Oklahoma Department of Public Safety records.

(i) Non-OKDHS applicants are responsible for paying the cost of fingerprinting and OSBI name search. The cost for the FBI and OSBI search for an applicant is \$50. Of this cost, \$9 is for OKDHS administrative fees and \$41 is the actual cost for the search. An OSBI name search is required for each member of an applicant's household who is 18 years of age or older. The cost for this search is \$20 for each applicant. Of this cost, \$5 is for OKDHS administrative fees and \$15 is the actual cost for the search.

(ii) The private agency, private attorney, or tribal office provides each applicant with two fingerprint cards. The applicant takes the cards

to local law enforcement or a private fingerprinting company where the fingerprinting takes place. Each applicant is responsible for paying the cost of fingerprinting.

(iii) After fingerprints are obtained, the applicant returns the cards to the respective private agency, private attorney, or tribal office. Fingerprint cards are not returned to local OKDHS offices. The private agency, private attorney, or tribal office reviews the cards with the applicant for completeness and applicant's signature.

(iv) Completed Form 04AD003E must accompany each set of fingerprint cards. Completed forms and fingerprint cards for all members of the same household must be submitted together. The payment is a check or money order made payable to OKDHS. Fingerprint cards and forms received without payment by CFSD are returned. The completed fingerprint cards, Form 04AD003E, and payment are mailed by the private agency, private attorney, or tribal office in a sealed envelope marked confidential to CFSD Fingerprint Processing Section, PO BOX 268935, Oklahoma City, OK 73126.

(v) The results are returned to the private agency, private attorney, or tribal office in approximately eight weeks. A return address must be provided for results to be returned. If an FBI criminal history is found on an applicant, this information is not dispersed to non-governmental agencies. OKDHS provides the non-governmental agency with a response letter stating only that criminal history was found. The applicant may access this information by mailing a written request, that includes the address in which to mail the information, to CFSD Fingerprint Processing Section.

7. **Criminal background check.** A review is completed of any existing OKDHS records and information systems checks, including Oklahoma State Courts Network (OSCN) and Oklahoma District Court Records (ODCR) on each adult household member. Any significant information obtained through completed Form 04AD003E and other information systems checks is reviewed thoroughly, verbally discussed with the applicant, and included in the written assessment summary in the Verification section.
8. **Child abuse and neglect information.** A Child Abuse and Neglect Information System (CANIS) search is required for all OKDHS and non-OKDHS adoptive applicants. The Adoption Services Section completes all CANIS searches.

CANIS search results are forwarded to the agency or other person authorized to conduct home study investigations per Section 7505-5.4 of Title 10 of the Oklahoma Statutes.

(1) OKDHS applicant. Any significant information obtained through completing Form 04AF007E, Records Check, is reviewed thoroughly, verbally discussed with the applicant, and included in the Verification section of the assessment summary.

(2) Non-OKDHS applicant. The applicant must complete a written request for a CANIS search via Form 04AN028E, Request for Child Abuse and Neglect Information System Search, that is submitted with verification of impending adoption to the Adoption Services Section by the applicant or agency or other person authorized to conduct home study investigations.

(3) Out of State Child Abuse and Neglect Registry Checks. If a state that maintains a child abuse and neglect registry does not respond appropriately to an information request, the adoption supervisor notifies the CFSD adoption programs manager who contacts the Administration for Children and Families regional office for assistance. If information cannot be obtained from the other state(s), the adoption specialist documents the name of the state(s) and efforts made to obtain the information in the resource record. The documentation is entered in the KIDS system in the resource case under "home/crime." The prospective adoptive parent is not approved without the results of the state-maintained child abuse and neglect registry check if a registry is maintained in the applicable state.

9. Photographs. The family is encouraged to incorporate photographs, such as photographs of parents, relatives, home, work space, school, pets, activities, other children in the family, and the neighborhood, into a family Life Book. The Life Book must be 8 ½ X 11 inches and filed with the assessment.

10. Pre-Service training. The information about the adoption process provided to adoptive applicants allows them to decide whether adoption is appropriate for their family. The dates the applicants attended pre-service training, and a description of their reaction to the information provided is included in the Training section of the assessment summary. Exceptions must be requested from the Adoption Services Section.

340:75-15-128.2. Eligibility requirements for Title IV-E adoption assistance

Revised 5-15-08

(a) **The child.** The requirements for a child to be eligible for Title IV-E adoption assistance are outlined in this subsection. The child is:

(1) Aid to Families with Dependent Children (AFDC) eligible at the time of removal;

(2) Title IV-E eligible as defined in OAC 340:75-13-13;

(3) determined to be a child with special needs prior to the finalization of the adoption;

(4) eligible for Supplemental Security Income (SSI) benefits at the time the adoption petition is filed and meets the definition of a child with special needs prior to finalization of the adoption. How the child was removed from his or her home or whether the state has responsibility for the child's placement and care is not considered;

(5) eligible as a child of a minor parent and meets the definition of a child with special needs.

(A) This eligibility requirement is met if:

(i) the child's parent is in foster care and receiving Title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is initiated; and

(ii) the special needs determination is made prior to finalization of the adoption.

(B) There is no requirement that the child must have been removed from home as a result of a judicial determination or pursuant to a voluntary placement agreement.

(C) If the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for Title IV-E adoption assistance must be determined based on the child's current and individual circumstances; and

(6) eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

(A) When a child is adopted and receives Title IV-E adoption assistance, but the adoption later dissolves or all of the child's adoptive parents are dead, the child may continue eligibility for Title IV-E adoption assistance in a subsequent adoption.

(B) The manner of a child's removal from the adoptive home is not considered.

(b) **The adoptive family.** There is no means test for the prospective adoptive parent(s) to determine eligibility for adoption assistance. A prospective adoptive parent is not eligible for Title IV-E adoption assistance if the person has a felony conviction:

(1) at any time for child abuse or neglect; spousal abuse; crimes against children, including child pornography; or crimes involving violence, including rape, sexual assault, or homicide; or

(2) in the past five years for physical assault, battery, or a drug related offense.