
POLICY TRANSMITTAL NO. 04-62	DATE: DECEMBER 13, 2004
CHILDREN & FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-1-18.1; 75-1-20; 75-1-22; 75-6-4; 75-6-31; 75-6-31.1; 75-6-31.3; and 75-6-85.

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

The revisions to Subchapters 1 and 6 of Chapter 75 reflect modifications to: (1) the definition of residual parental rights and responsibilities pursuant to House Bill (HB) 2528 that became effective July 1, 2004; and (2) supervision and permanency hearing considerations for children, as a result of Senate Bill (SB) 1340 that became effective November 1, 2004.

340:75-1-18.1 is amended to reflect the elimination of: (1) required permanency hearings at different intervals contingent upon the child's age, thus setting time frames based on the child's date of placement in out-of-home care and when reasonable efforts are not required; and (2) the permanency meeting prior to a permanency hearing, without compromising contact with interested persons when preparing the court report.

340:75-1-20 is amended to specify that a review hearing may be held concurrently with a permanency hearing.

340:75-1-22 and 340:75-6-31 are amended to eliminate a repealed section of law referenced for permanency hearings.

340:75-6-4 is amended based on statutory changes made pursuant to HB 2528 that refines the definition of residual parental rights to specify that these rights do not include the right to consent to the marriage of a minor, per Section 3 of Title 43 of the Oklahoma Statutes, as well as eliminate definitions that are currently referenced elsewhere in Oklahoma Department of Human Services (OKDHS) rules.

340:75-6-31.1 ITS is amended to detail activities in preparing the permanency report.

340:75-6-31.3 is amended based on statutory changes pursuant to SB 1340 that requires every child returned to a person named in a deprived petition be supervised for six months prior to case dismissal; however, the court may increase or decrease the duration of supervision.

340:76-6-85 ITS is amended to clarify the foster parent's role in permanency planning.

Original signed on 12-10-04

Linda Smith, Director
Children & Family Services Division

Sharon Neuwald, Interim Administrator
Office of Planning, Policy & Research

WF # 04-18 (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) 521-3611.

REMOVE

INSERT

340:75-1-18.1	340:75-1-18.1, pages 1-3, revised 12-7-04
340:75-1-20	340:75-1-20, pages 1-4, revised 12-7-04
340:75-1-22	340:75-1-22, pages 1-4, revised 12-7-04
340:75-6-4	340:75-6-4, pages 1-3, revised 12-7-04
340:75-6-31	340:75-6-31, pages 1-12, revised 12-7-04
340:75-6-31.1	340:75-6-31.1, pages 1-4, revised 12-7-04
340:75-6-31.3	340:75-6-31.3, pages 1-2, revised 12-7-04
340:75-6-85	340:75-6-85, pages 1-5, revised 12-7-04

340:75-1-18.1. Permanency hearings

(a) **Permanency hearing.** State and federal law set out certain requirements for permanency hearings. As with most other hearings, the judge conducts the hearing and makes certain determinations, per Section 7003-5.6d of Title 10 of the Oklahoma Statutes. Oklahoma Department of Human Services (OKDHS) Child Welfare (CW) workers are responsible for providing the court with the necessary information to conduct the hearing. Permanency hearings are held for every case regarding a child alleged or adjudicated deprived no later than:

- (1) six months from the date of the child's placement in out-of-home care and every six months thereafter; and
- (2) 30 days after a determination that reasonable efforts are not required and every six months thereafter. ■ 1 through 3

(b) **Permanency report.**

(1) Prior to a permanency hearing, the CW worker prepares a report regarding the child for the court's review by contacting:

- (A) the child's current foster parent;
- (B) the parent(s) or parent(s)' attorney;
- (C) a post adjudication review board (PARB) member;
- (D) the child's guardian ad litem, if applicable; and
- (E) the child's attorney.

(2) Information gathered from these persons is used by the CW worker to assist in the preparation of Form CWS-KIDS-11, Court Report, or CWS-KIDS-25, Individualized Service Plan (ISP) Progress Report, as applicable. The applicable court report includes, at a minimum, the:

- (A) efforts and progress demonstrated by the child's parent(s) to complete an individual treatment and service plan;
- (B) extent to which the parent(s) or legal guardian cooperated and used the services provided;

(C) status of the child, including the child's mental, physical, and emotional health; and

(D) permanency plan for the child.

(c) **Notification of hearing and opportunity to be heard.** Prior written notice of the hearing, Form DCFS-83, Hearing Notification, is provided by OKDHS to the current foster parent of the child, any preadoptive parent or relative providing care for the child, and the child's guardian ad litem. An opportunity to be heard is provided by the court. Such notice and opportunity to be heard is not construed as requiring any foster parent, preadoptive parent, or relative be made a party to such action. ■ 4

INSTRUCTIONS TO STAFF

1. **Oklahoma statutes.** The exact wording of the statute regarding permanency hearings is found in Section 7003-5.6d of Title 10 of the Oklahoma Statutes online at www.oscn.net.
2. **Requests for permanency hearing.** The Child Welfare (CW) worker requests on Form CWS-KIDS-11, Court Report, or Form CWS-KIDS-25, Individualized Service Plan (ISP) Progress Report, as applicable, in the Recommendations section, that the court set a permanency hearing no later than six months from the child's placement in out-of-home care. This recommendation is made on Form CWS-KIDS-11 or Form CWS-KIDS-25 for any hearing held prior to the permanency hearing due date.
3. **Court orders.** As an appropriate judicial finding is required for continued Title IV-E eligibility for the child, the CW worker must provide the custody specialist with the court order within 30 days of the permanency hearing.
4. **Hearing notification.** The CW worker:
 - (1) completes Form DCFS-83, Hearing Notification, and mails or hand-delivers to the current foster parent, preadoptive parent, or relative caring for the child, and, if applicable, child's guardian ad litem no later than 15 days after the hearing is set; and
 - (2) if the child moves after the notification is provided, copies Form DCFS-83 completed for the hearing and mails or hand-delivers the copy to the current foster parent, preadoptive parent, or relative, and, if applicable, child's guardian ad litem no later than seven days prior to the court hearing

and documents in KIDS Contacts screen when and how the notification was delivered.

340:75-1-20. Six-month judicial review

(a) **Review requirements.** Section 7003-5.6 of Title 10 of the Oklahoma Statutes requires that the court review every case regarding a child alleged or adjudicated deprived no later than six months after the date of the child's out-of-home placement and at least once every six months thereafter until the child is returned to the custody of the parent(s), legal guardian, or legal custodian and the conditions that caused the child to be adjudicated deprived have been corrected, permanent care and custody has been awarded to a suitable custodian or kinship guardian, or the parent(s)' rights have been terminated and final adoption decreed.

(1) A child is considered to have entered out-of-home placement the earlier of:

(A) the date of adjudication; or

(B) 60 days after the child's removal from the home.

(2) The six-month judicial review requirement applies to a child who was removed from and returned to the home of the parent(s), legal guardian, or legal custodian until the court orders the case dismissed.

(3) A review hearing may be held concurrently with a permanency hearing.

(b) **Judicial review report.** The legal custodian of the child prepares the report for the court. Oklahoma Department of Human Services (OKDHS) prepares the report when OKDHS has court-ordered supervision of the child.

(1) The report includes:

(A) a summary of the parent(s)' current situation;

(B) the child's physical, mental, and emotional condition;

(C) the conditions existing in the child's home or out-of-home placement and the child's adjustment;

(D) the child's progress in school;

(E) visitation exercised by the child's parent(s) or other persons authorized by the court;

(F) if applicable, independent living services provided to a youth, 16 years of age or older, since the last court hearing; and

(G) when OKDHS is the legal custodian of the child, any efforts by the parent(s) to correct the conditions that caused the child to be adjudicated deprived. ■ 1

(2) The court's determination, in part, is based upon the report that must specifically address, recommend, and provide reasons, whether:

(A) the child should be returned to the child's parent(s) or placed with willing and suitable kinship relations. Before a return to the child's parent(s) is ordered, the court must find the parties have:

(i) complied with, performed, and completed the terms and conditions of the court-ordered individual treatment and service plan that are essential and fundamental to the child's health, safety, or welfare as determined by the court;

(ii) corrected conditions that caused the child to be adjudicated and that the court determines essential and fundamental to the child's health, safety, or welfare;

(iii) made marked progress towards reunification with the child; and

(iv) maintained a close and positive relationship with the child;

(B) the child should continue in out-of-home placement for a specified period. The court projects a likely date by which the child may be returned to and safely maintained in the home, placed with a suitable guardian or custodian, placed for adoption, or other permanent arrangement;

(C) the rights of the child's parent(s) should be terminated and the child placed for adoption, placed with a guardian or custodian, or provided with another permanent arrangement;

(D) the child, because of exceptional circumstances, should remain in long-term out-of-home placement as a permanent plan or with a goal of independent living;

(E) reasonable efforts have been made to provide for the child's safe return to the home;

(F) reasonable efforts are being made to place the child in a timely manner in accordance with the permanency plan and complete the steps necessary to finalize permanent placement for the child, when the court determines that reasonable efforts are not required or that continuation of reasonable efforts to reunite the child with the child's family is inconsistent with the permanency plan;

(G) when applicable, the youth, 16 years of age or older, receives appropriate services that assist in making the transition from out-of-home care to independent living;

(H) the nature and extent of the services provided to the child and parent(s) ensure the safety of the child and protection from further physical, mental, or emotional harm, and, if necessary, order additional services to correct the conditions that led to the child's adjudication; and

(I) to modify the existing individual treatment and service plan as the court determines it is in the child's best interests and necessary for the correction of the conditions that led to the child's adjudication.

(c) Review hearing. At the review hearing the Child Welfare (CW) worker provides information similar to that offered at the dispositional hearing, with special emphasis on the progress on the court-ordered treatment and service plan. The court reviews all evidence that assists in decision-making including, but not limited to, oral and written reports presented by CW and others involved in the case.

(d) Notice of hearing. OKDHS provides written notice of review hearings via Form DCFS-83, Hearing Notification, to the preadoptive parent(s), relative, and current foster parent. The court provides the opportunity to be heard to the current foster parent of the child, any preadoptive parent or relative providing care for the child, and the child's guardian ad litem. Such notice and opportunity to be heard is not construed as requiring any foster parent, preadoptive parent, or relative be made a party to such deprived proceedings. ■ 2

INSTRUCTIONS TO STAFF

1. Judicial review report documentation. The judicial review report is documented in combination with the permanency report using Form CWS-KIDS-11, Court Report, or Form CWS-KIDS-25, Individualized Service Plan (ISP) Progress Report, as applicable.

2. Notice of hearing. The Child Welfare (CW) worker;

(1) completes Form DCFS-83, Hearing Notification, and mails or hand-delivers to the current foster parent, preadoptive parent, or relative, and, if applicable, child's guardian ad litem no later than 15 days after the hearing is set; and

(2) if the child moves after the notification has been provided, copies Form DCFS-83 completed for the hearing and mails or hand-delivers the copy to the current foster parent, preadoptive parent, or relative, and, if applicable, child's guardian ad litem no later than seven days prior to the court hearing and documents in KIDS Contacts screen when and how the notification was delivered.

340:75-1-22. Administrative review and procedures

(a) **Administrative review.** Title IV of the Social Security Act requires that a case review, either judicial or administrative, occur at least each six months following the date of placement for each child in out-of-home care. An administrative review may not substitute for the statutorily required hearings. An administrative review is held when a case involving a child placed in out-of-home care, or a youth age 18 to 21 in voluntary placement with Oklahoma Department of Human Services (OKDHS) is not reviewed after a six-month interval by the court of jurisdiction or the post adjudication review board (PARB). Child Welfare staff is responsible for providing an administrative review in these situations. The parent(s) and child, if of appropriate age or ability, are given the opportunity to participate in the review. ■ 1 & 2

(b) **Case review system.** Section 475(6) of the Social Security Act defines the administrative review as *... a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review.* The case review system ensures:

(1) each child adjudicated deprived in OKDHS custody living in out-of-home placement has a case plan designed to achieve placement in a safe setting that is least restrictive, in close proximity to the parent(s)' home, and is consistent with the child's best interests and special needs;

(2) the child's status is reviewed at least each six months by either a court or administrative review to determine:

(A) the safety of the child;

(B) the continuing need for and appropriateness of the placement;

(C) the extent of progress made on the case plan toward alleviating the conditions that caused the child's placement in out-of-home care; and

(D) a likely date that the child can be returned home or will obtain permanency through adoption, guardianship, or other placement, as applicable; and

(3) procedural safeguards, such as a permanency hearing, are made available to the child and family, as required by Section 7003-5.6d of Title 10 of the Oklahoma Statutes, per OAC 340:75-1-18.1.

INSTRUCTIONS TO STAFF

1. **Administrative review exception.** A child born to a youth adjudicated deprived in Oklahoma Department of Human Services (OKDHS) custody is not required to have an administrative review and is considered to be in his or her own home when the child is:

(1) not a ward of the court; and

(2) in the same placement as the mother or father.

2. **Administrative review procedures.** The procedures in (1) through (3) are required for the completion of an administrative review.

(1) The Child Welfare (CW) county of jurisdiction worker tracks the due date for judicial review or review by the post adjudication review board (PARB). When the review is due, the CW worker confirms that the case is on the court docket or PARB schedule. A review of the dispositional order is required at least once every six months, per Section 7003-5.6 of Title 10 of the Oklahoma Statutes.

(A) If the case is not scheduled, the CW worker contacts the court or PARB to schedule the review. If the case cannot be set for review within six months of the last review, the CW worker informs the CW supervisor who then notifies the CW field liaison (CWFL) that an administrative review is required. The circumstance most commonly requiring a review is for a youth, 18 to 21 years of age, in voluntary foster care.

(B) The case is updated to ensure the most current information is available. The CW worker updates Forms:

(i) CWS-KIDS-7, Placement Provider Information;

(ii) CWS-KIDS-8, Placement Plan;

(iii) CWS-KIDS-9, Family/Child Strengths and Needs Assessment;

(iv) CWS-KIDS-10, Treatment Plan, or CWS-KIDS-24, Individualized Service Plan (ISP); and

(v) CWS-KIDS-11, Court Report, or CWS-KIDS-25, Individualized Service Plan (ISP) Progress Report, as applicable.

(2) The CWFL convenes a panel of three to five OKDHS staff to review the case. The CWFL selects at least one local staff member, usually the CW worker, who is familiar with the case to participate in the review. One member of the panel must be a person outside the line of authority responsible for services to the child or family. Participation by the county director or designee is recommended.

(A) The CWFL schedules the administrative review within 30 days of the required six-month review.

(B) If the court of jurisdiction county differs from the county where the child or family is located, the CWFL coordinates the participation of appropriate staff from any other county.

(C) The parent(s) is sent a letter at least five working days prior to the review, and if possible, the review is scheduled to allow for the parent(s)' participation. Other persons involved in the case, such as placement provider, adult sibling, tribal representative, or service providers, are invited, if appropriate. Efforts to ensure parental participation and the participation of others is documented in KIDS Contacts screen.

(3) The panel members review updated Forms CWS-KIDS-7, CWS-KIDS-8, CWS-KIDS-9, CWS-KIDS-10 or CWS-KIDS-24, CWS-KIDS-11 or CWS-KIDS-25, and any other portions of the case record as appropriate. The CW county of jurisdiction worker or supervisor briefs the panel and persons involved in the case and responds to questions. The CWFL chairs the panel and guides the review. If necessary, time limits or other procedural requirements are used by the CWFL to ensure the orderly and timely presentation of necessary information and opinions.

(A) The panel is responsible for:

(i) determining the safety of the child and whether continued placement outside the home is necessary;

(ii) assessing the appropriateness of the placement;

(iii) judging the extent of compliance with the case plan and determining progress made toward alleviating the problems that caused the child's removal and placement; and

(iv) projecting a date that the child may be returned to and safely maintained in the home, placed for adoption, or placed under the legal guardianship of another.

(B) The CWFL ensures that the panel obtains the information necessary during the review to evaluate the answers to the questions in (i) through (vi).

(i) Were the child's needs identified in Form CWS-KIDS-9 and services initiated to address those needs?

(ii) Were the risk factors in the family identified in Form CWS-KIDS-10 or Form CWS-KIDS-24 and services initiated to assist the parents in correcting these conditions?

(iii) Is continued out-of-home care necessary?

(iv) Are the child's needs being met in the current placement?

(v) Is progress being made to correct the conditions that required the child's removal from the home?

(vi) By what date might the child be returned home or other permanent plan achieved?

(C) The CW county of jurisdiction worker documents the results of the administrative review in KIDS Contacts screen. The CWFL ensures that the required documentation is entered into KIDS. The CW supervisor e-mails Children and Family Services Division Permanency Planning Section programs manager when an administrative review is completed and includes the case name and number. The appropriate CW worker implements any corrective action or change in the plan for the child's care identified during the administrative review.

340:75-6-4. Definitions

The following words and terms when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"Alternate permanent plan" means a permanent living arrangement for a child in Oklahoma Department of Human Services (OKDHS) custody, other than reunification with the parent(s), and requires an assessment of the child's needs and a treatment and service plan that addresses the child's permanent plan, per OAC 340:75-6-31.

"Case plan" means the overall plan for the placement of the child and treatment needs of the child and the child's family, per OAC 340:75-6-40.

"Child Advocacy Center" means an entity that is an associate or full member in good standing of the National Children's Alliance.

"Close proximity" means placement of a child in OKDHS custody in the nearest geographical location to the child's own home that will meet the child's needs.

"Concurrent planning" means the provision of reunification services while simultaneously developing an alternative plan, in case reunification efforts fail or are no longer feasible.

"Independent Living program" means a program specifically designed to assist a child in the custody of OKDHS or an Indian tribe in developing and enhancing the skills and abilities necessary for successful adult living, per Part 13 of OAC 340:75-6.

"Kinship care" means full-time care of a child by a kinship relation.

"Kinship guardian" means a judicially created relationship between a child and a kinship relation of the child.

"Kinship relation" means relatives, stepparents, or other adults who have a bond or tie with the child and to whom have been ascribed a family relationship role with the child's parent(s) and the child.

"Least restrictive" means the placement of a child in OKDHS custody in the most home-like situation that meets the child's needs, per OAC 340:75-6-85.

"Movement" means changing a child in OKDHS custody from one living arrangement to another.

"Multidisciplinary team" means any team of three or more persons involved in the provision of services, treatment, or both, to a child and the child's family and who meet to assess the progress on the treatment and service plan.

"Out-of-home placement" means a living arrangement for a child other than the home of the child's parent(s), legal guardian, or legal custodian from whose custody the court has removed the child.

"Putative father" means the father of a child born out of wedlock or a child whose mother was married to another person at the time of the child's birth, or within the ten months prior to the birth of the child and includes, but is not limited to:

(A) a man who has acknowledged or claims paternity of a child;

(B) a man named by the child's mother as the father of the child; or

(C) any man who is alleged to have engaged in sexual intercourse with a woman during a possible time of conception.

"Reasonable efforts" means the reasonable exercise of diligence and care, with regard to a child who is in out-of-home placement or who is at imminent risk of harm, to:

(A) refer to, arrange for, or develop reasonable supportive and rehabilitative services for the child's family that are required both to prevent unnecessary placement of the child outside of the home and to foster, whenever appropriate, the safe reunification of the child with the child's own family; or

(B) place a child who cannot return home into a permanent placement.

"Residual parental rights" means those rights and responsibilities that remain with a parent after a transfer of legal custody of the child to another, other than in connection with an action for termination of parental rights, a relinquishment of parental rights, a consent to termination of parental rights, or an adoption. Residual parental rights:

(A) include, but are not limited to, the:

(i) right of visitation with the child;

(ii) right to determine the child's religious faith;

(iii) right to consent to the child's adoption;

(iv) duty to support the child and pay for the child's medical care;

(v) right to consent to termination of parental rights; and

(vi) right to permanently relinquish parental rights; and

(B) do not include the right to consent to the marriage of any child who is in OKDHS custody.

"Reunification" means a permanent plan for the child that involves the return of the child to any person who retains parental or legal rights to the child after removal for child abuse, neglect, or both, regardless of the custody arrangement prior to the child entering out-of-home care, per OAC 340:75-6-31.

"Risk" means the conditions in the child's home that put the child in danger of abuse, neglect, or both.

340:75-6-31. Permanency planning for custody children

(a) **Permanency planning.** Permanency planning begins immediately after a child is placed in Oklahoma Department of Human Services (OKDHS) custody and continues until the child is living in a permanent home and the Child Welfare (CW) case is closed. Once a child is removed from the custody of the child's parent(s), OKDHS immediately begins concurrent permanency planning so that permanency occurs at the earliest opportunity. Careful planning and consideration of the initial placement is given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child. The first permanency hearing is held as required by Section 7003-5.6d of Title 10 of the Oklahoma Statutes, and in accordance with OAC 340:75-1-18.1.

(1) The permanency plan preferences are to:

- (A) reunite the child with the child's family;
- (B) terminate parental rights and place the child for adoption;
- (C) establish guardianship; or
- (D) provide a planned alternative permanent placement.

(2) The purpose of permanency planning is to ensure that every child who enters the CW system has a plan that addresses the child's immediate and long-term needs for safety, well-being, and permanence.

(3) CW staff are required to be diligent in the development and implementation of a permanency plan. The CW worker informs the parent(s) of all of the alternatives from the outset to assist in choosing what is best for the child and parent(s). ■

1 & 2

(b) **Sources for determining the child's permanent plan.** Sources that assist the CW worker and supervisor in determining the best permanency plan for the child are:

- (1) Form CWS-KIDS-10, Treatment Plan, or Form CWS-KIDS-25, Individualized Service Plan (ISP) Progress Report, containing current documentation of the parent(s)' progress, correspondence, consultations, or conferences with service and placement providers and professionals who interact with the child and parent(s);

(2) KIDS Contacts and Visits screens, containing pertinent information gained from visits and CW worker contacts with the child, parent(s), placement provider, and service providers;

(3) statements by the parent(s) that indicate the parent(s)' perceptions of:

(A) the child;

(B) parenting the child; and

(C) abuse and neglect issues that required corrections;

(4) statements by the child, obtained from the CW worker's monthly visitation with the child, placement provider, and service providers, regarding the parent(s)' and child's desire to reunite;

(5) staffing with the CW supervisor;

(6) recommendations by the post adjudication review board (PARB);

(7) conclusions or recommendations by a multidisciplinary staffing;

(8) consultation with Children and Family Services Division (CFSD) Adoption Section;

(9) the permanency planning review process, per OAC 340:75-6-31.1; and

(10) coordination with tribal officials, for a child who falls under the Indian Child Welfare Act, to explore the tribe's interest and ability in providing for the child's permanent placement.

(c) **Reunification.** In most situations, the initial permanency plan is to reunite the child with the family. These services are implemented until:

(1) the child is returned home, the family home has stabilized, and the court case is dismissed; or

(2) it is determined that the conditions that necessitated intervention have not been corrected even though sufficient time and services have been provided.

(d) **Exceptions to reunification as the initial permanency plan.** Situations that require an alternative permanent plan to reunification as the initial permanency plan include:

- (1) voluntary relinquishment of parental rights by all parents, natural, legal, putative, and alleged;
- (2) a Petition for Termination of parental rights is filed; or
- (3) the court finds that reasonable efforts to reunite are not required, per OAC 340:75-1-18.4.

(e) **Reunification services.** Prior to reunification with a parent(s) who has contributed to the abuse, neglect, or both, of the child, a court order granting approval is required. ■ 3 through 6 In preparation for reunification and to provide to the court for consideration, the CW worker ensures the activities in (1) through (7) occur.

- (1) Visitation is increased in frequency and duration with reduced supervision as described in OAC 340:75-6-30.
- (2) The age appropriate child is made aware that the parent(s) has progressed in treatment to the point that reunification may occur, with the court's approval.
- (3) Any issues involving the child's apprehensions, indecisiveness, or reluctance to return home are managed through family consultation, counseling, or both.
- (4) Support services are utilized, including, but not limited to:
 - (A) temporary child care;
 - (B) community service providers;
 - (C) in-home services; and
 - (D) continued Temporary Assistance for Needy Families (TANF) eligibility, if applicable, per OAC 340:75-6-31.2.
- (5) The placement provider is informed of the possibility of reunification and is included in and provided with information regarding the child for permanency planning.

(6) Supporting information about the degree of safety in the family is provided to the CW worker by service providers.

(7) The case is staffed with the CW supervisor and the requirements for the permanency planning review process are met, per OAC 340:75-6-31.1.

(f) **Criteria for reunification.** Indications for reunification are listed in (1) through (6).

(1) The risk that necessitated the intervention is minimized and a plan is in place to address the child's safety.

(2) The parent(s) has complied with the treatment and service plan in such a manner that those conditions the court determines essential and fundamental to the child's health, safety, and welfare are met.

(3) Visitation is successful and has increased in length and frequency.

(4) The child has dealt with the feelings about the separation through counseling or some other effective means.

(5) The child is prepared for the reunion and received support in handling his or her feelings about returning home and separating from the current placement.

(6) The court gives prior approval of the return of the child to the parent(s)' home in accordance with OAC 340:75-6-31(e). ■ 3 through 9

(g) **Reunification with the custodial parent.** When the child's parents do not live together, the priority for reunification relates primarily to the custodial parent; however, the noncustodial parent is assessed for the possibility of placement or custody, if appropriate, per OAC 340:75-1-13. Prior to dismissal of the court case, modification of a divorce decree or other custody order may be necessary if the noncustodial parent is granted placement or custody of the child during the deprived case and the plan is for custody with the noncustodial parent after dismissal.

(h) **Indicators to proceed with concurrent permanency plan.** The conditions in (1) through (8) may be indicators of the need to expedite the concurrent permanency plan for the child.

(1) Completion of the treatment and service plan is irregular or sporadic, and has not eliminated the risk to the child's safety in the home, which may indicate a lack of interest in or commitment to reunification.

(2) Family visitation indicates the parent(s):

(A) lacks a close and positive relationship with the child;

(B) visits irregularly;

(C) frequently misses scheduled visits; or

(D) arrives late and leaves early.

(3) Indications of maltreatment are reported during unsupervised visitations. Examples of maltreatment include, but are not limited to, referrals regarding the reoccurrence of abuse or failure of the parent(s) to comply with any recommended treatment for the child.

(4) The child was returned to the home and removed again for safety reasons.

(5) The parent(s) receives negative reports from service providers or other entities, such as permanency planning review members, PARB members, and court-appointed special advocate (CASA).

(6) The length of time reunification has been the case plan goal, per OAC 340:75-6-47(c)(18).

(7) The finding of the permanency hearing.

(8) A judicial finding that reasonable efforts to reunite are not required.

(i) **Adoption.** When a child cannot return safely to his or her own home, adoption is the preferred permanency plan in most cases. Adoption is usually possible regardless of the child's age or special needs. Adoption provides a child with a lifelong, committed family, a permanent home, connection, belonging, and identity, and the same legal status as with a biological family. Consultation about adoptive placement for the child is initiated with the adoption specialist to discuss permanency planning options when reunification appears no longer feasible. This consultation is held regardless whether termination of parental rights was recommended to the court.

(j) **Legal guardianship or permanent custodian.** A guardianship or permanent care and custody transferred to another person or kinship guardian may be the permanency plan for a child, per OAC 340:75-1-18.2 and 340:75-1-18.3, when a child is placed with a person who is reluctant to adopt due to extenuating circumstances. Guardianship or a permanent custodian is not preferred over adoption because this option does not

provide the same level of family permanency. Subject to the availability of funds, financial assistance is available to the legal guardian or legal custodian, provided the eligibility requirements are met, per OAC 340:75-6-31.4.

(k) **Planned alternative permanent placement.** A plan for planned alternative permanent placement may be appropriate for a child when OKDHS documents a compelling reason for the court to determine that to return home, be placed for adoption, or guardianship is not in the child's best interests. Long-term out-of-home care does not always provide a child with the emotional and physical support or life-long family attachments and is only an option when:

- (1) all other permanency plans have been explored and are not feasible or in the child's best interests; or
- (2) the child chooses not to be adopted after adoption has been thoroughly explored, explained, and the opportunities demonstrated.

(l) **Emancipation.** The federal definition of emancipation is the age at which the child reaches majority. In Oklahoma this age is 18.

INSTRUCTIONS TO STAFF

1. **Concurrent planning.** Concurrent planning provides for reunification services while simultaneously developing an alternative plan, if reunification efforts fail or are no longer feasible. Placement resources are evaluated regarding the potential to develop into a permanent placement for the child to prevent unnecessary movement. The parent(s) is kept informed of the planning for the child and the reasons are explained.
2. **Selecting the appropriate permanency plan.** To establish an appropriate plan, a plan is selected on Form CWS-KIDS-10, Treatment Plan, or CWS-KIDS-24, Individualized Service Plan (ISP), and Form CWS-KIDS-25, Individualized Service Plan (ISP) Progress Report, as applicable, that best serves the child's interests and long-term needs, including safety, well-being, and permanence. The Child Welfare (CW) worker reassesses the appropriateness of this plan at each update of Form CWS-KIDS-10 or Form CWS-KIDS-25. Permanency planning is directed toward one of the permanency plans listed in (1) through (7).

- (1) **Maintain in own home.** The child's own home is determined by CW to be the appropriate, safe, and permanent living situation.

- (A)** The child is in the home of the parent(s) and the short-term risk of abuse or neglect is under control.
- (B)** The family is working with CW to reduce the long-term risk of abuse or neglect.
- (2) Return to own home.** The child's own home is determined by CW as the appropriate, safe, and permanent living situation.
- (A)** The child was removed from the home for protection from abuse or neglect. CW is providing services to the family to reduce the risk of abuse or neglect enough for the child to return home and live there safely.
- (B)** The family, with CW assistance, is willing and able to reduce the risk of abuse or neglect enough for the child to return home, per OAC 340:75-6-31(c).
- (3) Guardianship.** The home of a relative, kin, or another person is determined by CW as the appropriate, safe, and permanent living situation.
- (A)** The child was removed from the home for protection from abuse or neglect and the child's parent(s) is unwilling or unable to reduce the risk of abuse or neglect enough for the child to return home and live there safely.
- (B)** The relative, kin, or another person is willing and able to protect the child, assume responsibility for the child's care and upbringing, and assume guardianship of the child. Permanent placement is usually preceded by temporary placement with the relative, kin, or another person.
- (4) Adoption.** An adoptive family is determined by CW as the appropriate, safe, and permanent living situation.
- (A)** When the court rules that efforts to reunite the child have been made and failed and the parent(s) has relinquished parental rights or parental rights are terminated, a relative, kin, or foster parent may choose to adopt the child. The child's CW worker explores this as an option.

(B) The CW worker contacts the adoption specialist to begin the adoptive planning process. Adoptive placement options are adoption by a:

- (i)** relative or kin;
- (ii)** foster parent; and
- (iii)** non-related person.

(5) Adoption preparation. An adoptive family is determined by CW as the appropriate, safe, and permanent living situation. Prior to adoption, other factors must be addressed, including, but not limited to, any unresolved psychological issues the child has or pending court issues related to termination of parental rights. The child's CW worker immediately changes the plan to adoption when the factors preventing adoption are resolved through progressive casework.

(6) Planned alternative permanent placement. Continued placement in out-of-home care is determined by CW as the appropriate, safe, and permanent living situation. This plan is only an option when all other permanent placement options are explored and determined as not feasible or not in the child's best interests.

(7) Emancipation. Emancipation is used when the child reaches the age of majority. In Oklahoma, certain rights of majority may be given to a child in certain circumstances, but this is not the purpose of this plan.

3. Guide for determining feasibility of reunification. The questions used as a guide in assessing the potential for successful reunification and as a checklist for determining inhibitors to reunification are listed in (1) through (12).

(1) Has the parent(s) demonstrated learning and behavioral change related to the abuse or neglect that caused the intervention?

(2) Does the parent(s) have the ability and interest to provide a safe home for the child?

(3) If the abuse or neglect that precipitated intervention was severe, brutal, or cruel, has the perpetrator made sufficient progress in completing the goals that ensure the safety of the child, is the perpetrator no longer

present in the home, or is the non-offending parent able to protect the child?

(4) If the child has special needs, does the parent(s) have the ability and interest to meet these needs and access community resources, when necessary?

(5) Are there regular visits between the child and the CW worker in which the child's feelings about the child's family and placement are discussed?

(6) Has the child resolved personal issues regarding the abuse and separation?

(7) Has the perpetrator assumed responsibility for the abuse?

(8) Is the child aware of the parent(s)' progress on the treatment and service plan?

(9) Are there community services, schools, child care centers, neighbors, or relatives who have the knowledge and willingness to report if the situation warrants?

(10) Does the parent(s) keep medical appointments and have an interest in the child's school functioning?

(11) Has parent-child visitation increased in length and frequency in order for the child and CW worker to observe changes in the parent(s)?

(12) Is there healthy, age appropriate communication between the parent(s) and the child?

4. Protocol when a child wants to return home but risk continues. In some cases the child expresses a strong desire to return home, but the parent(s) has not sufficiently reduced the risk to the child to allow the child to be returned to the home. In these circumstances the CW worker:

(1) informs the parent(s) of the child's desire to return home;

(2) explains to the parent(s) the consequences of failure to eliminate the risk and complete the treatment and service plan and the child's need for a permanent home;

- (3) examines the treatment and service plan and encourages the parent(s)' input to ensure the parent(s)' understanding. If changes to the plan are required, refer to OAC 340:75-6-40.4(d);**
 - (4) assesses whether the services are available, realistic, and necessary; and**
 - (5) arranges a consultation with the parent(s), child, if appropriate, CW worker, and key service providers to eliminate confusion or uncertainty for the parent(s).**
- 5. Protocol when a child is reluctant to return home. When the parent(s) has corrected the conditions leading to CW intervention but the child is reluctant to return home, the parent(s) is informed of the child's preference and is involved in the resolution, whether through family counseling, consultation with the CW worker, or a gradual reunification process. This requires involvement of the placement provider, child's counselor, or other service provider to explore the possibility of:**
 - (1) abuse or neglect that has not been disclosed or discovered;**
 - (2) family violence, substance abuse, or conflicts that have not been resolved;**
 - (3) fears about the parent(s)' treatment of the child;**
 - (4) belief that the parent(s), stepparent, or other adults and children in the home feel negatively toward the child;**
 - (5) fear or disapproval of the stepparent or other adults and children involved or living with the parent(s);**
 - (6) concerns that conditions in the home, such as reliable meals, cleanliness, housekeeping conditions, appropriate clothing, and similar necessities, are not available; and**
 - (7) preferential treatment by the parent(s) of other children or persons who are involved with the parent(s).**
- 6. Trial reunification - OKDHS custody. When requesting the court's approval for reunification with a parent(s) on Form CWS-KIDS-11 or Form CWS-KIDS-25, the CW worker recommends that the child remain in the custody of Oklahoma**

Department of Human Services (OKDHS) for six months, to continue the child's Title IV-E eligibility. If the court authorizes trial reunification and the child remains in OKDHS custody, the CW worker:

(1) end dates the current placement episode with the exit reason of Trial Reunification; and

(2) enters a Trial Reunification placement episode. This placement episode does not automatically end date after six months. If no action is taken by the CW worker to change the end date, the case turns blue in the CW worker's workload until action is taken to either extend or end date the Trial Reunification episode.

7. Reunification - OKDHS supervision. If the court returns custody to the parent(s) under the supervision of OKDHS, the CW worker end dates the current placement episode with the exit reason of Reunification. The removal episode automatically end dates.

8. Protocol when a child must be removed from the home while in trial reunification status.

(1) When removal of a child is necessary due to abuse, neglect, or both, the CW worker completes a referral and investigation, per OAC 340:75-3.

(A) When the child is in OKDHS custody, the CW worker completes for the court, prior to or within one working day after the removal of the child, Form DCFS-113, Request for Termination of Trial Reunification, with the reasons trial reunification must be terminated.

(i) The CW worker requests an ex parte order authorizing OKDHS to terminate the trial reunification and offers to the court Form DCFS-114, Order Terminating Trial Reunification. Form DCFS-114 is utilized at the court's discretion.

(ii) The court's authorization is required for continued eligibility for Title IV-E funding. The CW worker provides to the custody specialist within five calendar days of the child's removal a copy of the Order Terminating Trial Reunification.

- (B) When the child is not in OKDHS custody, the CW worker completes Form DCFS-113 with the reasons the child must be removed from the home.**
- (i) The CW worker presents Form DCFS-113 to the district attorney (DA) who prepares an application for an emergency custody order.**
 - (ii) The DA obtains an emergency custody order with judicial findings of "contrary to the welfare" and "reasonable efforts to prevent removal."**
- (2) Title IV-E redetermination. After the child is removed from the home, Title IV-E eligibility is redetermined, per OAC 340:75-13-15.**
- 9. Protocol when trial reunification - OKDHS custody is successful. If at the end of the first six months, the reunification process appears successful the CW worker asks the court to return legal custody to the parent(s) and relieve OKDHS of legal custody and supervision.**
- (1) If OKDHS is relieved of legal custody, supervision, or both, the CW worker end dates the Trial Reunification episode with the exit reason of Reunification and closes the CW case. The removal episode automatically end dates.**
 - (2) If the court orders OKDHS to continue custody, supervision, or both, the CW worker follows the contact requirements as outlined in OAC 340:75-6-48.**

340:75-6-31.1. Permanency Planning Review (PPR) System

The permanency planning review (PPR) system is designed to assist staff in case planning directed at achieving permanency for a child in the shortest time possible. Often a child remains in care too long or in placements that cannot provide a permanent home. Essential elements of the case may be lost as cases are transferred between workers, counties, and when a child is in ICPC placements out-of-state. This often results in delays in achieving a permanent placement. The PPR process is initiated for each child in the custody or supervision of DHS and placed outside of the parent(s)', legal guardian(s)', or custodian(s)' home. This includes ICPC placements out-of-state. The process begins 60 days after the child has been removed from the home or within 30 days after a court determination that reasonable efforts are not required and again every six months as long as the child remains outside of the parent(s)', legal guardian(s)', or custodian(s)' home. ■ 1 through 4

INSTRUCTIONS TO STAFF

1. **(a) PPR responsibility. The county with court jurisdiction is responsible for conducting the permanency planning review (PPR). The Child Welfare (CW) county of jurisdiction worker:**

(1) contacts the appropriate persons to participate as members of the multidisciplinary team for each case, per OAC 340:75-6-31.1 Instructions to Staff 1(c)(1);

(2) when services are provided to the child and family by more than one county, obtains input from each county involved;

(3) informs any multidisciplinary team member, who is unable to attend the PPR, that any written or verbal input provided to the CW worker at least 24 hours prior to the PPR is presented at the PPR; and

(4) documents the results of each PPR in KIDS Contacts screen no later than 30 days after completion of each PPR.

(b) multidisciplinary PPR. This review is completed by the CW county of jurisdiction worker and supervisor in conjunction with input from the assigned Child Protective Services (CPS) worker no later than 60 calendar days from the date of the child's removal or within 30 days after a court determination that reasonable efforts are not required. This review determines the appropriateness of the case plan and assesses the concurrent permanency planning process. The CW worker:

(1) utilizes Form CWS-KIDS-96, Preliminary Permanency Planning Review, to document the results of the preliminary staffing; and

(2) files original Form CWS-KIDS-96 in the case and sends a copy to the CW field liaison (CWFL), child's attorney, and, if applicable, any other county with case assignment.

(c) Initial PPR. The initial PPR is completed when the child is in OKDHS custody and out-of-home care six months. The CW worker begins counting the six months from the earlier of the child's date of adjudication or 60 days after the child's date of removal from the home.

(1) A case specific multidisciplinary team is utilized in the review and may include the child, if appropriate, and:

(A) the child's:

(i) CW worker and supervisor;

(ii) adoption specialist;

(iii) foster or adoptive parent;

(iv) guardian ad litem;

(v) attorney; and

(vi) birth parent(s);

(B) service providers;

(C) Developmental Disabilities Services Division (DDSD) staff;

(D) SoonerStart staff;

(E) court-appointed special advocate (CASA);

(F) post adjudication review board (PARB) member; and

(G) district attorney. The multidisciplinary team established in the county that intervenes in reports involving sexual abuse or physical

abuse and neglect, per OAC 340:75-3-8.4, is not intended for the review of the CW case and the permanency planning process.

(2) Prior to case discussion, the PPR facilitator:

(A) explains the confidential nature of the review;

(B) requests all multidisciplinary team members sign Form DCFS-82, Permanency Planning Review Confidentiality Statement, acknowledging such; and

(C) utilizes Form CWS-KIDS-93, Permanency Planning Review, as a reference source for discussion by the multidisciplinary team. The team:

(i) identifies barriers to permanent placement;

(ii) proposes and implements solutions to those barriers; and

(iii) completes the review utilizing Form CWS-KIDS-93-A, Permanency Planning Review Documentation.

(d) Ongoing PPR. Subsequent reviews are completed every six months until the child exits out-of-home care utilizing PPR Forms: CWS-KIDS-93, CWS-KIDS-93-A, and DCFS-82. If Form DCFS-29, Child Profile Assessment for Adoption, has been completed for the child, this form may substitute for Form CWS-KIDS-93.

- 2. Reporting PPR to the court. The CW worker attaches Form CWS-KIDS-93-A or includes a summary of the PPR on Form CWS-KIDS-11, Court Report, or Form CWS-KIDS-25, Individualized Service Plan (ISP) Progress Report, for the next court hearing following the PPR.**
- 3. Permanency report. Prior to a permanency hearing, a report is required by statute, per OAC 340:75-1-18.1. Gathering of the information is combined with the PPR held every six months.**
- 4. Criteria staffing and PPR. When the kin, paid or non-paid, or foster parent(s) of the child has requested to adopt the child, a local adoptive placement criteria staffing is required.**

(1) This staffing may occur concurrently with the PPR if the PPR is scheduled to be held within 30 days of the kin or foster parent's request. The attendance of the adoption specialist is mandatory.

(2) Forms CWS-KIDS-93-A and DCFS-2, Adoptive Placement Criteria Staffing, are completed by the CW county of jurisdiction worker. Upon completion of the PPR, the CW worker ensures that a copy of Form DCFS-2 is provided to the adoption specialist in attendance for processing.

340:75-6-31.3. Court supervision of cases after reunification - Aftercare

To further protect children, Section 7003-5.5a of Title 10 of the Oklahoma Statutes provides ... every child who has been returned to a person named in a petition shall be supervised for a period of six months prior to dismissal of the case, provided, the court may increase or decrease the duration of such supervision as the best interests of the child may require. Oklahoma Department of Human Services (OKDHS) supervises for six months, and, if conditions in the home appear stable, the CW worker recommends OKDHS be relieved of legal custody, supervision, or both. ■ 1

INSTRUCTIONS TO STAFF

1. (a) **Case type.** The Child Welfare (CW) worker changes the case type to Aftercare - Permanency Planning effective the date of the court order granting permission to return the child to a person named in the petition. If any child of a family with more than one child remains in out-of-home care, the case type in KIDS is changed to Aftercare - Permanency Planning when the last child of the family has returned home or obtained some other form of permanency.
 - (b) **Contact requirements.** Refer to OAC 340:75-6-48 for contact requirements. Visits are made more frequently when case circumstances indicate.
 - (c) **Protocol when contacts cannot be made with the family.** If the CW worker's attempted contact is not successful, every effort is made to locate the family and ensure the child's safety. If the CW worker's attempts to locate the family are unsuccessful, refer to OAC 340:75-6-48 Instructions to Staff (ITS) 4(b).
 - (d) **Protocol when the family is located.** Refer to OAC 340:75-6-48 ITS 4(e).
 - (e) **Protocol when the CW worker is unable to locate the family.** Refer to OAC 340:75-6-48 ITS 4(f).
 - (f) **Changes in family structure.** The CW worker:
 - (1) records changes in the family structure in KIDS;
 - (2) completes background checks on all new adult members of the household;
 - (3) updates Form CWS-KIDS-9, Family/Child Strengths and Needs

Assessment; and

(4) immediately notifies the court if any change in the family structure results in a new risk or safety concern about the child.

(g) Court reviews. Form CWS-KIDS-11, Court Report, or Form CWS-KIDS-25, Individualized Service Plan (ISP) Progress Report, is prepared for review hearings.

(h) Requesting closure.

(1) Six months after the child is returned, if conditions in the home appear stable, the CW worker recommends Oklahoma Department of Human Services (OKDHS) be relieved of legal custody, supervision, or both.

(2) When the time between the return of the first child and the return of the last child exceeds six months, the CW worker recommends OKDHS be relieved of legal custody, supervision, or both, after the last child has been returned three months.

(3) The CW case is closed no later than five working days after OKDHS is relieved of legal custody, supervision, or both.

PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES**340:75-6-85. Child Welfare (CW) worker placement decisions and responsibilities**

(a) **CW responsibilities.** The CW worker is responsible for the placement of a child who is removed from the home and placed in the custody of the Department of Human Services (DHS) by law enforcement and court order. DHS follows the provisions of the Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996 [OAC 340:75-1-9] unless the court has made a finding that the Indian Child Welfare Act applies to the child. ■ 1 In determining any placement for a child who has been removed from the custody of the custodial parent and placed with DHS in emergency or protective custody, priority is given by DHS to placement with the noncustodial parent unless such placement is not in the best interests of the child. ■ 2 If a determination is made by DHS that placement with the noncustodial parent is not in the best interests of the child, the order of placement preference is consistent with Section 21.1 of Title 10 of the Oklahoma Statutes preferences, such as grandparent, person indicated by deceased parent, relative, the person in whose home the child has been living in a wholesome and stable environment, including, but not limited to, foster parent, or any other person deemed suitable by the court. If custody of the child cannot be made pursuant to these preferences, or any other person deemed suitable by the court. If custody of the child cannot be made pursuant to these preferences, the reason for such determination is specified in the agency records concerning the child. In addition, such records are made known to the court by DHS. This responsibility includes ensuring the provision of food, clothing, shelter, medical care, education, basic care, protection, and safety for the child. [10 O.S. § 7003-7.1; and OAC 340:75-6-85.1 through 340:75-6-85.4]

(b) **Appropriate placement.** DHS has the responsibility to determine whether a placement is an appropriate placement for a child in DHS custody, and to remove a child from a placement when it is in the best interests of the child. [10 O.S. § 7202(10)(a)] Every effort is made to place the child within his or her own community, school district, or both in order to minimize the disruption for the child and ensure consistency with education. The Federal Indian Child Welfare Act (FICWA), Section 1915 of Title 25 of the United States Code, and the Oklahoma Indian Child Welfare Act (OICWA), Section 40.6 of Title 10 of the Oklahoma Statutes, define placement preferences for Indian children. [OAC 340:75-19-14] If a child is placed with a noncustodial parent, the noncustodial parent's home is considered the child's home community. Additionally, consideration is given to the parent(s)' wishes as to the religious preference in the selection of a placement provider for the child. In order to promote stability and healthy growth of the child, it is the intent of DHS to limit the number of times a child is moved in out-of-home placement. Consideration is given so that if reunification is not feasible or is delayed the placement made is the best

available placement to provide permanency for the child. A request by a placement provider for immediate removal of a child is examined and assessed as to whether the situation can be resolved in order to prevent disruption of the placement.

(c) **Prescribed standards.** All placements utilized by DHS are approved or licensed by specified procedures and meet prescribed standards. A custody child is not placed in a home, however temporary or closely related, prior to the provider meeting the standards as described in DHS rules. Financial and social information is gathered, and driving and criminal background records are checked. Placements must be safe, have sufficient space to allow the child privacy, and the provider must support and participate in the child's case plan goals. All placements adhere to DHS rules such as not using physical discipline, and supporting and cooperating with the child's preferred religion and cultural choices.

(d) **Child's placement preference.** The child's statements and placement preferences are considered in making case decisions and are recorded on Form CWS-KIDS-11, Court Report, when the child's age and developmental abilities allow. Although the child's preferences are not the sole consideration in determining placements and case plan decisions, they are evaluated as to their reasons or causes, degree of consistency and implications for the case plan goal, and permanency planning.

(e) **Court decisions regarding the child's placement.** The court cannot place a child in the custody of an individual who is subject to the Sex Offenders Registration Act or an individual living with someone subject to the Sex Offenders Registration Act. The term "individual" does not include a parent, legal guardian, or custodian of the child. The court also must inquire, prior to placing custody of a child with an individual, whether the individual has been convicted of a felony or a relevant misdemeanor, including assault and battery, alcohol or drug offenses, domestic abuse, and other charges, or has any charges pending. Prior to the custody order being issued, the individual must present an affidavit or sworn testimony to the court and must provide an Oklahoma criminal history background check. [10 O.S. § 7003-8.1(E)(3)]

(f) **Foster home placements.** The criteria in (1) through (7) of this subsection apply to placements in a kin, paid or non-paid, foster, or therapeutic foster home.

(1) **Preplacement visit.** Whenever possible a preplacement visit for any child five years of age or older is held with the foster parent(s). The worker involved in the preplacement visit makes every effort to discuss with the child how the care, supervision, and guidance, including, but not limited to, parental substitute authority, will be achieved.

(2) **Foster parents may submit reports or present testimony in court.** Foster

parents are entitled to provide the court with written reports or verbal testimony concerning the strengths, needs, behavior, important experiences, relationships regarding the child, and may provide information requested by the court.

(3) **Foster parents informed of hearings.** Foster parent(s) and the child are given adequate prior written notice by the CW worker of all court hearings, including the date, time, place of hearing, name of judge, docket number, and the right to participate. [OAC 340:75-1-20] The foster parent(s) is advised of the decisions made by the court with respect to the child.

(4) **Foster parents preferred placement.** When a child reenters out-of-home care and a relative or kin placement is unavailable, the foster parent(s) who previously cared for the child is the preferred placement option if the placement is in the best interests of the child as well as the best interests of the other children in the foster home.

(5) **Foster parents informed of review meetings, permanency planning meetings, and special staffing.** Foster parents are advised of any review meetings, permanency planning meetings, and special staffing, including CW's scheduled permanency planning review meetings, and their right to participate. ■ 3

(6) **Previous placement information.** Foster parents are provided the opportunity to contact and communicate with a previous foster parent(s) for the child in order to share information about the child, if authorized by the previous foster parent(s). Foster parents are informed of the number of times a child has been moved and the reasons why.

(7) **Court approved treatment plan.** Foster parents are provided a copy of the court approved treatment plan.

(g) **Respect for the foster parents or placement providers.** The foster parent(s) or placement provider(s) is a professional member of the CW team and is treated with dignity, respect, and consideration. A mutual exchange of information, including, but not limited to, the child's physical and emotional development, significant statements and behaviors which could affect the child's permanent plan and progress, school events, and any other concern, is essential between the CW worker and the foster parent(s) or placement provider(s).

(h) **Foster parents' relationship to the child.** Foster parents provide the child's basic needs such as food, clothing, and shelter; and the child's need for nurturing, emotional support, and direction and guidance for the child's growth and development. These relationships are often close and lasting and are recorded through photographs, Life

Books, the exchange of gifts and, in some cases, contact after the placement is completed. State statutes recognize foster parents as essential participants in the decisions related to the growth, development, care, protection, and treatment of a child placed in their home with whom they have established a familial relationship. [OAC 340:75-7-37]

(i) **Least restrictive.** Placements are made in the least restrictive or most home-like setting that will meet the child's individual needs and provide for the child's safety. [OAC 340:75-6-85 through 340:75-6-85.4] Section 7004-1.1(2)(c) of Title 10 of the Oklahoma Statutes prohibits a deprived child from being placed in an institution. The least to the most restrictive placements are:

(1) kinship home, which includes:

(A) relative home; and

(B) close family relationship;

(2) regular foster home;

(3) therapeutic foster home;

(4) group home or residential child care facility; and

(5) residential psychiatric facility.

(j) **Close proximity.** Placements are made in "close proximity," that is within 40 miles from the child's parents when reunification is the case plan goal. [10 O.S. § 7003-5.3(D)(5)(b)] Exceptions can be made when the child's individual needs and safety cannot be met in a placement within the prescribed distance of his or her own home and arrangements for transportation are made to ensure regular family visits.

INSTRUCTIONS TO STAFF

1. **Placement consideration.** If the parent(s) of a child in emergency or temporary Oklahoma Department of Human Services (OKDHS) custody requests a placement that violates the Multiethnic Placement Act of 1994 and Interethnic Adoption Provisions of 1996 (MEPA/IEP), the Child Welfare (CW) worker advises the parent(s) that MEPA/IEP states that a parent(s)' request for a same race placement is not legal and is not considered by OKDHS. Only requests regarding relative and religion preferences are considered.

-
2. **Noncustodial parent.** In many cases, Child Support Enforcement Division (CSED) has established and documented paternity prior to CW involvement. In order to ensure placement with the noncustodial parent has been explored and the CW case record accurately reflects all available OKDHS records regarding paternity, the CW worker:
- (1) contacts the local CSED office no later than 30 days after the child's removal from the home in order to obtain CSED records for any child in OKDHS custody for whom the mother is unable or unwilling to provide paternity information;
 - (2) if paternity information is available from CSED, contacts the noncustodial parent and explores placement of the child with the noncustodial parent or any other family member;
 - (3) if paternity information is not available from CSED, continues to pursue information from the mother and any other person who may have information regarding the paternity of the child; and
 - (4) documents attempts to establish paternity in KIDS Contacts screen.
3. **Notification to foster parents.** The CW worker advises the foster parent of the local post adjudication review board (PARB) review meetings, permanency and review hearings, and any other case staffing that may require the foster parent's input, including scheduled permanency planning review meetings.