
POLICY TRANSMITTAL NO. 08-61	DATE: DECEMBER 30, 2008
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-3-7.3 and 75-6-85.4.

EXPLANATION: OKDHS: OAC 340:75-3-7.3 Instructions to Staff is revised to update protocol for making decisions regarding whether a report is handled as an investigation or an assessment. OAC 340:75-6-85.4 Instructions to Staff is revised to update the protocol for placing a child in an adoptive home.

Original signed on 12-22-08

Gary Miller, Director
Children and Family Services Division

Sharon Neuwald, Coordinator
Office of Legislative Relations and Policy

WF # 08-BB (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

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

REMOVE

340:75-3-7.3

340:75-6-85.4

INSERT

340:75-3-7.3, pages 1-5, revised 12-1-08

340:75-6-85.4, pages 1-8, revised 12-1-08

340:75-3-7.3. Child Protective Services investigation and assessment decision guidelines

Revised 6-1-08

An investigation is conducted on a report that constitutes a serious and immediate threat to the child's health or safety. An assessment is conducted when a report of abuse or neglect does not constitute a serious and immediate threat to the child's health and safety. [10 O.S. § 7102] ■ 1

INSTRUCTIONS TO STAFF 340:75-3-7.3Revised 12-1-08

1. The guidelines outlined in this Instruction assist Child Welfare (CW) workers and supervisors in making decisions about whether a report is handled as an investigation or an assessment. This guide is not intended to be all inclusive and does not replace judgment about alleged risk factors.

(1) Factors to consider in conjunction with the guidelines. As in any decision-making process, the risk factors are considered first rather than strictly following the guidelines. The age of the child is a critical risk factor since any abuse or neglect to a child three years of age and under has the potential to constitute a serious and immediate threat to the child's health and safety. Refer to OAC 340:75-3-2, Instructions to Staff (ITS), for the complete list of risk factors that are considered. If the number of risk factors make it unclear whether an investigation or assessment is more appropriate, then an investigation, the more cautious approach, is conducted.

(2) Priority decisions. The priority guidelines in OAC 340:75-3-7.1 are used to determine the response time to the referral, regardless of whether the referral is handled as an investigation or an assessment. The decision to make a response to a referral an investigation or an assessment does not affect the prioritization of the referral.

(3) Assignment of investigations and assessments. Where possible, CW workers are assigned to do primarily investigations or assessments. If a report is assigned as an assessment, but upon contact with the family the worker determines that the family situation falls within guidelines for an investigation, then an investigation is initiated immediately by the worker assigned to do the assessment.

(4) Investigations. An investigation is conducted when the allegations in the report indicate there is serious and immediate risk of harm to the child as indicated by dangerous parenting practices or actions. Examples of reports that are addressed as investigations are:

(A) child sexual abuse;

(B) child fatality;

(C) child placed in Oklahoma Department of Human Services (OKDHS) custody;

(D) abuse or neglect in:

**(i) child care center or home that is licensed or should be licensed;
or**

(ii) foster family or trial adoptive home;

(E) abuse or neglect resulting in serious injury or near death or risk for, including, but not limited to:

(i) children three years of age or younger that are alleged to be left alone;

(ii) fractures;

(iii) burns or lacerations;

(iv) head trauma;

(v) life-threatening injuries;

(vi) torture;

(vii) mutilation;

(viii) maiming;

(ix) forced ingestion of a dangerous substance; or

- (x) confinement with life-threatening consequences;**
- (F) abuse or neglect requiring medical evaluation or treatment, including, but not limited to:**
 - (i) non-organic failure-to-thrive;**
 - (ii) multiple injuries of varying ages;**
 - (iii) suspected Munchausen Syndrome by Proxy;**
 - (iv) injuries to fragile areas of the body such as head, face, neck, or genitals;**
 - (v) serious medical neglect; and**
 - (vi) serious suicide threats or attempts and emergency intervention is required;**
- (G) abandonment;**
- (H) infant born exposed to drugs;**
- (I) any alleged inflicted physical injury to a child age five or younger;**
- (J) emotional abuse or neglect that results in the child displaying self-destructive behaviors, such as eating disorders or self-mutilation;**
- (K) history of confirmed referrals of serious abuse or neglect or sexual abuse within the last two years;**
- (L) history of children related to the PRFC that were previously adjudicated deprived;**
- (M) allegations of serious abuse or neglect in an open permanency planning or family-centered services case;**
- (N) allegations that parent is violent or psychotic;**
- (O) allegations that a child three years of age or younger was physically disciplined by a foster or trial adoptive parent, per OAC 340:75-3-8.1 ITS;**

(P) a child placed in a foster or trial adoptive home is exhibiting sexual behavior that is outside the normal range of development, per OAC 340:75-3-8.1 ITS;

(Q) allegations that children are having sexual contact with other children placed in a foster or trial adoptive home, per OAC 75-3-8.1, ITS;
or

(R) a baby has been born to a PRFC with an open permanency planning or family-centered services case.

(5) Assessments. An assessment is conducted when the allegations in the referral do not indicate a serious and immediate threat to child's health or safety. Generally assessments are conducted when it appears that the concerns outlined in the report indicate inadequate parenting or life management rather than very serious, dangerous actions and parenting practices. Examples of reports that are addressed as assessments are:

(A) minor physical injury to a child five years of age or older resulting from excessive discipline that does not require medical attention;

(B) minor injuries suggesting inattention to child's safety;

(C) food, clothing, shelter, supervision, or hygiene needs are inconsistently met but do not cause significant risk of harm;

(D) untreated minor physical injuries, illnesses, or impairments and the child is not in danger of significant harm in a short time period;

(E) unexplained absences from school that suggest parental responsibility for non-attendance subsequent to the school fulfilling its statutory responsibilities and exhausting all legal remedies, and the absences are not due to truancy or home schooling;

(F) intervention will be necessary but there is concern that the person responsible for the child (PRFC) is not responding to the matter seriously;

(G) emotional abuse or neglect that does not indicate risk of serious physical harm to the child;

(H) history of prior reports of abuse or neglect that did not have serious allegations of abuse or neglect, current report does not have serious allegations and the allegations of abuse or neglect are not escalating in seriousness;

(I) child placed in shelter either by law enforcement or voluntary placement and the circumstances that resulted in the shelter placement fit the criteria for an assessment;

(J) corporal punishment by a foster parent or trial adoptive parent involving a child four to five years of age. Corporal punishment includes physical discipline that did not result in injuries of any kind and did not involve unreasonable force, per OAC 340:75-3-8.1 ITS;

(K) supervision concerns regarding an older school aged child by a foster or trial adoptive parent. This does not include sexual abuse or physical abuse perpetrated by an older child towards any child in the home, per OAC 340:75-3-8.1 ITS; or

(L) a baby is born to a minor child who is in OKDHS custody and there are no concerns regarding serious and immediate risk of harm to the newborn.

340:75-6-85.4. CW worker placement responsibilities for child with permanency plan of adoption

Revised 6-1-07

The preferred permanency plan for a child who cannot be returned home is adoption with extended family, foster family, or an approved adoptive resource family. As soon as this is determined to be the appropriate plan, the Child Welfare (CW) worker prepares the child for adoption while concurrently recruiting, processing, and approving a qualified family for the child. ■ 1

INSTRUCTIONS TO STAFF 340:75-6-85.4

Revised 12-1-08

1. Protocol for placing a child in an adoptive placement.

(a) Efforts to place a child for adoption begin immediately after the Child Welfare (CW) worker determines the plan for reunification is no longer feasible. The CW worker does not wait for a court hearing, a finding of reasonable efforts have been made and failed, or until parental rights are terminated to begin the process. When the CW worker and supervisor determine the child's permanency plan should be changed to adoption, the CW worker:

(1) makes recommendation in writing to the district attorney's (DA) office requesting a petition to terminate parental rights. Recommendation to terminate parental rights includes:

(A) a brief summary of child welfare history, including reasons for and date of, the most current adjudication;

(B) any previous court involvement;

(C) the number of months the child has been in OKDHS custody;

(D) supporting information for the recommendation to terminate parental rights. This may include, but not be limited to:

(i) failure to correct conditions per the court ordered service plan;

(ii) abandonment of the child by the parent(s); or

(iii) the child has been in OKDHS custody for 15 of the most recent 22 months;

(2) updates the KIDS/Par Rights/Recommend screen to reflect that a termination request has been made;

(3) documents the change of the child's permanency plan in KIDS; and

(4) notifies the area adoption supervisor by e-mail or memo of the need for an adoption consultation. The e-mail or memo includes:

(A) the child's name;

(B) date of birth;

(C) KK#;

(D) child's legal status, briefly summarized;

(E) whether there is an identified adoptive placement resource for the child; and

(5) upon receipt of the e-mail or memo, the area adoption supervisor assigns an adoption specialist to assist the CW worker and the child in the adoption matching and placement process.

(b) No later than 30 days after notification of the need for adoption consultation, the CW worker and adoption specialist participate in an adoption consultation to discuss:

(1) the child's legal status;

(2) any barriers to termination of parental rights, and if the child is not legally free for adoption the anticipated date the child will be legally free;

(3) whether there are siblings, placement of the siblings, and whether there is a need to request separation of siblings, per OAC 340:75-15-43;

- (4) results of diligent search and availability of relative placement;**
 - (5) prospective adoptive caregiver, if applicable;**
 - (6) date for criteria staffing and persons to invite to the criteria staffing;**
 - (7) plan for copying the biological case;**
 - (8) referral for Child Profile; and**
 - (9) referral for medical records from Oklahoma Health Care Authority.**
- (c) Until petition to terminate parental rights is filed, the CW worker continues to address the child's need for permanency through the facilitation of permanency planning reviews per OAC 340:75-6-31.1 or family team meetings.**
- (d) When the DA's office has filed a petition to terminate parental rights the CW worker:**
- (1) documents the date of petition in the KIDS/Par Rights/Recommend screen; and**
 - (2) contacts the adoption specialist to schedule a criteria staffing within 14 days of the filing of the termination petition. Before the criteria staffing, the CW worker and CW supervisor fill out sections of Form 04AN020E, Adoptive Placement Criteria Staffing. The entire form is completed during the criteria staffing.**
- (e) A criteria staffing is held per OAC 340:75-15-41. The CW worker is a mandatory participant in the staffing.**
- (1) If the child is legally free or anticipated to be legally free no later than six months from the date of the staffing, if a prospective adoptive parent is identified during the criteria staffing and no placement concerns are noted, the adoption specialist completes the steps necessary to obtain an adoptive home assessment, per OAC 340:75-15-88.**
 - (2) If the child is not legally free, the adoption specialist will not obtain an adoptive home assessment until informed by the CW specialist that the child is anticipated to be legally free within six months.**

(f) No later than five working days after receipt of the approved adoptive assessment, the CW worker completes Form 04AN024E, Adoptive Placement Recommendation Worksheet, and submits to Children and Family Services Division (CFSD) Adoption Services Section to request authorization of the selected prospective adoptive placement, per OAC 340:75-15-45 if the child's legal status is:

(1) all participating parents' rights have been terminated;

(2) mother's parental rights have been terminated and the identity of the father is unknown;

(3) a termination hearing is set to occur within the next 60 days and termination is likely to occur at the hearing; or

(4) after consultation, the permanency planning supervisor and adoption supervisor determine requesting authorization is appropriate.

(g) If the prospective adoptive parent is not approved, the CW worker refers the child to the next Statewide Adoption Staffing available after receipt of the unapproved family assessment, per OAC 340:75-15-14.

(h) If a prospective adoptive parent is not identified during the criteria staffing, the CW worker refers the child to the next Statewide Adoption Staffing available after receipt of the Child Profile, per OAC 340:75-15-14 provided the child's legal status is as outlined in (f)(1 - 4).

(i) A Statewide Adoption Staffing is held per OAC 340:75-15-14 for a child with no identified prospective adoptive parent provided the child's legal status is as outlined in (f)(1 - 4).

(1) If a prospective adoptive parent is identified, the CW worker:

(A) reads each resource family assessment no later than ten working days after the staffing, if there are ten or fewer prospective adoptive parents identified or no later than one month after the staffing if there are more than ten prospective adoptive parents identified; or

(B) contacts the adoption specialist for assistance in screening the families;

(C) completes Form 04AN025E, Adoptive Placement Recommendation – Supplemental Worksheet; and

(D) no later than five working days after selection of the prospective adoptive placement, initiates authorization of the selected prospective adoptive placement per OAC 340:75-15-45.

(2) If no prospective adoptive parent is identified, the CW worker:

(A) refers the child no later than ten working days after the staffing for child specific targeted recruitment, per OAC 340:75-15-82;

(B) works diligently to find a prospective adoptive parent for the child; and

(C) no later than five working days after selection of the prospective adoptive parent by review of adoptive assessment(s) received through the recruitment process, initiates authorization of the selected prospective adoptive placement, per OAC 340:75-15-45.

(j) During the search for an adoptive placement, the child's worker ensures that the child is emotionally and psychologically prepared and ready to accept a new family. The child's worker prepares the child for adoptive placement through a series of steps and activities and enlists the child's current caregiver in facilitating the preparation process. The child's worker discusses with the child:

(1) the child's understanding of why the child is in foster care. This helps the worker determine if the child's understanding is based upon accurate information. It is important that the child has accurate information based upon the child's ability to process the information. The worker solicits assistance from professionals if the need is indicated;

(2) what termination of parental rights means for the future and why it was necessary in the child's situation. The worker is realistic in explaining why the child's parent(s)' rights were terminated;

(3) a person's ability to love more than one person and be a part of different kinds of families;

(4) the emotional hurt, loss, and pain the child has experienced and may experience in the future;

(5) what the child would say to the birth parents now if the child could;

(6) other children and their situations and feelings as examples to explain separation, loss, and acceptance of a new family if the child will not discuss his or her specific situation or feelings;

(7) the questionnaire, "My Feelings about Adoption," if the child is age 13 or younger or "The Adoption Guidebook," if the child is older than age 13, with consideration of the child's emotional and maturity level. These are available from the State Office Adoption Section. The worker:

(A) assists the child to complete the questionnaire;

(B) attaches the completed questionnaire to Form 04AN022E, Child Profile Assessment for Adoption so it is available to the Adoption Selection Committee when the child's case is staffed;

(C) asks the resource parent or caregiver to complete Form 04AN026E, Assessment of Child by Caregiver, when possible, and attaches it to Form 04AN022E; and

(D) solicits assistance and information, as needed, from other professionals, including psychologists, therapists, and others who have seen the child or to whom the child needs to be referred prior to placement;

(8) the child's concerns and fears of the unknown and explains that the new family has fears and concerns too;

(9) that if everything goes well and if this is the right family, the child will not have to move again. The worker gives the child reasons to hope for success, but does not use terms like "forever home" and "forever placement";

(10) that there are things the worker cannot personally guarantee, such as visits or contacts with former friends, relatives, resource parents, or siblings, because only the adoptive parent can make those decisions; and

- (11)** the new family and the transition that will take place. The worker explains the plan for placement, including visits with the adoptive family.
- (k)** After notification of authorization of the prospective adoptive placement, the CW worker and adoption specialist begin the steps to transition the child to the trial adoptive placement, per OAC 340:75-15-59.
- (l)** Within five working days after a child has been placed in the authorized trial adoptive placement, the supervisor of the primary county worker:
- (1)** reviews the paper case record and verifies the record contains legal documents for all applicable parents:
- (A)** initial order placing child in the emergency custody of OKDHS;
 - (B)** initial petition and any subsequent amended petitions;
 - (C)** adjudication orders;
 - (D)** order placing child in the temporary custody of OKDHS;
 - (E)** dispositional order(s);
 - (F)** order terminating parental rights;
 - (G)** any relinquishment documents; and
 - (H)** order placing child in the permanent custody of OKDHS.
- (2)** completes the appropriate assignment of the biological paper and KIDS case record, per OAC 340:75-15-103.
- (m)** After authorization of trial adoptive placement, the CW worker in the county of jurisdiction:
- (1)** maintains monthly contact with the assigned adoption specialist by phone, e-mail, or in person;
 - (2)** prepares the appropriate court or progress report(s);

- (3) attends the juvenile court hearing(s);**
- (4) advises the adoption specialist by phone or e-mail of the date of the juvenile court hearing at least ten working days prior so the adoption specialist can give notice of the hearing to the adoptive family, per OAC 340:75-6-85, Instructions to Staff 3;**
- (5) obtains court consent to the adoption, if the court has retained the right to consent, and provides the original to the adoption specialist no later than five working days after notification of the need for the consent by the adoption specialist;**
- (6) advises the court of jurisdiction and requests dismissal of the court case within five working days of notification by the adoption specialist of the adoption finalization; and**
- (7) notifies the Child Support Enforcement Division of the adoption finalization within five working days, in cases where child support has been ordered by the court.**
- (n) In the event of an adoption disruption, the CW worker re-initiates placement search process as outlined in (g) – (n) of this Instruction.**