
POLICY TRANSMITTAL NO. 10-40	DATE: JULY 16, 2010
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF INTERGOVERNMENTAL RELATIONS AND POLICY

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-1-26; 75-6-31; 75-6-40.5; and 75-6-50.

EXPLANATION: 340:75-1-26 Instructions to Staff (ITS) are amended to: (1) set a timeframe for documenting face-to-face contacts with the child in the child's placement; and (2) clarify paper case record storage and retrieval protocol.

340:75-6-31 ITS are amended to update tagline.

340:75-6-40.5 ITS are amended to update procedure for providing copies of psychological reports.

340:75-6-50 ITS are amended to clarify parental participation in the child's education.

Original signed on 7-15-10

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WF # 10-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 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

340:75-1-26
340:75-6-31
340:75-6-40.5
340:75-6-50

INSERT

340:75-1-26, pages 1-8, revised 7-15-10
340:75-6-31, pages 1-15, revised 7-15-10
340:75-6-40.5, pages 1-9, revised 7-15-10
340:75-6-50, pages 1-6, revised 7-15-10

340:75-1-26. Child Welfare case records

Revised 5-11-06

Delivery of Child Welfare (CW) services is recorded by entry into the KIDS system, storage of documents and digital images into the KIDS application file cabinet, and maintaining a paper case file of all related case documents and information. ■ 1 A case record is established on the family when:

- (1) the client or representative requests service;
- (2) service is requested on the client's behalf and the requested service is available through the CW services program; or
- (3) a report of child abuse or neglect is assessed or investigated.

INSTRUCTIONS TO STAFF 340:75-1-26Revised 7-15-10

1. (a) **Purpose of CW case record.** Child Welfare (CW) workers use the CW case record to document demographic information, decisions, and actions made with or on behalf of the children and families, CW serves. Face-to-face contacts with the child in the child's placement are documented in KIDS no later than the 4th day of the following month. All other types of contact are kept up to date at least monthly from the point of intake through case closure. All notes and phone messages are not destroyed and are maintained in the paper case record. The case record serves as:

- (1) a means for the CW worker to develop a clear understanding of the client's situation and a basis for planning with the client;
- (2) evidence that the client has been offered, requested, or needed services and is receiving services through staff delivery, purchase of services, or referral;
- (3) documentation of the specific goals to which services are directed;
- (4) an accounting of the way in which the Oklahoma Department of Human Services (OKDHS) responsibilities are fulfilled;

- (5) evidence that the client's eligibility has been satisfactorily determined or redetermined;
- (6) a means for future CW workers to obtain knowledge of the client's previous experience in relation to OKDHS;
- (7) documentation for the client, OKDHS, and community against inaccuracies that might arise from memory errors;
- (8) a means of eliminating repeated inquiries by the CW worker about the same matter;
- (9) an aid in the supervision of work, in assisting the CW worker to develop his or her skills, in evaluating performance; and
- (10) a reference source for OKDHS in making various social and economic studies and surveys and identifying program planning needs.

(b) Paper case record. The majority of direct service CW case information is online in the KIDS system. A paper case record is established to maintain case related documents that are not in KIDS, are not generated by CW, and any CW document that requires signatures and dates when submitted to another entity, for example, the court or client. As applicable, the CW paper case record includes:

- (1) all legal and court documents;
- (2) birth verifications, per OAC 340:75-13-9;
- (3) Social Security cards or information;
- (4) death certificates for any deceased parent(s), per OAC 340:75-1-26.2;
- (5) Form 04KI003E, Report to District Attorney;
- (6) Form 04KI030E, Assessment of Child Safety;
- (7) Form 04MP054E, Immediate Protective Action Plan or Voluntary Safety Plan;
- (8) Form 04KI028E, Family Functional Assessment;

- (9) grievance forms;**
- (10) psychological evaluations;**
- (11) medical information from providers;**
- (12) Form 04FC011E, Placement Agreement for Out-of-Home Care;**
- (13) appropriate child support forms;**
- (14) Form 04KI002E, Eligibility Determination;**
- (15) Form 04KI004E, Placement Provider Information;**
- (16) Form 04KI005E, Placement Plan;**
- (17) Form 04KI008E, Treatment Plan, or 04KI012E, Individualized Service Plan (ISP), or both;**
- (18) Form 04KI011E, Preadjudication Court Report;**
- (19) Form 04KI009E, Court Report;**
- (20) Form 04KI014E, Individualized Service Plan (ISP) Progress Report;**
- (21) Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report;**
- (22) Form ODH 347, Medical and Social History Report for Adoption;**
- (23) Independent Living Life Skills Assessment;**
- (24) Form 04AN022E, Child Profile Assessment for Adoption;**
- (25) Form 04AN006E, Affidavit of Information Disclosure for Adoption;**
- (26) Form 04AN024E, Placement Recommendation Worksheet; and**
- (27) any other forms or data that are pertinent to the CW case record, such as letters, police reports, Department of Corrections reports, and similar documents.**

(c) Case record security. All paper case records are filed in locked file cabinets, according to their status, active or closed.

(1) Case records are kept in the county office in locked file cabinets, except when officially handled by CW staff, until the requirements for storage are met per OAC 340:75-1-26 Instructions to Staff # 1(h).

(2) Special circumstances may require additional security, such as case restriction. A CW case is restricted in KIDS when:

(A) an OKDHS employee or relative of an employee is involved;

(B) the case is highly publicized;

(C) the case involves a public figure; or

(D) the situation receives significant media attention.

(3) The CW supervisor makes the decision to restrict a case; however, most CW cases do not require restriction. The county director maintains restricted paper case records in a secure file separate from the county record files.

(d) Transfer of electronic and paper case records.

(1) Timeliness. Timely transfer of cases is necessary to continue service provision to the child and family. Non-receipt of the paper case record, missing information in the KIDS case, or any other issue must not delay services. CW supervisors discuss areas of concern, coordinate, and communicate with each other to resolve issues.

(A) Prior to case transfer in KIDS, the receiving county is notified of the transfer by phone or e-mail and provided with any information about the family.

(B) When the initial transfer notice is provided via e-mail, the initiating county CW staff contacts the receiving county CW staff by phone to discuss current case circumstances no later than five business days after the transfer.

(2) Primary case transfer. The primary CW supervisor transfers primary case responsibility in KIDS no later than five business days after:

(A) county of jurisdiction changes;

(B) a youth attains the age of majority, is in voluntary placement in a county other than the county of jurisdiction, and no other child is being provided services in the case; or

(C) a family receives Family-Centered Services or Interstate Compact on the Placement of Children (ICPC) case services from another state and the family moves.

(3) Transfer of primary paper case record. The corresponding CW paper case record is sent within ten business days of the change in case status to the other county with Form 04AD002E, Transfer Between Counties.

(4) Secondary case transfer. When a child is placed or the parent(s) resides outside the county of jurisdiction, the CW supervisor of the primary case makes the secondary case assignment in KIDS no later than five business days after placement or notification of the parent(s)' location.

(A) The corresponding CW paper case record is sent within ten business days, if not provided at the time of the child's placement, to the other county with Form 04AD002E.

(B) Case content. Cases to be transferred are updated with current information, including, but not limited to:

(i) child's custody status and any upcoming hearing dates;

(ii) client status information, such as address, phone number, employment, and placement;

(iii) data regarding visits with parents, relatives, siblings, and other family members;

(iv) any scheduled or canceled visits;

(v) recent contacts with clients and collaterals; and

(vi) services scheduled, offered, or provided to a child, family member, and caregiver with type of service, date of service, and name of service provider.

(C) When services are completed or are no longer needed in the secondary county, the CW supervisor of the:

(i) secondary case:

(I) returns the secondary county paper case record to the primary county within ten business days, using Form 04AD002E; and

(II) end dates the secondary assignment in KIDS.

(ii) primary case, upon receipt of the secondary paper case record:

(I) reviews the secondary paper case record for any records that are not filed in the primary case record;

(II) files these records in the primary case record; and

(III) prepares the duplicate case record for security destruction per OKDHS:2-21-55 and 2-21-57.

(5) Closed case transfer. The county that needs a closed CW paper case record that is located in another county office requests transfer of the case, using Form 04AD002E. The corresponding CW paper case record is sent to the other county no later than two business days following the request identified on Form 04AD002E.

(e) Documentation of race and Hispanic or Latino origin. The collection of uniform data on race and Hispanic or Latino origin is an important piece of documentation in the case record. The CW worker asks adults and, if age appropriate, children to identify all applicable racial categories to which they belong. Additionally, the CW worker determines the adult or child's Hispanic or Latino origin. Self-identification or self-reporting is the preferred method of gathering information on race and Hispanic or Latino origin.

(1) American Indian or Alaskan native persons have origins in any of the original peoples of North or South America, including Central America, and maintain tribal affiliation or community attachment.

(2) Asian persons have origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Philippine Islands, Thailand, and Vietnam.

(3) Black or African American persons have origins in any of the original peoples of Africa.

(4) Native Hawaiian or Other Pacific Islander persons have origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(5) White persons have origins in any of the original peoples of Europe, Middle East, or North Africa.

(6) Unable to determine is a valid choice for race or Hispanic or Latino origin when:

(A) a child is very young or a child or adult is severely disabled and there is no person available to identify the child's or adult's race or Hispanic or Latino origin;

(B) an adult or, if age appropriate, a child refuses to identify his or her race or Hispanic or Latino origin; or

(C) a parent, relative, or guardian refuses to identify the child's race or Hispanic or Latino origin.

(f) Document and photograph storage. KIDS has the capacity to store documents and digital images. CW workers store any WORD document and digital image in the KIDS File Cabinet.

(1) Saving documents to KIDS. Refer to the File Cabinet How To found in KIDS/Help/How To's for instructions on saving documents.

(2) Storing digital images and photographs. The CW worker stores all photographs as taken. Due to legal issues, no enhancements, such as color, brightness and contrast, or doctoring are permitted. Refer to the

Storing Photographs and Images How To found in KIDS/Help/How To's for instructions on using a digital camera and saving digital images and photographs.

(g) Case closure. Termination of services to clients may occur according to plan or due to the decision of the client or court, contrary to the CW worker's recommendation. If the CW worker determines that other services are needed, the worker makes diligent efforts to refer the client to another agency or resource and to document the concerns. A CW case is closed in KIDS when there are no outstanding ticklers or actions associated with the case, each client in the case has an OKDHS client number, and there are no open lines of service. The CW worker enters the date and reason for closing the case and a closing summary that describes the services provided to the child and family. Reasons for closing the CW case include, but are not limited to:

- (1) completion of mutually agreed upon goals;**
- (2) reasons for needing CW services have changed;**
- (3) services needed are outside the scope of CW; or**
- (4) court case is dismissed or closed.**

(h) Paper case record storage and retrieval.

(1) Closed paper case records are stored locally in locked file cabinets until:

(A) the youngest child in the case reaches age 18 and no longer receives services;

(B) there has been no activity on the case for at least two years; or

(C) a decision is made to send the case to OKDHS Records Management Section for central storage.

(2) When a case meets requirements for storage, the case is sent for storage or retrieval per instructions on the OKDHS Support Services Division records Web-site.

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

Revised 3-26-10

(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 assesses the need for 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 1-4-811 of Title 10A of the Oklahoma Statutes, and in accordance with OAC 340:75-1-18.1.

(1) The permanency plan preferences are:

- (A) reunite the child with the child's parent(s) or legal guardian;
- (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 the child has an appropriate plan that addresses the child's immediate and long-term needs for safety, permanency, and well-being.

(3) 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

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

- (1) Form 04KI012E, Individualized Service Plan (ISP), or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, containing current documentation of the parent(s)' progress, correspondence, family team meetings, 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;
 - (C) abuse and neglect issues that required corrections; and
 - (D) their protective capacities and corrected behaviors and conditions.
- (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 from a multidisciplinary staffing or family team meeting;
- (8) consultation with Children and Family Services Division (CFSD) Adoption Section;
- (9) the permanency planning review process, per OAC 340:75-6-31.1;
- (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 permanency placement;
- (11) Form 04KI030E, Assessment of Child Safety, which reflects whether the level of safety threats have increased or decreased compared to the safety threats identified at the time of the investigation resulting in the child's removal; and
- (12) Form 04KI028E, Family Functional Assessment, that is updated as needed, including but not limited to, when:
 - (A) there is a substantial change in the family structure; or

(B) safety threats continue to affect the child.

(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 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 permanency plan to reunification as the initial permanency plan include:

(1) voluntary relinquishment of parental rights by all parents, natural, legal, presumed, 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. ■ 2 & 3 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, family team meetings, counseling, or all three.

(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 CW worker informs the placement provider of the possibility of the child's reunification, provides information to the placement provider regarding the child, and includes the placement provider in permanency planning.

(6) The CW worker obtains supporting information from service providers about the degree of safety in the family home including the parent(s)' protective capacities, behaviors, and progress in correcting the safety threats.

(7) The case is staffed with the CW supervisor and the requirements for the family team meeting 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 safety threats that necessitated the intervention are minimized, protective capacities have increased, and a plan is in place to address the child's safety. The plan is documented on Form 04KI030E.

(2) The parent(s) has complied with the individualized service plan, and demonstrated a change in the behaviors, or circumstances that necessitated the removal, in such a manner that the 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 per OAC 340:75-6-30.

(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

(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. Section 1-4-707 of Title 10A of the Oklahoma Statutes allows the court to terminate its jurisdiction in the deprived action by entering a final permanency order determining custody, visitation, and child support. The final permanency order:

(1) remains in full force and effect and controls custody or child support orders entered in an administrative or district court initiated prior to, or during, the pendency of the deprived action until it is modified by a subsequent court order; and

(2) may be docketed and filed in the prior, existing, or pending administrative or district court action, or if there is no administrative or district court action in existence, the surviving order may be used as the sole basis for opening a new administrative or district court action.

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

(1) Completion of the individualized service plan is irregular or sporadic, and the parent has not addressed the safety threats 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 during unsupervised visitations are reported. 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 family team meeting members, PARB members, and court-appointed special advocate (CASA).

(6) The length of time reunification has been the permanency plan.

(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. 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 has been recommended to the court.

(j) **Legal guardianship.** A guardianship may be the permanency plan for a child, when reunification and adoption have been ruled out.

(1) A guardianship is not preferred over adoption because this option does not provide the same level of family permanency. The court may establish a permanent guardianship between a child and a relative or other adult per Section 1-4-709 of Title 10A of the Oklahoma Statutes, if the guardianship is in the child's best interest.

(2) Subject to the availability of funds, financial assistance is available to the legal guardian, provided the eligibility requirements are met per OAC 340:75-6-31.4.

■ 1

(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 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. ■ 1

(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 340:75-6-31

Revised 7-15-10

1. Permanency plan selections.

(1) **Concurrent planning.** Concurrent planning provides for reunification services while simultaneously developing an alternative plan, if reunification efforts fail or are no longer feasible. Concurrent planning is required in cases where current or historical familial circumstances indicate a poor prognosis for reunification. The Child Welfare (CW) worker completes Form 04MP040E, Concurrent Planning Determination Tool, within 30 days of the child's removal to establish whether concurrent planning is appropriate.

(A) When concurrent planning is appropriate, the CW worker:

(i) within 30 days of determination that concurrent planning is appropriate, meets with all possible family members and the child, as appropriate, to discuss concurrent planning and gain the family's input on the most appropriate plan for the child and begins to initiate activities to select the most appropriate concurrent plan;

(ii) selects either adoption or guardianship as a concurrent plan, consistent with the best interests of the child;

(iii) develops activities and establishes time frames in order to progress toward achievement of the concurrent plan. Examples of concurrent planning activities include, but are not limited to:

(I) an immediate and ongoing diligent search for absent parents and relatives;

(II) early identification of a resource family who is willing to be a permanent placement if reunification fails;

(III) ongoing efforts to place siblings together; and

(IV) addressing any identified barriers to achievement of the concurrent plan;

(iv) documents concurrent planning activities on Form 04MP040E, Concurrent Planning Determination Tool, and files in the case within 60 days of determination that concurrent planning is appropriate.

(B) When concurrent planning is not initially appropriate, the CW worker and supervisor review the poor prognosis indicators per Form 04MP040E, a minimum of every 90 days or whenever family circumstances may dictate the need to initiate a concurrent plan.

(2) Selecting the appropriate permanency plan. To establish an appropriate plan, a plan is selected on Form 04KI012E, Individualized Service Plan (ISP), and Form 04KI014E, 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 CW worker reassesses the appropriateness of this plan at each update of Form 04KI014E. Permanency planning is directed toward one of the permanency plans listed in (A) through (G).

(A) Maintain in own home. The CW worker determines the child's own home to be an appropriate, safe, and permanent living situation. The CW worker selects this plan in situations where the child is in the custody of the parent. When a child in OKDHS custody is placed in the parent's home for trial reunification, the appropriate plan is return to own home.

(i) The child is in the parent(s) home and the safety threats of abuse or neglect are under control and a safety plan is in place.

(ii) The family is working with CW to reduce the long-term risk of abuse or neglect.

(B) Return to own home. CW determines the child's own home as an appropriate, safe, and permanent living situation.

(i) The child was removed from the home for protection from abuse or neglect. CW is providing services to the family to control safety threats for the child to return home and live there safely with a safety plan in place.

(ii) The family, with CW assistance, is willing and able to reduce the risk of abuse or neglect and comply with a safety plan for the child to return home, per OAC 340:75-6-31(c).

(C) Guardianship. The selection of guardianship as the permanency plan is not appropriate for children ages 11 and under, unless, upon review by the Children and Family Services Division (CFSD) director, conditions are shown that the best interest of the child is met by a guardianship and adoption is not an appropriate option. If guardianship is an appropriate plan, the home of a relative, kin, or another person is determined by CW as the appropriate, safe, and permanent living situation.

(i) The child was removed from the home for protection from abuse or neglect and the child's parent(s) is unwilling or unable to demonstrate the protective capacities to reduce the risk of abuse or neglect for the child to safely return home.

(ii) 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.

(D) Adoption. An adoptive family is determined by CW as the appropriate, safe, and permanent living situation.

(i) The child was removed from the home for protection from abuse or neglect and the child's parent(s) is unwilling or unable to demonstrate protective capacities necessary to reduce the risk of abuse or neglect so the child can safely return home.

(ii) One of the conditions in (I) through (V) has or will occur in the near future.

(I) A request is made that the court find efforts to reunite the child have been made and failed.

(II) A request is submitted to the district attorney recommending a petition be filed to terminate parental rights.

(III) A motion(s) to terminate parental rights is pending.

(IV) The parent(s) has relinquished parental rights.

(V) Parental rights are terminated.

(E) Adoption preparation. An adoptive family is determined by CW as the appropriate, safe, and permanent living situation, but other factors must be addressed. The child's CW worker immediately changes the plan to adoption when the factors preventing adoption are resolved through progressive casework.

(i) Prior to adoption, other factors must be addressed, including, but not limited to:

(I) any unresolved psychological issues the child has; and

(II) an older child's reluctance to consent to adoption.

(ii) The plan for adoption is strictly related to the behavior of the child and the child's readiness to be in a permanent family setting.

(F) Planned alternative permanent placement. This plan is selected when placement in out-of-home care in the care of a supportive adult 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.

(i) When the child's current placement is in an above foster care resource, the CW worker documents on-going concerted efforts to locate a resource able to provide a permanent connection for the child. The CW worker facilitates a conversation with the youth to identify possible permanent connections, including a supportive adult who is:

(I) willing to commit to a life-long relationship with the youth;

(II) a positive role model; and

(III) able to provide specific support to the youth;

(ii) When the youth resides with a supportive adult, the CW worker:

(I) contacts CFSD Permanency Planning Section to obtain a Permanency Pact certificate, which documents the pledge by the supportive adult to provide care and specific supports to the youth during and after the transition to adulthood;

(II) facilitates a family team meeting with the identified permanent connection and the youth to solidify the specific supports;

(III) completes the Permanency Pact between the youth and the adult permanent connection and adds the following statement on one of the blank lines at the bottom right "a commitment to provide care for the youth until adulthood"; and

(IV) provides the original Permanency Pact to the youth, with a copy to the adult permanent connection, paper case record, and youth's life book.

(G) 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.

2. Guide for determining feasibility of reunification. The questions in this Instruction are used as a guide in assessing the potential for successful reunification or in identifying poor prognosis.

(1) Has each parent demonstrated learning and behavioral change related to the identified safety threats?

(2) Does each parent 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 each parent made sufficient progress in completing the plan established to address the safety threats, is the parent responsible for the abuse or neglect no longer present in the home, or does the non-offending parent have the protective capacities to keep the child safe?

- (4) If the child has special needs, does each parent 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 or neglect and separation?
 - (7) Has the parent responsible for the abuse or neglect assumed responsibility?
 - (8) Is the child aware of each parent's progress on the individualized service plan?
 - (9) Are there relatives, neighbors, child care centers, and community services who are active participants in the safety plan who are willing to report safety threats?
 - (10) Does each parent keep medical appointments and have an interest in the child's school functioning?
 - (11) Has parent-child visitation increased in length and frequency for the child and CW worker to observe behavioral changes in each parent?
 - (12) Is there healthy, age appropriate communication between each parent and the child?
 - (13) Have the behaviors or conditions identified on Form 04KI028E, Family Functional Assessment, changed or decreased compared to the behaviors and conditions identified at removal?
3. (a) Protocol when a child wants to return home but safety threats are present. In some cases, the child expresses a strong desire to return home, but the parent(s) has not sufficiently reduced the safety threats to the child and increased protective capacities to allow the child to be returned to the home. In these circumstances the CW worker:
- (1) informs each parent of the child's desire to return home;

(2) explains to each parent the consequences of failure to:

(A) eliminate the safety threats;

(B) comply with the individualized service plan; and

(C) meet the child's need for a permanent home;

(3) examines the individualized service plan and encourages each parent's input. If changes to the plan are required, refer to OAC 340:75-6-40.4;

(4) assesses whether the services are available, realistic, and necessary; and

(5) arranges a consultation through a family team meeting with the parent(s), child, if appropriate, CW worker, and key service providers to eliminate confusion or uncertainty for the parent(s).

(b) 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. The CW worker facilitates a family team meeting to discuss a resolution. 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).

(c) Trial reunification - OKDHS custody. When requesting the court's approval for reunification with a parent(s) on Form 04KI009E, Court Report, or Form 04KI014E the CW worker recommends that the child remain in the custody of Oklahoma Department of Human Services (OKDHS) for up to 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 (TR); and

(2) enters a TR placement episode in KIDS. The case turns blue in the CW worker's workload prior to the expiration of the TR episode and remains blue until action is taken to either extend or end date the TR episode. If no action is taken, the TR episode and the removal are automatically end dated by KIDS two weeks after the end date of the TR.

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

(e) 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 04PP002E, 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

04PP003E, Order Terminating Trial Reunification. Form 04PP003E 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 04PP002E with the reasons the child must be removed from the home.

(i) The CW worker presents Form 04PP002E 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.

(f) Protocol when trial reunification - OKDHS custody is successful. If, at any time during the trial reunification, 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. The CW worker:

(1) end dates the KIDS Trial Reunification episode with the exit reason of Reunification and closes the CW case when OKDHS is relieved of legal custody, supervision, or both. The removal episode automatically end dates; or

(2) follows the contact requirements outlined in OAC 340:75-6-48 when the court orders OKDHS to continue custody, supervision, or both.

340:75-6-40.5. Court reports ■ 1 through 9

Revised 3-26-10

(a) **Review by the court.** Per Section 1-4-807 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-807) each case regarding a child alleged or adjudicated deprived is reviewed by the court:

(1) at a hearing no later than six months from the date of the child's removal from the home and at least once every six months thereafter until permanency is achieved or the court otherwise terminates jurisdiction;

(2) when Oklahoma Department of Human Services (OKDHS) documents a compelling reason why a petition to terminate parental rights to a child is not in the best interests of the child, based upon consideration that the child is presently not capable of functioning in a family setting. The court reevaluates the status of the child every 90 days until there is a final determination the child cannot be placed in a family setting;

(3) Per 10A O.S. 1-4-811, permanency hearings are held to determine the appropriate permanency goal for the child and to order completion of all steps necessary to finalize the permanent plan. A permanency hearing may be held concurrently with a dispositional or review hearing. The hearing is held no later than:

(A) six months after placing the child in out-of-home placement and every six months thereafter. A child is considered to have entered out-of-home placement on the earlier of the:

(B) adjudication date; or

(C) date that is 60 days after the date the child is removed from the home; and

(4) thirty days after a determination by the court that reasonable efforts to return a child to either parent are not required.

(5) A permanency hearing may be held concurrently with a dispositional or review hearing.

(b) **Purpose of review or permanency hearing reports.** Court reports are a component of the case plan. Progress review reports are based in part on OKDHS talking with and observing the family, talking with other key case participants, and

reviewing progress reports from service providers. The information gathered is reported to the court for evaluation of the efficacy of the individualized service plan and as a means for recommending changes needed as family service and intervention needs change as families make progress or face setbacks. ■ 1 & 2

(c) **Review hearing report requirements.** OKDHS prepares for each review hearing a written report concerning each child who is the subject of the review per 10A O.S. § 1-4-808. The report includes, but is not limited to:

(1) a summary of the physical, mental, and emotional condition of the child, the conditions existing in the out-of-home placement where the child has been placed, and the adjustment of the child thereto;

(2) a report on the progress of the child in school and, if the child has been placed outside the child's home, the visitation exercised by the parents of the child or other persons authorized by the court;

(3) services being provided to a child 16 years of age or older to assist in the transition from out-of-home care or other community placement to independent living;

(4) description of:

(A) progress on the part of the parent(s) to correct the conditions which caused the child to be adjudicated deprived;

(B) changes that still need to occur and the specific actions the parent(s) would take to make the changes; and

(C) services and assistance that have been offered or provided to the parent(s) since the previous hearing and the services which are needed in the future;

(5) description of the placements of the child by number and type with dates of entry and exit, reasons for the placement or change in placement, and a statement about the success or lack of success of each placement;

(6) efforts by OKDHS to locate the parents and involve them in the planning for the child if the parents are not currently communicating with OKDHS;

(7) compliance by OKDHS, as applicable, and the parent with the court's orders concerning the individualized service plans, previous court orders, and OKDHS recommendations;

(8) whether the current placement is appropriate for the child, its distance from the home of the child, and whether it is the least restrictive, most family-like placement available;

(9) a proposed timetable for the return of the child to the home or other permanent placement;

(10) specific recommendations, giving reasons whether:

(A) trial reunification should be approved by the court;

(B) trial reunification should be continued to a date certain as specified by the court;

(C) the child should remain in or be placed outside of the home of the parent or legal guardian of the child; or

(D) the child should remain in the current placement when the permanency plan is other than reunification with the parent or legal guardian of the child; and

(11) a plan for ensuring the educational stability of the child while in out-of-home placement, including:

(A) assurances the placement of the child considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement; and

(B) where appropriate, an assurance that OKDHS has coordinated with appropriate local educational agencies to ensure the child remains in the school in which the child was enrolled at the time of placement; or

(C) if remaining in the school in which the child was enrolled at the time of placement is not in the best interests of the child, assurances by OKDHS and the local educational agencies to provide immediate and appropriate enrollment in a new school with all of the educational records of the child provided to the school.

(d) **Social records.** Social records are defined by Section 1-6-101 of Title 10A of the Oklahoma Statutes to mean, "*family social histories, medical reports, psychological and psychiatric evaluations or assessments, clinical or other treatment reports, educational records, or home studies, even if attached to court reports prepared by the Department.*" These records are submitted to the court but are not filed in the court file unless ordered by the court. If filed in the court file, the social records are placed in confidential envelopes in

the court file by the court clerk and may only be accessed by the person who is the subject of the records, or the attorney for such person, except as provided by Section 1-6-103 of Title 10A of the Oklahoma Statutes. ■ 6

INSTRUCTIONS TO STAFF 340:75-6-40.5

Revised 7-15-10

1. Hearing report forms. Hearing report forms are prepared and submitted according to judicial procedure in the county of jurisdiction but no later than three judicial days prior to each hearing. A copy is provided to and discussed with the child's parent(s). Reports, correspondence, and information provided by other professionals working with the family, including the foster parent, are incorporated into the applicable report to the court. The information required for each report is outlined in the forms instructions for each form. These instructions are located on the Oklahoma Department of Human Services (OKDHS) InfoNet under Forms.

(1) Form 04KI011E, Preadjudication Court Report, is submitted for any court hearing prior to the child's adjudication.

(2) Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, is submitted for the initial disposition hearing.

(3) Form 04KI014E, Individualized Service Plan (ISP) Progress Report, is submitted for review and permanency hearings.

(4) Form 04KI009E, Court Report, may be submitted when:

(A) review or permanency hearings are held according to statutory requirements and a hearing has been set to address a specific issue; or

(B) a report is required for a mental health hearing.

2. Permanency hearing reports. Per Section 811 of the Title 10A of the Oklahoma Statutes, at the permanency hearing, the court determines or reviews the continued appropriateness of the permanency plan of the child and whether a change in the plan is necessary. The permanency report includes, but is not limited to:

- (1) the date the goal of permanency for the child is scheduled to be achieved;**
- (2) whether the current placement of the child continues to be the most suitable for the health, safety, and welfare of the child;**
- (3) if the child is age 16 or older, the independent living plan;**
- (4) a recommendation for:**
 - (A) reunification with the parent(s) or legal guardian of the child when reunification is expected to occur within an established time frame that is consistent with the developmental needs of the child and the health and safety of the child can be adequately safeguarded if returned home;**
 - (B) placement for adoption after the rights of the parents have been terminated or after a petition is filed to terminate parental rights;**
 - (C) placement with a person who will be the permanent guardian of the child and is able to adequately and appropriately safeguard the health, safety, and welfare of the child; or**
 - (D) placement in the legal custody of OKDHS under a planned permanent living arrangement, provided there are compelling reasons documented by OKDHS and presented to the court that none of the plans in (A) through (C) is appropriate for the health, safety, and welfare of the child.**
- (5) whether OKDHS has made reasonable efforts to finalize the permanency plan that is in effect for the child and a summary of the efforts made by OKDHS; or, in the case of an Indian child, whether OKDHS has made active efforts to provide remedial services and rehabilitative programs as required by Section 1912(d) of Title 25 of the United States Code;**
- (6) when the permanency plan is for the child to remain in out-of-home care, whether the child's out-of-home placement continues to be appropriate and in the best interests of the child;**
- (7) whether reasonable efforts, in accordance with the safety or well-being of the child, have been made to:**

- (A) place siblings, who have been removed, together in the same foster care, guardianship, or adoptive placement; and
- (B) provide for frequent visitation or other ongoing interaction in the case of siblings who have been removed and who are not placed together.
3. **OKDHS recommendations.** The CW worker makes a recommendation regarding disposition of the child's case on every Form 04KI011E, 04KI009E, 04KI013E, or 04KI014E. This includes, but is not limited to, child's custody arrangement, legal status, and requests for court action or approval.
- (1) The recommendation is made after staffing the current case status with the CW supervisor and is based on the parent(s)' progress and child's need for permanency. The recommendation is not based on the anticipated response or receptivity of the court.
- (2) A concise explanation is provided to support the reasons for the recommendation.
4. **Recommended findings.** At each dispositional or review hearing, the court makes findings based on the circumstances of the case. The recommended findings in KIDS and documentation that is required on Form 04KI011E, 04KI009E, 04KI013E, or 04KI014E for the judicial finding are described in (A) through (E).
- (1) Active efforts are being made to reunite the child with his or her family. This finding is used in cases where the court makes a judicial finding that the Indian Child Welfare Act (ICWA) applies. The CW worker describes the active efforts made, such as involving and assisting the parent(s) in completing the plan, visiting the child, or obtaining the parent(s)' efforts to change the behaviors that caused safety threats to the child if the parent(s) is not working the plan.
- (2) Reasonable efforts have been made to finalize the permanency plan. The CW worker describes efforts to:
- (A) refer to, arrange for, provide, or develop reasonable supportive and rehabilitative services that assist the family in the safe reunification of the child;

**(B) obtain the parent's compliance, if the parent is not working the plan;
or**

**(C) finalize the child's permanency plan, including the consideration of
in-state and out-of-state placement options.**

(3) Reasonable efforts to reunite the child with the family are not required. The CW worker describes the reasons reasonable efforts should not be required based on the statutorily defined reasons, per 10A O.S. § 1-4-809 and OAC 340:75-1-18.4.

(4) Independent living (IL) services are appropriate. For any youth, age 16 or older, in out-of-home care, the CW worker describes the services provided to assist the youth in the development of IL skills needed to successfully transition into adulthood.

(5) Independent living (IL) services are not appropriate. For any youth in out-of-home care, age 16 or older, for whom the determination is made that the youth is not capable of receiving IL services, the CW worker describes the basis for this determination.

5. Child(ren)'s situation. When completing information for the Children's Situation section, the CW worker does not list the:

(1) proper name of the placement provider, but refers to the title, for example, relative, foster parent, or trial adoptive parent;

**(2) placement provider's address, phone number, or county of residence;
and**

(3) the name or location of the school the child attends.

6. Psychological evaluation, drug or alcohol testing, treatment or referral attachments. Upon receipt of an attachment related to a psychological evaluation, drug or alcohol testing, treatment or referral, the CW worker:

(1) does not attach to the progress report the entire psychological evaluation, drug or alcohol testing, treatment or referral that contains the statement: "This information has been disclosed to you from records protected by federal confidentiality rules (42 Code of Federal Regulations (CFR) Part 2). The federal rules prohibit you from making further

disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient";

(2) states in the progress report that the evaluation, testing, or treatment has occurred;

(3) attaches a copy of the recommendations page, if applicable;

(4) requests the parent sign a release of information with the provider if the court requires the entire report that complies with 42 CFR Part 2 that designates the persons entitled to have the information, including, but not limited to:

(A) the court;

(B) the district attorney;

(C) the child's attorney;

(D) the parent's attorney; and

(E) OKDHS;

(5) requests the provider supply copies to only the persons designated on the release; and

(6) requests the court's copy be filed under seal so the persons who have statutory access to the legal record, but were not included in the release, may not access the sealed information.

7. Protocol for multiple county assignments.

(1) The CW county of jurisdiction worker e-mails all assigned CW workers and supervisors, with the exception of facility liaisons, no later than two weeks prior to the court review and includes:

(A) date of court review;

340:75-6-50. Education ■ 1 through 11

Revised 3-26-10

(a) **Assurance of schooling.** Per Section 1-7-103 of Title 10A of the Oklahoma Statutes, Oklahoma Department of Human Services (OKDHS) is required to assure any child who has attained the minimum age for compulsory school attendance and who is eligible for a Title IV-E foster care payment is:

- (1) enrolled in an institution that provides elementary or secondary education;
- (2) instructed in elementary or secondary education in any legally authorized education program;
- (3) in an independent study elementary or secondary education program; or
- (4) incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates. ■ 1

(b) **Health and education records provided to court.** ■ 2 and 3 Per 10A O.S. § 1-4-704 the most recent available health and educational records of the child are provided to the court upon the court's request including, but not limited to:

- (1) the names and addresses of the child's health and educational providers;
- (2) the child's grade-level performance;
- (3) the child's school record; and
- (4) any other relevant education information.

(c) **Individuals with Disabilities Education Act (IDEA).** A child with disabilities in Oklahoma, including a child in OKDHS custody, has the statutory right to receive special education and related services from birth through 21 years of age. This is mandated by Title 70 O.S., Oklahoma School Code and the Education of All Handicapped Children Act, codified at 20 U.S.C. Sections 1400-1461, which specifies that all children with disabilities ages three years to 22 years receive specialized services to meet their needs. A child with disabilities has the following basic rights:

- (1) Free Appropriate Public Education (FAPE);
- (2) education in the least restrictive setting possible; and

(3) an Individualized Education Plan (IEP). ■ 4

(d) **Parents' rights.** Parents and surrogate parents, including resource parents when acting in place of the parents, have the right to examine their child's complete school records. In addition, the school system is obligated to provide notice to the parents whenever they refuse to take actions requested by the parents. The notice informs the parents of all procedures available to them under IDEA and must be written in their native language.

(e) **Resource or surrogate parents acting in place of the parents.** When the parents are unable, unavailable, or unwilling to participate in the child's school arrangements, foster parents may act in place of a parent to represent the child's educational interests. CW workers and any other employee of a public agency may not act in place of a parent or sign an IEP. Placement providers, who volunteer to serve as surrogate parents for children in placements other than foster care, are required to complete training through the State Department of Education. ■ 2, 8, & 9

INSTRUCTIONS TO STAFF 340:75-6-50

Revised 7-15-10

1. Parental participation in the child's education. The parents of a child in Oklahoma Department of Human Services (OKDHS) emergency or temporary custody in out-of-home placement are encouraged to, and provided assistance with, participation in school-related decisions regarding the child.
2. **Developmental delays and behavioral problems.** A child who is abused or neglected and removed from the home may experience difficulties with developmental delays and behavioral or emotional problems. Frequently, individual and specialized services and classes in school are required to meet the child's needs.
3. **Individualized Education Plan (IEP).** The CW worker provides a current copy of the IEP to the placement provider no later than 14 days after placement. The CW worker requests the parent and surrogate parent, or resource parent acting in place of the parent attend any IEP meetings held for a child. The CW worker, also participates in the IEP meetings. The CW worker does not sign the IEP in place of the parent or surrogate parent. The placement provider signs the signature line for the parent only if acting in place of the parent.
4. **School admission and records.**

(a) The Child Welfare (CW) worker and placement provider coordinate ensuring appropriate educational services are provided to meet the child's needs. The CW worker provides the resource parent or placement provider with the child's present grade placement, last school attended, and strengths and weaknesses. The CW worker assists the resource parent or placement provider in obtaining the child's school records and gaining school admission. Educational services for children in OKDHS custody include:

- (1) locating former school records and providing them to the current school;
- (2) enrolling the child in the appropriate grade;
- (3) ensuring the child attends school regularly;
- (4) encouraging the child to participate in extracurricular activities;
- (5) advocating for educational testing and placement, when indicated; and
- (6) assessing the appropriateness and effectiveness of the services.

(b) The CW worker provides a copy of the child's educational record to the placement provider, scans the record into the KIDS file cabinet, and files the documents in the paper case record no later than 14 days after placement. Educational records are updated in KIDS and the updated documents are scanned into the KIDS file cabinet and filed in the paper case record on a quarterly basis. The CW worker updates the Client Education screen in KIDS regarding the child's educational status within 30 days of the child's enrollment in school and no later than 30 days after any change.

5. Educational enrollment time frame requirement. If a child's change of placement results in a change in school districts, the CW worker enrolls the child in school no later than five days after placement.

6. School requirements. When a child in OKDHS custody attends school, whether public or private, the school must be accredited.

- (1) Private schools. A child in OKDHS custody is allowed to attend a private school if the school's philosophy is not contrary to the child's or the family's beliefs, customs, values, practices, and culture. The permission of the parent(s) is required for a child in emergency or

temporary custody to attend private school. Costs associated with private schooling are not paid by OKDHS. When a request is made for a child in emergency or temporary custody to attend a private school, the CW worker:

- (A) assesses the feasibility of the option;**
- (B) discusses transportation, financial payment, and needs of the child with the person making the request;**
- (C) verifies that the placement provider agrees and is able to support the plan when the person making the request is not the placement provider;**
- (D) obtains the parent's permission, when the person making the request is not the parent;**
- (E) discusses private schooling and has a parent sign a written document granting permission. The original is filed in the paper case record and a copy is provided to the parent and placement provider;**
- (F) documents discussions and decision on the KIDS Contacts screen; and**
- (G) updates the child's Client Educational screen in KIDS, as applicable.**

(2) Home schooling. Home schooling is an educational option for a child in OKDHS custody. Permission to allow a child to be home schooled is made on a case-by-case basis after assessment of the situation and consultation with the CW field liaison (CWFL). The staffing regarding the consultation with the CWFL and the final decision are documented in the KIDS Contacts screen and the child's Educational screen is updated.

- (A) When the child is in emergency or temporary custody, written approval is required from the child's parent(s).**
- (B) When the child is in permanent custody, written approval is obtained from the CWFL or county director in the child's county of court jurisdiction. Consideration is given in the areas listed in (1) - (6) of this Instruction before the final decision is made.**

(I) Discuss and assess if the overall needs of the child will be met in the home school setting.

(II) Evaluate the placement provider's experience and knowledge of home schooling.

(III) Ensure services can be coordinated between the previous public or private school with the home school to address the child's strengths and needs.

(IV) Review curricula to be used by the placement provider to evaluate whether the curricula will meet the child's educational needs.

(V) Assess child's commitment to participate in home schooling.

(VI) Discuss socialization activities.

(3) Non-resident students in public school. When the child's parents live in a different school district from the child's placement, the school receives educational costs incurred for the non-resident student, if the school is provided:

(A) names, address, and county of residence of the child's parents, if the child is in emergency or temporary custody; and

(B) a copy of the court order showing the child is in OKDHS custody, if requested.

7. Adjudication due to educational neglect. When a child is adjudicated deprived based upon noncompliance with the mandatory school attendance law and is under OKDHS supervision, the CW worker assists the parent in working with the appropriate school district to obtain evaluations for literacy, learning disabilities, developmental disabilities, hearing and visual impairment, and other impediments which could constitute an educational handicap prior to case closure.

8. Surrogate parent training. The CW worker contacts the principal of the child's school to arrange the necessary surrogate parent training as required through the Department of Education.

- 9. Surrogate parent training verification.** The CW worker requests a copy of Oklahoma State Department of Education Form 14, Verification of Training, for any surrogate parent assigned to a child(ren). The copy is filed in the case record. The worker updates the child(ren)'s Client Education screen in KIDS with the information regarding the surrogate parent, and adds the surrogate parent as a collateral.

- 10. Children in special residential facilities and institutions.** A child with a disability in a special residential facility or institution is assigned representation by a parent(s) or surrogate parent. If the parent is unable to be involved in the child's educational process, the CW worker requests assistance from the principal of the school the child(ren) attends in order to ensure a surrogate parent is trained and assigned to the child(ren). If a court-appointed special advocate (CASA) has been assigned to the case, the CASA can be trained and assigned as a surrogate parent.

- 11. Release of court order to school.** If a copy of the court order is requested, the following statement is attached: "This information is confidential pursuant to state law and provided solely for the purpose of enrolling the minor child in school. Any further dissemination or disclosure of the information or record is prohibited."