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POLICY TRANSMITTAL NO. 08-56	DATE: NOVEMBER 26, 2008
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-7-24.

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

The proposed revisions to Subchapter 7 of Chapter 75 amend the rules to provide information regarding the kinship start-up stipend now available to certain kinship families.

Original signed on 11-4-08

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Gary Miller, Director  
Children and Family Services Division

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Sharon Neuwald, Coordinator  
Office of Legislative Relations and Policy

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WF # 08-11 (NAP)

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## **INSTRUCTIONS FOR FILING MANUAL MATERIAL**

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

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

### **REMOVE**

340:75-7-24

### **INSERT**

340:75-7-24, pages 1-5, revised 11-20-08

**340:75-7-24. Kinship placements**Revised 11-1-08

(a) **Kinship care.** Kinship care is considered as the first option in providing care for the child requiring out-of-home placement, provided the child's needs are met and safety is reasonably ensured in the kinship placement. A kinship placement is assessed as a potential permanent placement for the child if reunification is not achieved. Kinship relationships do not require a blood relationship. The types of kinship relationships are identified in (1) through (6).

(1) **Related by blood.** Blood relatives considered as kinship, including half-blood, are:

(A) siblings;

(B) grandparents, including those denoted by prefixes of great and great-great;

(C) aunts and uncles, including those denoted by prefixes of great and great-great;

(D) nieces and nephews, including those denoted by prefixes of grand and great-grand; and

(E) cousins.

(2) **Related by marriage.** Per OAC 340:75-7-24(a)(1), relationships by marriage, whether common-law or ceremonial, including step-relations and even after the marriage is terminated by death or divorce, are considered kinship.

(3) **Related by adoption.** Relatives by adoption, per OAC 340:75-7-24(a)(1) and (2), are considered kinship.

(4) **Paternal relatives.** Paternal relatives, per OAC 340:75-7-24(a)(1) through (3), of children born out of wedlock, are considered kinship.

(5) **Related by emotional tie or bond.** An emotional tie or bond exists when a child or the child's parent acknowledges and accepts a person as part of the extended family or in the family's close network of friends and relationships. The family relationship role exists prior to the necessity for out-of-home placement of the child.

■ 1

(6) **Noncustodial parent.** A child returned to or placed with a noncustodial parent

or a parent whose rights were terminated is not a kinship placement. Biological parents are not kinship resources and are not eligible for foster care reimbursement.

■ 2

(b) **Initial kinship placement.** A child may be placed in a kinship foster home prior to completion of the resource family assessment and pre-service training, provided:

- (1) Form 04FC001E, Initial Kinship Placement Agreement, is completed and signed;
- (2) Forms 04AF001E, Resource Family Assessment Application, and 04AD003E, Request for Background Check, are completed and signed, per OAC 340:75-7-15 and 340:75-7-18;
- (3) an Oklahoma Department of Human Services (OKDHS) records search, including Child Welfare (CW) records, is completed and documented on Form 04AF007E, Records Check;
- (4) Form 04AF004E, House Assessment, is completed and approved; and
- (5) three personal references, only one of whom is a family member, are interviewed by phone. ■ 3

(c) **Kinship reimbursement option.** The kinship applicant may opt for payment by OKDHS or a money payment for which the child is eligible instead of the foster home reimbursement.

(1) The foster home reimbursement is reduced by the amount of the money payment if the money payment is less than the foster home reimbursement. Refer to OAC 340:75-7-52.1 for Supplemental Security Income (SSI) or Social Security Administration (SSA) benefits received for a parent who is deceased or disabled.

(2) Payment may include:

(A) other financial resources, per OAC 340:75-13-28; or

(B) Temporary Assistance for Needy Families (TANF) benefits, per OAC 340:10-9. ■ 4

(d) **Kinship requirement.** All kinship foster homes, paid or non-paid, must meet the same requirements as all other CW foster homes. Kinship foster homes, that have not been approved within the preceding five years, are entitled to receive:

(1) a one-time kinship start-up stipend to assist with initial expenditures for each

child placed in the home for fourteen days; and

(2) a training stipend half after enrollment and half after completion of the pre-service training when a child has been placed in the home. The kinship start-up stipend and the training stipends are set out in OKDHS Appendix 04AX003E, Children and Family Services Division Rates Schedule. For paid kinship foster homes, reimbursements begin at the time requirements are met and are not retroactive. ■ 4

## **INSTRUCTIONS TO STAFF 340:75-7-24**

**Revised 6-1-08**

- 1. Exception. An exception may be requested from the Children and Family Services Division (CFSD) Foster Care Section when a diligent search has been completed per OAC 340:75-6-85.2 and documented in the child's KIDS case. An exception may be requested when:**
  - (1) a specialized skill is needed to care for the child;**
  - (2) a teenager has found placement through a connection in the community; or**
  - (3) a child in permanent custody or long-term placement has a connection in the community.**
- 2. Kinship. Every effort is made to place a child in a kinship placement. The resource specialist carefully considers the child's physical and emotional health and safety in identifying potential kin providers.**
- 3. Initial kinship placement. An Oklahoma Department of Human Services (OKDHS) records search, including Child Welfare (CW) records, is completed first on potential kinship providers and documented on Form 04AF007E, Records Check. If the resource specialist does not complete the initial kinship placement, the CW worker provides all necessary paperwork to the resource specialist within two working days. The resource specialist:**
  - (1) copies KIDS Pre-Resource screen to a Resource after the child is placed in a kinship foster home and the initial placement requirements are completed, per OAC 340:75-7-24;**
  - (2) documents the relationship of the kinship provider in KIDS Resource**

**General Information screen.** When requesting an out-of-county kinship placement, a KIDS Pre-Resource is assigned to the county in which the kinship provider resides with the information from the CW records search;

**(3) end dates the KIDS Pre-Resource after the conversion to a Resource;**  
**and**

**(4) completes:**

**(A) Form 04FC001E, Initial Kinship Placement Agreement;**

**(B) the criminal records search, OKDHS records review, background checks, and Juvenile Justice Information System (JOLTS) review for any child older than 13 years of age residing in the home, per OAC 340:75-7-15;**

**(C) Form 04AF004E, House Assessment, and submits to the CW supervisor for review; and**

**(D) an interview by phone with three personal references, only one of whom is a family member.**

**4. Kinship reimbursement. The resource specialist:**

**(1) refers relative kinship providers to the local OKDHS office for the application of Temporary Assistance for Needy Families (TANF) benefits pending completion of the assessment process as a paid foster family;**

**(2) to avoid an overpayment, informs the Family Support Services worker within one day when the requirements are met for foster care;**

**(3) at the initial consultation, has the kinship provider sign a contract, per OAC 340:75-7-52 Instructions to Staff, or for non-paid kinship, sign Form 04FC002E, Nonpaid Agreement;**

**(4) enters a training stipend adjustment in KIDS for a kinship foster family at the time of enrollment in training and a final stipend adjustment upon completion of training requirements. The training stipend is set out in OKDHS Appendix C-20, Children and Family Services Division Rates Schedule. The stipend request is made in KIDS Resource Claims screen. Stipends are entered as a claim adjustment; and**

**(5) consults with the CW supervisor and determines whether an exception is necessary.**

**(A) Exceptions for payments made before requirements are completed are considered on a case-by-case basis.**

**(B) A request for a one-time 60-day waiver is made only after all efforts by the county to expedite training or the home study are exhausted, and the efforts are documented in KIDS Resource Contacts screens.**

**(C) A written request and a waiver request on KIDS is submitted to CFSD Foster Care Section by the CW supervisor.**

**(i) The types of training waivers are a:**

**(I) temporary waiver when pre-service training is not available and all other requirements are met; and**

**(II) permanent waiver when a spouse is incapacitated, available only after the primary kinship provider completes the pre-service training.**

**(ii) A home assessment waiver is requested when:**

**(I) the resource specialist has not completed the home assessment timely; or**

**(II) any required documentation is not received.**