
POLICY TRANSMITTAL NO. 06-48	DATE: OCTOBER 10, 2006
CHILDREN & FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS & POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-6-86.

EXPLANATION: Revisions to OAC 340:75-6-86 ITS only reflect: updated instructions for Child Welfare workers when a placement disruption occurs when multiple counties are involved; and updated form numbers.

Original signed on 10-1-06

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WF # 06-Q (NAP)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-6392.

REMOVE

340:75-6-86

INSERT

340:75-6-86, pages 1-6, revised 10-1-06

340:75-6-86. Changes in child's living arrangements

(a) **Notice of changes in a child's living arrangement.** Section 7003-5.4a of Title 10 of the Oklahoma Statutes requires that when a child in the custody of the Department of Human Services (DHS) is moved from one location to another, DHS must notify the:

- (1) court of jurisdiction;
- (2) child's attorney;
- (3) district attorney;
- (4) Post Adjudication Review Board (PARB); and
- (5) court-appointed special advocate (CASA). 1

(b) **Notification to parents.** The parent(s), legal guardian(s), or custodian(s) involved with the child and court case is informed of all changes in the child's living arrangements, but may or may not be informed of the address of the placement depending on the case circumstances. The child's location is also provided when needed for scheduled family visits or correspondence.

(c) **Prior court approval required to change placements after a hearing.** Child Welfare may not move a child from one placement to another without court approval if the child has already moved once since the last court hearing. A child may be moved due to an emergency, but a hearing may be conducted if requested in writing within ten days of moving the child. Court approval is not required for movement to or from a shelter due to an emergency, including a placement failure, placement disruption or other similar cause. [10 O.S. § 7003-5.4a(B)(1) through (3)] 2

(d) **Removal from foster care and required notification.** Except in an emergency, when a child has been in a foster home for three months or more, written notice is provided to the foster parent(s), including tribal, emergency, therapeutic, Developmental Disabilities Services Division (DDSD), regular and kinship care, and to the court five judicial days prior to the child being removed from the placement. The length of time applies to placement in each individual therapeutic or emergency foster care home and not placement with the therapeutic or emergency foster care agency. DHS will not remove the child from the foster home solely on the grounds that a foster parent(s) has exercised substitute parental authority. 3

- (1) **Foster parents' objection to removal of a child.** When a child has been in the same foster home for more than six months, the foster parent(s) has the legal right

to file a written objection to the child's removal from the foster home. [10 O.S. § 7208(D)] This objection must be filed with the court and served on DHS within five judicial days after receipt of the notice to remove the child. Timely filing and service of the objection shall stay removal of the child pending review of the court unless DHS' stated reason for removal is:

(A) reunification with a parent(s) with prior approval of the court; or

(B) based upon an emergency situation, that includes:

(i) the child's need for emergency medical or mental health treatment;

(ii) substantial noncompliance by the foster parent(s) with applicable contract requirements and agreements; or

(iii) a pending investigation of allegations of abuse or neglect of a child by a foster parent(s) or other person residing in the foster family home.

(2) Hearing on foster parents' objection to removal of a child. In circumstances when a child is being removed from a foster home and the foster parent(s) has filed an objection, an informal hearing on the objection is held. At the hearing the worker informs the court of the reason(s) the child is being removed from the foster home and the number of times the child has been moved within the foster family system. If the court finds DHS' decision to remove the child was arbitrary or inconsistent with the child's treatment and service plan, the court may order that the child remain in or be returned to the objecting foster parent(s)' home. If DHS' removal decision is upheld, the court explains, in the court record, why the removal of the child from the foster home is in the best interests of the child.

INSTRUCTIONS TO STAFF

1. Notification of change in placement. The Child Welfare (CW) worker in the county of jurisdiction immediately completes Forms 04KI025E and 04KI026E, Change in Placement Notification, for any change in placement, including the initial placement, for any child in the custody of Oklahoma Department of Human Services (OKDHS). If the change is due to an emergency, the CW worker has one business day to give this notification. An emergency is when:

(1) movement of the child is requested by the foster parent if the request to move the child is made when the court or offices of the parties are closed;

(2) movement of the child is for emergency medical or mental health

treatment;

(3) the foster parent is in substantial non-compliance with applicable placement standards and agreements such that the health, safety, or welfare of the child is endangered; or

(4) there is a pending investigation of an allegation of abuse or neglect of a child by the foster parent or any other person residing in the home of the foster parent, if applicable.

2. Court approval of change in placement.

(1) A request for a hearing is made on Form 04PP004E, Application for Placement Change Hearing, and submitted to the court. A copy is filed in the child's paper case record.

(2) Form 04PP005E, Withdrawal of Application for Placement Change Hearing, is submitted when a hearing request must be canceled. A copy is filed in the child's paper case record.

3. Removal from placement.

(1) Assessment of emergency removal from placement. Before emergency removal of a child from a foster parent, an assessment is made by the child's CW worker, supervisor, foster resource specialist, and CW field liaison (CWFL) regarding whether a safety plan can be put in place to avoid disruption of the child's placement, per OAC 340:75-3-8.1. When multiple counties are involved, the assessment includes the CW county of jurisdiction worker, supervisor, and CWFL.

(2) Notification of removal from placement. The child's CW worker:

(A) prepares two originals of Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement;

(B) obtains the supervisor's approval;

(C) hand delivers to the foster parent at least five judicial days before the change of placement is to occur unless an emergency exists and advance notice is not required.

(i) In the event of an emergency, Form 04MP014E is provided at the time of the child's removal, if possible.

(ii) If not provided at the time of the child's removal, Form 04MP014E is provided no later than one business day after the removal;

(D) documents in KIDS Contacts screen, all communications with the foster parent regarding the child's removal; and

(E) advises the foster parent to seek legal counsel, if a foster parent has questions about filing an objection.

(3) Documenting foster parent's notification of removal

(A) The child's CW worker obtains the signature of the foster parent on one original of Form 04MP014E at the time the form is given to the foster parent. This original is retained by OKDHS. If the foster parent refuses to sign the form, CW staff documents the refusal on the original retained by OKDHS and in KIDS Contacts screen.

(B) One of the original forms is given to the foster parent. The other original signed by the foster parent is filed in the child's paper case record. One copy is filed in the resource record, and a copy is sent to the court and the therapeutic or emergency foster care agency or tribe, if applicable.

(4) Emergency removal from placement.

(A) When the decision to remove a child is based on an emergency and the child's removal will occur from a location other than the child's placement, the child's CW worker:

(i) immediately makes every effort to notify the foster parent; and

(ii) continues these efforts until contact, in person or by phone, is made with the foster parent.

(B) Notification attempts are made in the manner and order described in (i) through (iii).

(i) The child's CW worker makes a home visit to the foster parent

immediately after placement of the child in the new location.

(ii) If the foster parent is not at home, the child's CW worker leaves a note instructing the foster parent to immediately contact the child's CW worker.

(iii) The child's CW worker immediately phones the foster parent's residence and leaves a phone message with contact instructions if the foster parent has an answering machine or call notes.

(5) Placement disruptions when multiple counties are involved.

(A) When the child's placement disrupts, the child's CW county of placement worker:

(i) immediately phones the CW county of jurisdiction worker to determine other placement options, including finding another placement in the county of placement that meets the child's needs. Prior to placing the child in a county other than the county of placement, the CW workers involved consider:

(I) whether the child has family or other established connections in the community, such as friends and place of worship;

(II) the need for further diligent search efforts for relatives;

(III) the length of time the child has resided in the current placement;

(IV) the need to maintain the child's education in the same school district; and

(V) the need for continuation of counseling and therapy with the same provider; and

(ii) in an emergency situation, such as a placement disruption after working hours, weekends, and holidays, makes every attempt to maintain the child in the county of placement before contacting the county of jurisdiction worker until further assessment of the child's needs the next working day.

(I) For example, the CW county of placement worker places the child in another foster home or youth services shelter in that county.

(II) If the CW county of placement worker is unable to locate an emergency placement, the CW county of placement worker immediately contacts the CW county of jurisdiction worker.

(B) Responsibilities of both counties do not end until the child is placed. Transportation responsibilities from the county of placement are contingent upon the distance required to facilitate another placement. If the new placement is located in a county that is:

(i) closer to the county where the placement disrupted, the CW county of placement worker transports the child to the new placement; or

(ii) between the county of placement and jurisdiction, CW staff share or split the time involved in transporting the child by the CW staff in the county of the disrupted placement meeting CW county of jurisdiction staff at an agreed upon location between the county where the placement disrupted and the county in which the child will be placed.