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POLICY TRANSMITTAL NO. 09-25	DATE: JUNE 2, 2009
CHILDREN AND FAMILY SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF LEGISLATIVE RELATIONS AND POLICY

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TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-1-12.2; 75-1-86; 75-6-48; 75-15-128.2; and 75-15-128.5.

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

OAC 340:75-1-12.2 is amended to clarify the eligibility criteria for an appeal of a confirmed finding of child abuse or neglect.

OAC 340:75-1-86 ITS only are amended to update Interstate Compact on the Placement of Children (ICPC) supervision requirements for children in facilities, or in the custody of a parent, or other legal guardian.

OAC 340:75-6-48 is amended to update ICPC supervision requirement for children in facilities, or in the custody of a parent, or other legal guardian.

OAC 340:75-15-128.2 is amended to: (1) clarify and update eligibility requirements for Title IV-E adoption assistance; (2) delete obsolete language; and (3) provide for school enrollment assurance.

OAC 340:75-15-128.5 is amended to require annual assurance that children receiving adoption assistance payments are receiving an education or are incapable of attending school due to a documented medical condition.

Original signed on 4-20-09

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Gary Miller, Director  
Children and Family Services Division

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Sandra Harrison, Coordinator  
Office of Legislative Relations and Policy

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WF # 09-06 (NAP)

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**INSTRUCTIONS FOR FILING MANUAL MATERIAL**

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

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

**REMOVE**

**INSERT**

340:75-1-12.2

340:75-1-12.2, pages 1-5, revised 6-1-09

340:75-1-86

340:75-1-86, pages 1-21, revised 6-1-09

340:75-6-48

340:75-6-48, pages 1-12, revised 6-1-09

340:75-15-128.2

340:75-15-128.2, pages 1-3, revised 6-1-09

340:75-15-128.5

340:75-15-128.5, pages 1-7, revised 6-1-09

**340:75-1-12.2. Appeal process**

Revised 6-1-09

(a) **Purpose.** The 1996 Child Abuse Prevention and Treatment Act (CAPTA), Section 5101 et seq. of Title 42 of the United States Code, requires the Oklahoma Department of Human Services (OKDHS) Child Welfare (CW) to provide an appeal process for persons who disagree with a confirmed finding of child abuse or neglect. The appeal process:

(1) provides for the review of any confirmed finding by program staff not directly involved in the investigation; and

(2) serves as a quality assurance mechanism to assess compliance of staff findings with Child Protective Services (CPS) standards, per OAC 340:75-3.

(b) **Eligibility criteria.** A person may request a review through the appeal process when:

(1) the person is a person responsible for the child (PRFC), per OAC 340:75-3-2, in an investigation involving abuse or neglect allegations; and

(2) the investigation results in a finding of confirmed - services recommended or confirmed - court intervention requested regarding the PRFC, and no deprived petition is filed with allegations directly related to the confirmed findings or when a deprived petition is filed, the deprived case is dismissed prior to adjudication; or

(3) a PRFC is a current party to deprived proceedings and a new investigation results in a finding of confirmed - services recommended or confirmed - court intervention requested; and the district attorney (DA) does not file a new deprived petition, nor amend the current, deprived petition to reflect allegations directly related to the new confirmed findings. ■ 1

(c) **Investigations not eligible for appeal.** The appeal process applies only to investigations conducted by OKDHS CW. Investigations that are not eligible for the appeal process include investigations of child abuse or neglect conducted by:

(1) a tribal representative on tribal land; or

(2) the OKDHS Office of Client Advocacy.

(d) **Procedures for appeal process.** The procedures for the appeal process are

outlined in (1) through (5).

(1) **Notification of PRFC.** Upon confirmation of abuse, neglect, or both, the CW worker notifies the PRFC of the finding by mailing Forms 04KI019E, Notification Concerning Finding(s) of Child Abuse/Neglect, and 04KI020E, Request for Appeal, provided the criteria in OAC 340:75-1-12.2(b)(1) through (5) are met. Forms 04KI019E and 04KI020E are:

(A) mailed within ten calendar days of confirmation of abuse or neglect; and

(B) mailed to the PRFC's last known address.

(i) Form 04KI019E informs the PRFC of:

(I) any confirmed child abuse or neglect finding in an investigation; and

(II) the date of the abuse or neglect referral, allegation, and finding without identifying the reporting party.

(ii) Form 04KI020E specifies:

(I) the PRFC may file an appeal by mailing a request to Children and Family Services Division (CFSD) Appeals Section within 15 calendar days from the postmark of Form 04KI020E; and

(II) failure to submit an appeal request within 15 calendar days from the postmark of Form 04KI020E results in the finding becoming final and the PRFC waives any right to appeal this finding in the future, unless good cause is established per OAC 340:75-1-12.2(d)(2); and ■ 1

(C) not mailed:

(i) when a deprived petition is pending with allegations directly related to the confirmed finding of abuse or neglect that resulted from an investigation; or

(ii) to the PRFC when case records reflect that notification may place family members at risk. ■ 2

(2) **Conditions of good cause.** A PRFC must be granted a review despite failure to make a timely response, provided good cause is established, such as severe illness or other disabling condition.

**(3) Response to appeal request from PRFC.** If the PRFC requests a review within the required time, the CFSD Appeals Section responds to the PRFC through written notice within ten calendar days following receipt of the PRFC's request for review. The CFSD Appeals Section notifies the PRFC:

(A) of the right to provide additional information through written statements that must be submitted within 30 calendar days from the postmark of the notification that the appeal was accepted for review;

(B) that failure to submit additional information within 30 calendar days results in a waiver of this right, unless good cause is established per OAC 340:75-1-12.2(d)(2); and

(C) that verification of legal representation must be established if the PRFC desires notification to an attorney of the determination results. Verification is established by a:

(i) release of information signed by the PRFC; or

(ii) statement of representation on official letterhead from the attorney. ■ 3

**(4) Procedure for conducting the review.** Within 90 days following acceptance of the PRFC's timely request for a review, or a late request in which good cause is established per OAC 340:75-1-12.2(d)(2), the CFSD Appeals Committee determines whether the confirmed finding meets the criteria for confirmation, per OAC 340:75-3.

(A) The decision to uphold or reverse the original finding is final and reached by reviewing:

(i) Form 04KI003E, Report to District Attorney (DA), and attachments, and relevant CW information as documented in the Report to DA; and

(ii) all written statements submitted by the PRFC.

(B) If determination establishes that a finding failed to meet the criteria for confirmation, the CFSD Appeals Committee reverses the finding. If the finding is reversed, a new finding is entered in KIDS by the CFSD Appeals Section.

(C) Notification of the final determination of the finding is the responsibility of the CFSD Appeals Section. Notification must be made within 90 days following acceptance of the appellant's request for a review. Written notification is sent to the:

- (i) appellant;
- (ii) county director, CW field liaison, CW supervisor, and CW worker;
- (iii) office of the DA in the county in which the finding originated; and
- (iv) tribe, if applicable. ■ 4

## **INSTRUCTIONS TO STAFF 340:75-1-12.2**

### **Revised 6-1-09**

#### **1. Notification to PRFC.**

**(1) When to send.** The CW supervisor ensures Forms 04KI019E and 04KI020E are sent to each person responsible for the child (PRFC) identified during the investigation, within ten calendar days:

**(A)** after an investigation with confirmed findings is approved by the CW supervisor;

**(B)** after a petition containing allegations directly related to the confirmed findings is dismissed prior to adjudication;

**(C)** when the office of the district attorney (DA) declines to file a petition or amend an existing petition with allegations directly related to the confirmed findings.

**(2) How to send.** KIDS generates Forms 04KI019E and 04KI020E. The address of the PRFC populates to Form 04KI019E designed to display the PRFC's address in a window envelope. Forms 04KI019E and 04KI020E are mailed:

**(A)** in a number 10 window envelope with the county office return address printed in the left hand corner;

**(B)** so that the PRFC's full address shows in the window; and

**(C)** by first class delivery.

**2. Justification for not sending Forms 04KI019E and 04KI020E must be thoroughly documented in KIDS Contacts screens.**

**3. Response to appeal request from an Oklahoma Department of Human Services (OKDHS) employee.**

**(1) In lieu of a review by the Children and Family Services Division (CFSD) Appeals Committee, an OKDHS employee may request a review by programs staff comprised of:**

**(A) CFSD Protection and Permanency Services Unit programs administrator;**

**(B) programs manager; and**

**(C) programs field representative.**

**(2) Requests for review by programs staff must be submitted in writing at the time of the appeal request.**

**4. Final determination.**

**(1) CFSD Appeals Section notifies the appellant, county director, CW field liaison, CW supervisor, CW worker, office of the DA, and appropriate programs staff, such as CFSD and Division of Child Care, of the final determination regarding whether the confirmed finding is upheld or reversed.**

**(2) CW staff prints the final determination e-mail and files in the child's CW case record and, if applicable, resource record.**



**340:75-1-86. Interstate Compact on the Placement of Children**

Revised 1-14-08

(a) **Purpose.** The Interstate Compact on the Placement of Children (ICPC) is a means to ensure protection and services to children who are placed across state lines. It establishes orderly procedures for the interstate placement of children and fixes responsibility for those involved in placing the child.

(b) **Legal base.** The Interstate Compact on the Placement of Children (ICPC) is an agreement that has been adopted by all state legislatures and is consistent with constitutional law. The legal basis for the compact is found in Article I, Section 10, Clause 3 of the United States Constitution and Section 571 of Title 10 of the Oklahoma Statutes. Oklahoma is one of 50 states, the District of Columbia, and U.S. Virgin Islands that has adopted the ICPC and has agreed to follow the Articles and Regulations of the ICPC when placing children out-of-state and when children are placed in Oklahoma from another state.

(c) **Sending or requesting agency.** The sending or requesting agency is:

- (1) a party state, officer, or employee thereof;
- (2) a subdivision of a party state, officer or employee thereof;
- (3) a court of a party state;
- (4) a person, corporation, association, or charitable agency; or
- (5) an entity that sends, brings or causes to be sent or brought any child to another party state.

(d) **Receiving state.** The receiving state is the state to which a child is sent or brought or caused to be sent or brought, whether:

- (1) by public authorities or private persons or agencies; and
- (2) for placement with state or local public authorities, private agencies, or persons.

(e) **Types of Placements.** ICPC applies to placement of a child:

- (1) preliminary to adoption;

(2) into foster care, including foster homes, group homes, residential treatment facilities, and child caring institutions for treatment of chronic or long-term conditions;

(3) with the parent(s), stepparent, grandparent, adult brother or sister, or adult aunt or uncle when any such relative is not making the placement; and

(4) adjudicated delinquent and placed in institutions in other states.

(f) **Exceptions to ICPC.** ICPC does not apply to:

(1) placement of a child in a hospital, medical facility, or mental health facility for the primary purpose of treating an acute or short-term medical or emotional problem;

(2) placement of a child in any institution primarily educational in character;

(3) placement of a child by the parent(s), stepparent, grandparent, adult brother or sister, adult uncle or aunt, or child's non-state agency guardian with any such relative or non-state agency guardian in the receiving state;

(4) visits in another state; ■ 8

(5) placement of a child with a non-offending, noncustodial biological parent when the court does not:

(A) have evidence that such parent is unfit;

(B) seek such evidence; and

(C) retain jurisdiction over the child after the court transfers custody;

(6) placement of a child in or from another country; and

(7) interstate supervision of a parent's treatment and service plan.

(g) **Oklahoma as the sending agency or state.** For an out-of-state placement request, the child must be under Oklahoma court jurisdiction. The child is not required to be in Oklahoma Department of Human Services (OKDHS) custody.

(h) **Home study time frames.** Home studies requested by other states to assess the safety and suitability of placement are to be conducted, and a report which addresses the extent to which the proposed placement meets the needs of the child completed,

and provided to the requesting state within 60 calendar days after receipt of the request. If the home study is not completed and provided to the requesting state within 60 calendar days, the specific reasons it is not completed must be documented in an e-mail to the Oklahoma ICPC Compact Administrator. The requesting state must accept the receiving state's home study as meeting the requirements of the receiving state unless, within 14 days of receiving the study, the requesting state determines that making a decision in reliance on the study would be contrary to the welfare of the child. A completed home study does not require the requesting state to place the child. ■ 1 through 10

## **INSTRUCTIONS TO STAFF 340:75-1-86**

Revised 6-1-09

### **1. General information on the Interstate Compact on the Placement of Children (ICPC).**

**(1) Intent of ICPC.** The intent of ICPC is to ensure that a child placed out-of-state has the same protections and services provided in the home state. ICPC also ensures the return of a child to the original county of jurisdiction when the placement is determined contrary to the interests of the child or the need for out-of-state services ceases.

**(2) Types of placements Children and Family Services Division ICPC Section (CFSD ICPC) does not process or approve. CFSD ICPC does not:**

**(A) process an ICPC placement request for a person older than 18 years of age from out-of-state; or**

**(B) approve out-of-state placements into a residential treatment center (RTC), child caring institution, or group home facility for a child who has committed homicide or rape, requires a secured facility, or has an absent without leave (AWOL) history. Exceptions are considered by CFSD ICPC on a case-by-case basis. When requesting an exception, the sending state must provide CFSD ICPC:**

**(i) the age of child when the homicide, rape, or AWOL activity occurred;**

(ii) a court order from the sending state finding the child's condition does not pose a danger to others in the facility or to the community if the child becomes AWOL from the facility;

(iii) the complete juvenile delinquent record;

(iv) a psychological evaluation of the child within the last 90 days;

(v) all discharge summaries from other treatment facilities and detention centers;

(vi) the full disclosure of details regarding the homicide or rape incident;

(vii) the complete history and circumstances of AWOL activity;

(viii) a summary of the child's history of violence, abuse, or physical aggression; and

(ix) any information determined necessary by CFSD ICPC.

(3) Initiating a placement request. The Child Welfare (CW) worker utilizes Form 04IC006E (ICPC-107), Out-of-State Placement Request Checklist, when submitting an ICPC request. The CW worker completes Form 04IC002E (ICPC-100A), Interstate Compact on the Placement of Children Request, and submits along with required documents to CFSD ICPC for processing. When submitting a foster home study request, the CW worker sends Form 04FC003E, Notice to Foster Parent Applicant(s), to the potential placement provider for signature and retains a signed copy for the case record.

(4) ICPC approval process and use of placement. The local office of the receiving state completes the home study and sends a recommendation to the ICPC compact administrator in the receiving state. The receiving state ICPC determines whether placement is approved and sends the completed home study with signed Form 04IC002E (ICPC-100-A) to CFSD ICPC. These documents are routed to the CW worker who initiated the request. Oklahoma, as the requesting state, must accept the completed home study unless, within 14 days of receiving the report, it is determined that making a decision in reliance on the report would be contrary to the child's welfare. The final decision regarding the use of an ICPC placement is determined by

the CW worker, CW supervisor, and court. Permission to place by the receiving state is valid for six months. If the placement is not utilized within the six-month period, the CW worker submits a new ICPC request, per OAC 340:75-1-86 Instruction to Staff (ITS) #2.

(5) ICPC status changes. When placement is made in the receiving state in an approved ICPC resource, the CW worker prepares Form 04IC003E (ICPC-100B), Report on Child's Placement Status, indicating the date of placement. Form 04IC003E (ICPC-100B) is submitted to CFSD ICPC within 15 working days of placement or status change. Supervision of the child's placement begins after the receiving state receives Form 04IC003E (ICPC-100-B) indicating the date of placement. Form 04IC003E (ICPC-100-B) is prepared for other status changes in the case, such as:

(A) proposed placement request is withdrawn;

(B) child's treatment is completed in the facility;

(C) custody of the child is transferred to a relative or parent;

(D) child reaches the age of majority or is legally emancipated;

(E) sending state terminates jurisdiction with concurrence of the receiving state or unilaterally;

(F) child returns to sending state;

(G) child moves to another state; or

(H) the approved resource is not used for placement.

(6) ICPC resources and supportive services for a child in OKDHS custody placed out-of-state.

(A) KIDS resources are not created for parent placements.

(B) OKDHS does not pay out-of-state placement providers training stipends or for child care services.

(C) Upon receipt of the approved home study, Form 04IC002E (ICPC-100-A) recommending placement, and a copy of the foster care license

or certification, if applicable, the CW worker creates a resource for an ICPC:

(i) relative placement by selecting Category - Other Services and Type - Kinship/Non-Relative Non-Paid or Kinship/Relative Non-Paid in the KIDS Resource Directory screen; or

(ii) foster care placement by selecting Category - Foster Family and Type - CW Foster Fam. Care/Kinship/Non-Relative or CW Foster Family Care/Kinship/Relative in the KIDS Resource Directory screen.

(D) Foster care payment is only made to resources that meet the receiving state's requirements as a foster home. OKDHS pays the foster parent the receiving state's foster care rate. The CW worker:

(i) sends the foster parent an applicable OKDHS contract for signature. The foster parent returns the signed contract to the CW worker;

(ii) sends the contract to CFSD for processing;

(iii) after the contract number is entered in KIDS by CFSD, enters the receiving state's foster care daily rate in the KIDS Difficulty of Care screen with rate IX;

(iv) enters the child's placement using the placement provider's resource; and

(v) files a copy of the foster parent's current license or certification, home study, and receiving state's foster care rate, and maintains re-assessments in the resource record. The foster parent must maintain compliance with the receiving state's foster care requirements for payment to continue.

(E) The foster parent is reimbursed for clothing purchases for the child, per OAC 340:75-13-45.

(F) The child receives medical coverage, per OAC 340:75-13-75.

- (G) Independent living (IL) services are coordinated for eligible youth between the CW worker and the worker supervising the case in the receiving state, per OAC 340:75-6-115.1.**
- (H) The CW worker assures that an agency caseworker of the receiving state makes a face-to-face contact with the child placed in a parent, relative, or foster home no less frequently than every month and submits a report on the content of the contact.**
- (7) Communication between states and case updates. The local office in the receiving state and CW worker may communicate about the placement, but all written communication is routed through CFSD ICPC. No later than 30 days after a court hearing, the CW worker submits to CFSD ICPC in triplicate the:**
- (A) court report;**
  - (B) current treatment and service plan; and**
  - (C) court journal entry. CFSD ICPC mails this information to the receiving state.**
- (8) Jurisdiction and placement supervision. The CW worker does not make a recommendation to the court for a change of custody, guardianship, or adoption by the placement provider in the receiving state or for case dismissal while the child is in the receiving state without the written concurrence of the receiving state ICPC.**
- (A) The CW worker may request concurrence by sending a written request to CFSD ICPC.**
  - (B) The Oklahoma court retains jurisdiction over the child sufficient to determine all matters in relation to custody, supervision, care, and disposition of the child that it would have had if the child remained in Oklahoma. Jurisdiction is not dismissed until the child is adopted, reaches the age of majority, becomes self-supporting, or is discharged with the concurrence of the receiving state ICPC. If the court dismisses jurisdiction without the concurrence of the receiving state ICPC, the county director contacts CFSD ICPC immediately.**

2. Oklahoma as the receiving agency and state for a child who is under the jurisdiction of another state. When a home study request is received from a sending state, CFSD ICPC processes the request, notifies the county by e-mail, and sends a copy of the request with instructions.

(1) Parent home study procedures. The CW worker uses Form 04IC008E (ICPC-102), Home Study Guide, and Form 04IC007E (ICPC-102-A), Home Study, to assess the safety and suitability of placing a child in the home. The parent home study is completed and a report addressing the extent to which the home would meet the needs of the child is provided to CFSD ICPC within 45 calendar days from the date the CW worker receives the request from CFSD ICPC. The parent home study report is provided by CFSD ICPC to the requesting state within 60 calendar days of the initial request. The CW worker attaches to Form 04IC007E (ICPC-102-A):

(A) Form 04AD003E, Request for Background Check, with results on all household members 18 years of age or older;

(B) Form 04KI001E, Referral Information Report, and Form 04KI003E, Report to District Attorney, if applicable;

(C) Form 04AF004E, House Assessment;

(D) at least three references, using Forms:

(i) 04AF015E, Resource Family Reference Letter for Adult Children;

(ii) 04AF014E, Resource Family Reference Letter for School Personnel;

(iii) 04AF011E, Resource Family Reference Letter for an Employer;  
and

(iv) 04AF007E, Resource Family Personal Reference Letter; and

(E) Form 04AF007E, Records Check.

(2) Relative home study procedures. A relative home study is conducted when the relative has chosen not to accept a foster care reimbursement. The CW worker uses Form 04AF003E, Resource Family Assessment, to assess the safety and suitability of placing a child in the home.

**(A) Form 04AF003E, without the portions that address training, is completed and a report, addressing the extent to which the home would meet the needs of the child, is provided to CFSD ICPC within 45 calendar days from receipt of request. The relative home study report is provided by CFSD ICPC to the requesting state within 60 calendar days of the initial request.**

**(i) The relative must agree to attend pre-service training before Form 04AF003E is submitted to CFSD ICPC.**

**(ii) Pre-service training is completed within 90 days from the date of the child's placement.**

**(iii) After training is completed, the CW worker sends pre-service training verification via KIDS Individual Training Record or training certificates to CFSD ICPC.**

**(B) The placement provider who is approved as a relative placement is not eligible for foster care payment.**

**(C) If the placement provider's income is not sufficient to meet the needs of the child, the home study is denied.**

**(D) The CW worker completes a full home study as required for foster care resources, per OAC 340:75-7.**

**(E) The CW worker sends to CFSD ICPC for review three copies of Form 04AF003E and:**

**(i) Form 04AF003E with results on all household members 18 years of age or older;**

**(ii) Form 04KI001E and Form 04KI003E, if applicable;**

**(iii) Form 04AF004E;**

**(iv) at least six references, using Forms:**

**(I) 04AF015E;**

**(II) 04AF014E;**

**(III) 04AF011E; and**

**(IV) 04AF016E;**

**(v) 04AF007E; and**

**(vi) copy of fingerprint cards for all household members 18 years of age or older. Fingerprint results are required prior to submitting the completed home study to CFSD ICPC when any household member has lived in Oklahoma less than five years. Otherwise, fingerprint results are sent to CFSD ICPC upon receipt.**

**(3) Foster home study procedures. A foster home study is conducted when the relative has chosen to accept a foster care reimbursement. The CW worker uses Form 04AF003E, Resource Family Assessment, to assess the safety and suitability of placing a child in the home.**

**(A) The CW worker completes a full resource family assessment as required for foster care resources, per OAC 340:75-7-18. The home study is completed and a report, addressing the extent to which the home would meet the needs of the child, is provided to CFSD ICPC within 45 calendar days from receipt of request. The foster home study report is provided by CFSD ICPC to the requesting state within 60 calendar days of the initial request.**

**(B) The CW worker sends to CFSD ICPC for review three copies of Form 04AF003E and:**

**(i) Form 04AD003E with results on all household members 18 years of age or older;**

**(ii) Form 04KI001E and Form 04KI003E, if applicable;**

**(iii) Form 04AF004E;**

**(iv) at least six references, using Forms:**

**(I) 04AF015E;**

**(II) 04AF014E;**

**(III) 04AF011E; and**

**(IV) 04AF016E;**

**(v) Form 04AF007E;**

**(vi) verification of pre-service training completion via KIDS Individual Training Record or training certificates within five business days of completion of training;**

**(vii) copy of fingerprint cards for all household members 18 years of age or older. Fingerprint results are required prior to submitting a completed home study to CFSD ICPC when any household member has lived in Oklahoma less than five years. Otherwise, fingerprint results are sent to CFSD ICPC upon receipt; and**

**(viii) OKDHS foster care rates and, if applicable, difficulty of care rates, per OAC 340:75-7.**

**(4) Opening ICPC resources for placement providers for children under another state's jurisdiction and financial responsibility.**

**(A) KIDS resources are not created for parent placements.**

**(B) The CW worker creates a resource for an ICPC:**

**(i) relative placement by selecting Category - Other Services and Type – ICPC/Relative in the KIDS Resource Directory screen. A request for a relative home study is a non-paid placement request and the relative does not receive foster care payment; or**

**(ii) foster placement by selecting Category – Other Services and Type – ICPC/Foster in the KIDS Resource Directory screen. A request for a foster home study is a paid placement request and the sending state may pay the placement provider a foster care payment upon approval.**

**(C) The potential placement provider is not entitled to training stipends, foster care child care services, foster care payment, contingency funds, or clothing vouchers from OKDHS. The sending state agency, guardian, or person is financially responsible for the care of the child.**

**(5) Placement of an out-of-state child with parent, relative, or foster parent. Upon receipt of Form 04IC003E (ICPC-100-B) by CFSD ICPC showing placement of a child, the form is forwarded to the county of placement. A CW worker is assigned. The CW worker:**

**(A) opens an ICPC case in KIDS using the oldest child's last name and provider's address and selects case Type – ICPC;**

**(B) enters the child's placement using the placement provider's resource. If the child is placed with a parent, completes the KIDS Living Arrangement and Demographics screens;**

**(C) provides quarterly progress reports to CFSD ICPC using Form 04IC004E (ICPC-108), Progress Report for ICPC Cases;**

**(D) visits monthly and documents the visits in the KIDS Contacts screen;**

**(E) refers the family for services, as needed;**

**(F) ensures placement providers approved as ICPC relative or foster care resources maintain compliance with OKDHS resource requirements; and**

**(G) notifies CFSD ICPC immediately of all placement disruptions, child abuse or neglect referrals, and policy violations involving ICPC placements.**

**(6) Permanency for the child. After a minimum of six months of placement supervision, the CW worker may recommend the sending state seek permanency for the child. Recommendations may include transfer of custody to the placement provider through guardianship or adoption. After permanent legal custody is established, the CW worker may recommend case dismissal.**

**(A) All recommendations must be staffed and approved by the CW supervisor. Recommendations are not final until approved by CFSD ICPC.**

**(B) The ICPC case remains open until Form 04IC003E (ICPC-100-B) is received from the sending state terminating the case or closure notification is received from CFSD ICPC.**

**4. Foster parent movement out-of-state.**

**(1) When a foster parent requests to move to another state with the child in foster care as an intact family and the move is in accordance with the case plan for the child, the CW worker:**

**(A) submits 45 days prior to the planned move an ICPC request for placement, per OAC 340:75-1-86 ITS 2;**

**(B) when the decision to relocate to another state is not made until 45 days or less before the intended move, prepares the ICPC request immediately and sends to CFSD ICPC for prompt handling;**

**(C) obtains and attaches to the ICPC request a memorandum approved by the county director, per OAC 340:75-7-41 ITS; and**

**(D) obtains the placement provider's signature on Form 04MP001E, Consent for Release of Information, that permits the CW worker to attach the home study and re-assessment(s) to the ICPC request.**

**(2) The foster family must comply with the receiving state's requirements for licensing or certification as a foster care provider.**

**(A) A determination by the receiving state is made on the ability of this placement to meet the child's needs under the circumstances of the proposed relocation.**

**(B) Within 30 days of notification by CFSD ICPC that the family and child have relocated, a worker in the receiving state is assigned to assess and assist the family in complying with the applicable requirements of the receiving state.**

**(3) The foster parent continues to receive foster care payment after the move provided the foster parent is cooperating with the certification or licensing process in the receiving state. If the foster parent fails to cooperate with the certification or licensing process, payment is stopped.**

The placement becomes an illegal placement and the child must return to Oklahoma.

5. Supervision of ICPC placements into an Oklahoma RTC, child caring institution, and group home.

(1) An Other Workload Request is assigned to the county by CFSD ICPC.

(2) Assignment of the Other Workload Request is made by the county.

(3) Upon assignment, the CW worker opens a KIDS case and closes the Other Workload Request. The CW worker completes the KIDS:

(A) Summary screen with the case type ICPC;

(B) General Information screen on the child, including the child's living arrangements;

(C) Demographics screen denoting the facility's address; and

(D) Status screen listing the custody of the child, either the state agency or parent.

(4) After receipt of Form ICPC-100-B indicating placement has been made in the facility, the CW worker:

(A) visits the child a minimum of once a month in the facility when the child is in the custody of the sending state;

(B) visits the child a minimum of every 90 days in the facility when the child is in the custody of the parent or other legal guardian. The purpose of the visit is to determine that the placement is not contrary to the child's interests. The visits are documented in the KIDS Contacts screen. No progress report is required by the CW worker;

(C) notifies CFSD ICPC of any concerns identified during a visit; and

(D) notifies the sending state of the CW worker's concerns.

(5) If there are concerns for the child regarding:

- (A) staff wrongdoing in the treatment of the child, the Office of Client Advocacy is notified; or
- (B) the facility and the care of the child, the Oklahoma Child Care Services licensing worker assigned to the facility is notified.
6. ICPC Regulation 7 priority placement request. ICPC Regulation 7 requires certain requests be processed and the home study completed in an expedited manner.
- (1) Eligibility. An ICPC Regulation 7 priority placement request must meet specific criteria for processing as an expedited home study request.
- (A) To obtain an expedited home study, the CW worker utilizes Form 04IC006E (ICPC-107) and attaches Form 04IC010E (ICPC-101), Sending State Priority Home Study Request, and a court order with an express finding that either of the criteria in (i) and (ii) exist in the case and sets forth the facts on which the court bases its finding.
- (i) The proposed placement provider is a relative who is a parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or the child's non-agency guardian, and the:
- (I) child is under two years of age;
- (II) child is in an emergency shelter; or
- (III) court finds that the child has spent a substantial amount of time in the home of the proposed placement provider; or
- (ii) The receiving state ICPC has a properly completed Form 04IC002E (ICPC-100-A) and supporting documentation for over 30 working days, but the sending agency has not received a notice determining whether the child may be placed.
- (B) It is the responsibility of the CW worker to ask the court for an ICPC Regulation 7 Priority Placement Order when the facts justify the entry of such an order. A sample order may be provided to the CW worker by the county director or CFSD ICPC.

**(C) An ICPC Regulation 7 priority placement request does not apply when the request is for foster care placement, adoption, or the child is already in the receiving state in violation of ICPC.**

**(2) Home study procedures - Oklahoma as the sending state.**

**(A) The specific time frames that must be met with an ICPC Regulation 7 priority placement request are described in (i) through (vi).**

**(i) The court sends the ICPC Regulation 7 Priority Placement Order to the CW worker within two working days.**

**(ii) The CW worker hand-delivers, mails by overnight express, faxes, or e-mails a completed, expedited ICPC request to CFSD ICPC within three working days.**

**(iii) Within two working days after receipt of the ICPC priority placement request, CFSD ICPC mails by overnight express the priority request and the accompanying documentation to the receiving state ICPC with a notice that the request for placement is entitled to priority processing. The receiving state ICPC determines whether the request is complete. If additional information is required, the receiving state notifies CFSD ICPC staff who then informs the CW worker. The information is faxed to the receiving state ICPC within 24 hours.**

**(iv) The receiving state completes the home study within 20 working days after receiving the complete packet of information and determines whether the placement is approved.**

**(v) The receiving state faxes the signed Form 04IC002E (ICPC-100-A) and completed home study to CFSD ICPC and mails the paper copies via overnight express.**

**(vi) CFSD ICPC faxes the completed home study and Form 04IC002E (ICPC-100-A) to the local CW worker or court and mails the paper copies via overnight express.**

**(B) The receiving state Deputy Compact Administrator (DCA) is notified by the local worker in the receiving state when the mandated time frames cannot be met. In those situations, the receiving state DCA**

- notifies CFSD ICPC which in turn notifies the CW worker. The CW worker notifies the court of jurisdiction of the reasons for delay. Time periods in this regulation may be modified with a written agreement between the court of jurisdiction, sending agency, and receiving state ICPC. Any such modification applies only to the case addressed.
- (C) The court of jurisdiction may request assistance from the court in the receiving state when the designated time frames are not followed.
- (3) Home study procedures - Oklahoma as the receiving state for a child who is under the jurisdiction of another state. Procedures and time frames for priority placements are followed as described in (A) through (F).

(A) When CFSD ICPC receives the ICPC Regulation 7 priority placement request from the sending state ICPC, the determination is made by the next working day whether the request meets the criteria for an ICPC Regulation 7 priority home study and whether all required information is included in the placement request.

(i) If the request includes sufficient information for processing, CFSD ICPC e-mails the ICPC Regulation 7 priority home study request notice to the local CW office. The original packet is mailed by overnight express to the local CW office.

(ii) If the request does not include sufficient information for processing, CFSD ICPC notifies the sending state ICPC by fax, and requests the specific information that is required for processing. When there are extraordinary circumstances that make it impossible to comply with the time frames, CFSD ICPC notifies the sending ICPC by fax of the inability to complete the home study timely, estimated date of completion, and explanation for the delay.

(B) After receipt of the faxed copy of Form 04IC010E (ICPC-101) in the local CW office, the assigned CW worker phones, if possible, the prospective placement provider and sets appointments for face-to-face contacts including at least one home visit.

(C) Within five working days after receipt of Form 04IC010E (ICPC-101), the CW worker makes a home visit with the prospective placement provider. During the home visit, each member of the household is seen and, if age appropriate, interviewed. The CW worker uses Form

- 04IC007E (ICPC-102-A) to complete the requested study. The completed home study must include a recommendation for approval or denial of the placement. The relative placement provider approved for ICPC Regulation 7 priority placement must complete pre-service training within 90 days of the child's placement.**
- (D) The home study must be mailed via overnight express within 18 working days of receipt of the ICPC Regulation 7 priority home study request. After CFSD ICPC receives the completed home study, a determination to approve or deny placement is made and submitted to the sending state within two working days.**
- (E) CFSD ICPC faxes completed Form 04IC002E (ICPC-100-A) and the home study to the sending state ICPC and mails two copies via overnight express. Form 04IC003E (ICPC-100-B) is requested from the sending state to confirm the date of placement.**
- (F) CFSD ICPC is notified by the CW worker when the mandated time frames cannot be met. If the time frame cannot be met, CFSD ICPC notifies the sending state ICPC. Time periods in this regulation may be modified with a written agreement between the court of jurisdiction, sending agency, and CFSD ICPC. If such a modification is made, it applies only to the case addressed.**
- 7. Runaways. Children who run away from Oklahoma, regardless of adjudication, to another state are subject to the Interstate Compact on Juveniles (ICJ) administered by the Office of Juvenile Affairs (OJA). Children in OKDHS custody who are placed out-of-state through ICPC and run away from that placement are returned to Oklahoma through ICJ. All efforts for the child's return are coordinated between the CW worker, OJA, and the holding state. The CW worker:**
- (1) completes and faxes Form 04IC009E (ICPC-109), Runaway Custody Child Worksheet, to the OJA DCA within 24 hours of notification from the holding state that the child was located;**
  - (2) when the child is willing to return to Oklahoma voluntarily, works with the holding state to bring the child before a judge in the holding state to sign 04OA002E (ICJ Form III), Consent for Voluntary Return by Runaway, Escapee or Absconder or Juvenile Charged as Delinquent. The judge informs the child of his or her rights and signs Form 04OA001E (ICJ**

Juvenile Rights Form), Interstate Compact on Juveniles Rights for Voluntary Return of Runaway, Absconder, Escapee, or Juvenile Being Charged as Delinquent. Both signed forms are immediately faxed to the OJA DCA. The child's return must occur within five days of the child signing 04OA002E (ICJ Form III);

(3) when the child does not voluntarily consent to return, requests the assistant district attorney completes Form 04OA004E (ICJ Form A), Petition for Requisition to Return a Runaway Juvenile, submits to the court of jurisdiction, and faxes to the OJA DCA;

(4) completes ICJ Form I, Requisition for Runaway Juvenile, and submits to the judge for signature and mails the original and two certified court copies to Office of Juvenile Affairs Deputy Compact Administrator, P.O. Box 268812, Oklahoma City, Oklahoma 73126-8812;

(5) sends to the OJA DCA three certified court copies of the pick-up order and court journal entry showing OKDHS has custody of the child; and

(6) coordinates travel arrangements with the OJA DCA for the child's return to Oklahoma.

8. **Visitation.** A visit is a stay of 30 days or less with definite beginning and ending dates. Visits may be longer only if the visit begins and ends within the period of a child's vacation from school. Visits and placements are distinguished on the basis of purpose, duration, and the intention of the person or agency with responsibility for planning the child's placement. These visits are arranged by the CW worker and do not go through ICPC. The purpose of a visit is to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for providing child care services.

(1) Prior to sending a child on a visit, the CW worker obtains criminal background and child abuse and neglect results on all household members 18 years of age or older and three positive references on the proposed caregiver. The visiting child does not receive supervision or services. If a stay does not, from the outset, have an expressed termination date, or if the visit's duration is not clear from the circumstances, the visit is considered a placement or proposed placement and not a visit.

**(2) When an ICPC home study is in progress, any visit must be approved by the receiving state ICPC. The visit must have beginning and ending dates corresponding to the child's vacation time or holiday from school. Permission or approval for visits is obtained by sending a written request to CFSD ICPC. The CW worker's request must include the:**

- (A) beginning and ending date of the visit;**
- (B) name and address of the person the child will visit;**
- (C) reason the visit is necessary;**
- (D) criminal background and child abuse and neglect results on all household members 18 years of age or older;**
- (E) three positive references on the proposed caregiver; and**
- (F) details of how the child will be transported to the receiving state.**

**9. Travel arrangements for CW staff and a child in OKDHS custody.**

**(1) CFSD ICPC makes interstate travel arrangements for CW staff and a child in OKDHS custody:**

- (A) when the decision is to place in an approved ICPC placement, excluding ICPC adoptive placement;**
- (B) when taken from Oklahoma without permission;**
- (C) as ordered by an Oklahoma court;**
- (D) who requests approval to attend the funeral of a close family member;**
- (E) when visiting a relative, per OAC 340:75-1-86 ITS 8;**
- (F) when reunifying with the parent(s) in Oklahoma;**
- (G) when returning to Oklahoma from placement disruption out-of-state; and**

- (H) when the CW county of jurisdiction worker visits the child in an out-of-state mental health facility every six months, per OAC 340:75-16-36.
- (2) The CW worker provides CFSD ICPC the:

- (A) child's name, date of birth, Social Security number, and KK number;
- (B) name and Social Security number of the person accompanying the child; and
- (C) departure city, destination, and requested dates of travel.
10. Record keeping. Copies of all ICPC information, including ICPC transmittals, are kept in the child's or resource's permanent case record in the local office whether the child is received into or sent from Oklahoma. The CFSD ICPC case is kept in CFSD as long as the ICPC case remains open. The CFSD ICPC case is destroyed 12 months after case closure.



**340:75-6-48. CW worker contacts with child, placement providers, parents, and service providers**Revised 6-1-09

(a) **Child and placement provider.** The purposes of a Child Welfare (CW) worker's contacts include, but are not limited to, maintaining the child's connections to his or her family, allowing the worker to evaluate the interactions, conditions, and services the child is receiving, particularly those in the home or in placement, and establishing and maintaining a teamwork relationship. ■ 1 CW worker contacts with the child in Oklahoma Department of Human Services (OKDHS) custody and the placement provider are provided in (1) through (8).

**(1) Foster family care and therapeutic foster care.**

(A) The CW worker in the county of placement has face-to-face contact with the child in the foster home within the first two weeks of each placement and a minimum of once every calendar month thereafter, with no more than 31 days between contacts. After initial contact, the CW worker must have contact with the child in the foster home no less than two times per quarter. The CW worker may complete one face-to-face contact per quarter in a location other than the foster home. Once the CW worker makes contact in an alternative location, the next two monthly contacts, at a minimum, must take place in the foster home. This applies to a child placed in:

- (i) paid or non-paid kinship placement;
- (ii) regular foster care;
- (iii) contract foster care; and
- (iv) therapeutic foster care.

(B) When the child is placed in a county other than the county of jurisdiction, the county of jurisdiction worker contacts monthly, either by phone, electronic mail, or in person, the CW worker in the county of placement to discuss and determine responsibility for any pertinent actions that either require follow-up or initiation in order to achieve the permanency plan for the child.

(C) Contacts increase in times of change and stress.

(D) If there is good cause to believe that a child needs to be interviewed privately

during a contact in the foster home, for reasons other than abuse and neglect allegations, the foster parent provides a place in the home where the child can be interviewed outside the foster parent's presence. ■ 2

(2) **Shelter.** A CW worker has face-to-face contact with the child at the shelter within 24 hours of the child's entry into the shelter and a minimum of once weekly while the child remains in the shelter. During the shelter stay, when the child's CW worker offices:

(A) within 60 miles of the shelter, the CW worker visits and provides any identified services to the child; or

(B) more than 60 miles from the shelter, the assigned shelter liaison visits and provides any identified services to the child. The child's CW worker contacts weekly, either by phone or in person, the shelter social worker while the child remains in shelter care, per OAC 340:75-10-10.

(3) **Emergency foster care.** When the child is placed in emergency foster care, the CW worker:

(A) has face-to-face contact with the child in the emergency foster home once every calendar month, with no more than 31 days between contacts; and

(B) attends weekly staffings with the emergency foster care contract agency.

(4) **Community-based residential care – non-OKDHS operated.** When the child is placed in a group home, specialized community home, or Developmental Disabilities Services Division (DDSD) group home, the CW worker from the county of jurisdiction has face-to-face, private contact with the child and placement provider in the placement once every:

(A) calendar month, with no more than 31 days between contacts, when the child's placement is 30 miles or less from the county of jurisdiction; and

(B) 90 days when the child's placement is over 30 miles from the county of jurisdiction.

(i) The facility liaison contacts the child and placement provider during the months the CW worker does not have a face-to-face contact with the child.

(ii) Each calendar month the facility liaison completes the required contact with the child, the CW worker contacts the facility liaison to communicate any

pertinent actions that either require initiation or follow-up in order to achieve the child's permanency plan.

(5) **Community-based residential care – OKDHS operated.** When the child is placed in an OKDHS operated group home, the CW worker has phone or personal contact with the child and group home worker once every calendar month, with no more than 31 days between contacts. The group home worker visits with the child and coordinates or completes any applicable permanency planning duties pertaining to the child.

(6) **Inpatient treatment - acute.** When a child is in acute inpatient treatment, face-to-face contact with the child at the placement location is provided by the facility liaison every calendar month, with no more than 31 days between contacts.

■ 3

(A) Daily phone contact is maintained between the mental health facility and the child's CW worker during the first five working days of treatment.

(B) If the child remains in acute inpatient treatment in excess of five working days, the CW worker contacts the child's therapist or other mental health professional and facility liaison by phone a minimum of once a week and inquires about the child's progress in order to facilitate the discharge plan, per OAC 340:75-16.

(7) **Inpatient treatment - residential.** When the child is in inpatient residential treatment, face-to-face contact with the child at the placement location is provided by the facility liaison every calendar month, with no more than 31 days between contacts. Close contact is maintained between the liaison and the child's worker. In addition, the CW worker:

(A) has on-site interaction with the child every:

(i) calendar month, with no more than 31 days between contacts if the child's placement is 30 miles or less from the county of jurisdiction; and

(ii) 90 days if the child's placement is over 30 miles from the county of jurisdiction; and

(B) contacts the child's therapist or other mental health professional by phone every two weeks and inquires about the child's progress toward the discharge plan, per OAC 340:75-16.

**(8) Own home.**

(A) The CW worker has face-to-face private contact with the child a minimum of once every calendar month, with no more than 31 days between contacts. When the child initially returns to the parent(s) or is in the custody of the parent(s) in a supervision only case, the first three contacts are in the child's home. Contact location may then alternate between the home and any other location.

(B) Contacts are increased during times of change and stress. ■ 4

(b) **Child - special case circumstances.** There are several special case circumstances when minimum required contacts with the child and placement provider may be allowed. The decision to allow the use of the minimum required contact rule requires CW supervisory approval. Reduced contact with the child and family is not considered when concerns are identified that require more intensive contact. ■ 4 The circumstances and the minimum amount of required contact are detailed in (1) through (6). ■ 5

(1) **Own home with CHBS.** When there is an open Comprehensive Home-Based Services (CHBS) case for the purpose of reunification of a child in the custody or supervision of OKDHS, the assigned contract case manager (CCM) has face-to-face, private contact with the child in the home per contract specifications and the CW worker has face-to-face private contact with the child in the home a minimum of once every 90 days. The CW worker contacts the CCM monthly, either by phone or in person, and inquires about case circumstances and identified needs.

(2) **DDSD placement.** When a child in the custody of OKDHS is in a Developmental Disabilities Services Division (DDSD) placement other than a group home, DDSD case management staff provides services to the child, per OAC 317:40-5-57. The CW worker:

(A) in the county of placement has face-to-face, private contact with the child in the home a minimum of once every 90 days;

(B) in the county of placement contacts, either by phone or in person, the DDSD case manager monthly and inquires about case circumstances and identified needs; and

(C) in the county of jurisdiction, when the child is placed outside the county of jurisdiction, contacts monthly, either by phone, electronic mail, or in person, the CW county of placement worker in order for both workers to:

(i) remain actively involved in placement and service planning for the child, through coordination and information sharing with the placement provider and DDSD case management staff; and

(ii) communicate any pertinent actions that require initiation or follow-up in order to achieve the permanency plan for the child.

(3) **Youth, 18 years of age or older, in voluntary placement.** The CW worker's contact with the youth, 18 years of age or older, in placement voluntarily, is determined jointly by the CW supervisor, CW worker, youth, and placement provider.

(A) A minimum of one face-to-face contact with the youth is required in the placement location every six months until case closure.

(B) During the months when the CW worker's contact with the youth is not in the provider's home, the worker contacts the youth and the provider by phone. ■ 6

(4) **Custody with relative or another person with OKDHS supervision.** The CW worker has face-to-face contact with the child placed in the custody of a relative or another person with OKDHS supervision a minimum of once every calendar month, with no more than 31 days between contacts. The location of the worker's contact may alternate between contact in the home and any other location.

(5) **ICPC placement in Oklahoma residential treatment centers or group homes.** The CW worker has face-to-face contact with the child in the facility at least:

(A) monthly when the child is in the custody of the sending state; or

(B) every 90 days when the child is in the custody of the parent or other legal guardian.

(6) **Sunbeam Family Programs placement.** When the child in out-of-home placement is placed with Sunbeam Family Programs, the assigned Sunbeam Family Programs worker has face-to-face, private contact with the child in the home per contract specifications. This worker's contact meets the minimum monthly requirement for contact with the child. The CW worker maintains responsibility for coordination and completion of Forms 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, and attendance at any court hearing involving the child.

(7) **ICPC placement with parent, relative, or foster home.** The CW worker assures that an agency caseworker of the receiving state makes a face-to-face contact with the child in the parent, relative, or foster home no less frequently than every month and submits a report on the content of the contact.

(c) **Parents.** The CW worker has face-to-face contact with the parent(s) of the child within the first two weeks of the child's removal and a minimum of once every calendar month thereafter, with no more than 31 days between contacts. The CW supervisor and worker decide the location of the contact based upon case circumstances. The CW worker makes a home visit when assessing the home for reunification purposes. Exceptions to contacts with the parent(s) are made when:

(1) the child has been returned to or has never been removed from the parent(s)' custody and OKDHS has been ordered to provide supervision. The first three contacts by the CW worker are in the parent(s)' home. Contact location may then alternate between the home and any other location;

(2) there is an open CHBS case for the purpose of reunification. The CCM has contact with the parent(s) in the home per contract specifications and the CW worker has contact with the:

(A) parent(s) in the home a minimum of once every 90 days; and

(B) assigned CCM monthly, by phone or in person, to:

(i) staff the case;

(ii) discuss current case circumstances; and

(iii) assess the need for more intensive contact by the CW worker;

(3) the child has been returned for at least six months and OKDHS has been ordered to continue legal custody, supervision, or both. The CW worker has one face-to-face private contact with the parent(s) within two weeks prior to each scheduled court hearing unless more frequent visits are ordered by the court in order to obtain updated information to provide to the court. Contacts are increased during times of change and stress;

(4) the parent(s)' whereabouts are unknown;

(5) parental rights have been terminated; or

(6) other justified reasons exist that are documented in the case record.

(d) **Parents – special circumstances.** Phone contact with the parent(s) of the child is allowed in place of face-to-face contact when the parent(s) is incarcerated or living out-of-state. The CW county of jurisdiction worker is responsible for contact unless an exception applies. Appropriate exceptions include, but are not limited to, the:

(1) parent(s) has had no contact with the child and the child does not wish to have contact;

(2) parent(s) is incarcerated for an offense that resulted in the death penalty; or

(3) length of the parent(s)' incarceration is expected to surpass the date of the child obtaining the age of majority.

(e) **Service providers.** The CW worker has phone contact at least quarterly and no later than ten working days prior to each court hearing with any service provider for the child, parent(s), or family in order to obtain current information regarding the client's treatment status and obtain the service provider's recommendation regarding whether services are continued or terminated or additional services are necessary.

(f) **OCS providers.** The CW worker contacts the Oklahoma Children's Services (OCS) provider and:

(1) schedules, attends, and presents safety issues and needed changes at the CHBS intake staffing no later than 15 working days from the date the authorized referral is assigned; ■ 7

(2) participates in monthly staffings, in person or by phone, with the assigned CCM or parent aide;

(3) reviews at least monthly the CCM or parent aide KIDS contacts and reports; and

(4) responds to critical incident reports, faxed or phoned in to the CW worker by the CCM or parent aide, that are risk alerts, per OAC 340:75-1-152.9.

## **INSTRUCTIONS TO STAFF 340:75-6-48**

### **Revised 6-1-09**

1. (a) **Contact guide and addendums.** The contact guide and addendums are available for use when making contact with a child in out-of-home placement,

parent(s), and placement provider. Guides that provide a format to assist the Child Welfare (CW) worker in gathering and documenting information obtained during a contact are Forms:

- (1) 04MP007E, Face-to-Face Contact Guide;
- (2) 04MP004E, Contact Guide Addendum for Face-to-Face Visit with Newborn(s) and Infant(s) – Age 0 to 12 Months;
- (3) 04MP006E, Contact Guide Addendum for Face-to-Face Visit with Toddler(s) – Age 13 through 36 Months; and
- (4) 04MP008E, Contact Guide Addendum for Face-to-Face Visit with Youth – Age 16 to 18.

(b) Purpose of contacts. The purpose of CW worker contacts with the child, placement provider, and parent(s) includes, but is not limited to:

- (1) ensuring the parent(s) understands the treatment and service plan and the consequences of failure to correct the conditions of intervention;
- (2) informing the parent(s) of the next court hearing;
- (3) assessing the parent(s)' ability to provide a safe home environment for his or her child;
- (4) evaluating the home situation and progress on the treatment and service plan;
- (5) providing the parent(s) with information about the child and services the child is receiving, including medical care;
- (6) informing the parent(s) and child of each other's situation, progress, and other related issues;
- (7) ensuring the parent(s) understands the importance of visitation in developing and maintaining a healthy parent-child relationship;
- (8) advising the parent(s) of his or her rights, roles, and responsibilities and the status of the case;

**(9) ensuring the child's needs are met and his or her safety is intact in the placement;**

**(10) encouraging and guiding the parent(s) in the completion of his or her treatment and service plan;**

**(11) assisting the parent(s) in obtaining the identified services needed to correct the conditions that led to the child's removal; and**

**(12) providing timely and relevant information to the placement provider that is pertinent to the care needs of the child and permanency planning process, per Section 7005-1.4 of Title 10 of the Oklahoma Statutes.**

**2. (a) Private interviews with a child in foster care placement. The CW worker:**

**(1) documents in KIDS Contacts screen the good cause for requesting to interview a child privately in the foster care placement, such as when the child:**

**(A) acts out in the foster home and refuses to cooperate with the foster parent(s);**

**(B) asks to be moved from the foster home; or**

**(C) makes disparaging remarks that do not reach the level of abuse or neglect allegations regarding care received in the foster home; and**

**(2) may have private contact with the child outside the foster home, such as taking the child on an excursion away from the foster home or driving the child home from a visit or school.**

**(b) Contacts in an alternate location. The CW worker makes contact with the child outside the foster home in an appropriate location, and has substantive discussions with the child per the contact guide. The CW worker does not go to the child's school for the purpose of completing a face-to-face contact with the child, except in cases of transporting the child to and from school for appropriate purposes such as family visitation, scheduled appointments, and extracurricular activities.**

**(c) Contact alternatives. Contact with the child is made primarily by the CW worker responsible for the child; however, when there are conflicts in the**

work schedule or other job-related demands, another CW worker may make the contact in the foster home. The CW worker responsible for the child:

(1) makes every effort to maintain a supportive relationship with the child to ensure that the child's needs and concerns are addressed on an ongoing basis; and

(2) makes face-to-face contact with the child each month:

(A) in the foster home; or

(B) in an alternate location when another CW worker has completed the contact required in the foster home.

(d) Unannounced contacts. Not every visit with a child in placement is previously arranged. The CW worker develops a schedule for each child in placement so that at least every third contact attempted is unannounced. The CW worker has at least three successful unannounced contacts per year.

3. Contact with facility liaison. No later than 24 hours after a child's placement into an acute inpatient treatment facility, the CW worker contacts the facility liaison and the facility liaison supervisor by phone and e-mail to notify them of the child's placement.
4. Increased need for contacts. Situations that indicate the need for increased contact with the child in the home or placement location include, but are not limited to, any type of safety concern, history of environmental neglect, concerns regarding access by the perpetrator, the age of the child, or an order of the court. The CW worker staffs the decision regarding the type and location of contacts with the CW supervisor and documents this staffing in KIDS Contacts screen.
5. Documentation of contacts completed by non-OKDHS or non-CW staff. When a child in Oklahoma Department of Human Services (OKDHS) custody is in a Developmental Disabilities Services Division (DDSD) placement, Office of Juvenile Affairs (OJA) custody, or placed out-of-state through Interstate Compact on the Placement of children (ICPC), the CW worker continues to ensure the child's well-being through ongoing contact and coordination with DDSD, OJA, or the receiving state. The CW worker gathers information about monthly face-to-face contacts completed with the child by a DDSD, OJA, or Interstate Compact on the Placement of Children caseworker, and documents

**this information monthly in the KIDS contacts screen, specifying the type of contact and the name of the non-OKDHS or non-CW staff that made contact with the child.**

**6. Contacts for youth receiving extended services.** The CW worker documents on the youth's Form 04KI008E, Treatment Plan, or Form 04KI012E, Individualized Service Plan (ISP), the frequency of contacts that are determined appropriate or effective for each six-month period between treatment and service plan reviews.

**7. Comprehensive Home-Based Services (CHBS).**

**(1) CHBS service initiation.** Contractors do not initiate services before the intake staffing unless emergency services are authorized by the Oklahoma Children's Services (OCS) contract liaison.

**(2) CHBS referral cancellation.** Referrals held by the contractor awaiting notice of the intake staffing are canceled after the 15<sup>th</sup> working day.

**(3) CHBS intake staffing.** The CHBS contract case manager (CCM), CCM supervisor, and CW worker meet with the child and family in the family's home or other location that offers convenience and privacy to review the identified risk-related factors and CHBS service protocol. The referring CW worker's role in the intake staffing is of vital importance to the effectiveness of CHBS for the family.

**(A) If for any reason, the referring CW worker is unable to attend the intake staffing, another CW worker or CW supervisor who has reviewed the case or has been briefed attends.**

**(B) The CW worker outlines for the family and contractor:**

**(i) each area of risk determined through the Child Protective Services investigation or assessment; and**

**(ii) any remaining issues of compliance with court-ordered Form 04KI008E, Form 04KI012E, or the specific behaviors and dynamics that must change for the child to remain in his or her home or placement with the resource family.**

**(C) The CW worker must ensure that the family and provider understand**

the purpose of the referral and the roles and responsibilities of all parties, including those of the family.

**(4) CW worker direction.** The CHBS case management function relies on direction from the CW worker. Form 04MP019E, Referral for Service, Form 04KI023E, Safety Assessment, case contacts, and staffings provide valuable input to the CCM regarding circumstances of risk and expectations for change that guide the CCM's case management practice. If the family:

**(A)** is in crisis or risk to the child is relatively high, the CW worker may request the CCM to intensify contacts or initiate services more rapidly; or

**(B)** has health, financial, or educational issues that need to be addressed, the CCM initiates and coordinates family involvement with these systems. The CW worker contacts CHBS staff more frequently when the family is unstable or the child is at higher risk.

**(5) EKIDS.** External KIDS (eKIDS) allows the CW worker to review KIDS CHBS contacts, assessment, and critical incident and other reports within a week of visits and other events. This information may be helpful to the CW worker in recommending to the CCM needed adjustments in certain aspects of CHBS case management, but does not substitute for formal case staffings with the contractor.

**340:75-15-128.2. Eligibility requirements for Title IV-E adoption assistance**Revised 6-1-09

(a) **The child.** The requirements for a child to be eligible for Title IV-E adoption assistance are outlined in this subsection.

(1) To be considered for adoption assistance, the child is:

(A) determined to have special needs as outlined in OAC 340:75-15-128.4 prior to the finalization of the adoption; and

(B) by way of a voluntary placement, voluntary relinquishment, or a court-ordered removal with a judicial determination that remaining in the home would be contrary to the child's welfare, is at the time of initiation of adoption proceedings, in the care of:

(i) OKDHS;

(ii) a federally recognized tribal organization; or

(iii) effective October 1, 2009 a licensed private child placement agency.

(2) To be eligible for adoption assistance the child:

(A) is Aid to Families with Dependent Children (AFDC) eligible at the time of removal as defined in OAC 340:75-13-13;

(B) has attained the age listed in (i) through (ix) of this subparagraph in that federal fiscal year (FFY) phased in from October 1, 2009 through October 1, 2017, and an adoption assistance agreement is entered into during that FFY. The schedule for phasing in, based on the child's applicable age which decreases by two years each subsequent FFY year, is:

(i) FFY 2010            16 years old;

(ii) FFY 2011           14 years old;

(iii) FFY 2012           12 years old;

(iv) FFY 2013           10 years old;

(v) FFY 2014 8 years old;

(vi) FFY 2015 6 years old;

(vii) FFY 2016 4 years old;

(viii) FFY 2017 2 years old; and

(ix) FFY 2018 or thereafter any age.

(C) meets the disability or medical requirements of the Supplemental Security Income (SSI) program;

(D) is residing with a minor parent in foster care and the minor parent was placed in foster care by way of a voluntary placement agreement, voluntary relinquishment, or court-ordered removal;

(E) was eligible for Title IV-E adoption assistance in a previous adoption in which all of the child's adoptive parents have died or had their parental rights voluntarily or involuntarily terminated; or

(F) beginning October 1, 2009, is a child of any age for which an adoption assistance agreement is entered into if the child:

(i) has been in foster care for 60 consecutive months; and

(ii) is a sibling to a child who is eligible due to age or length in foster care and is placed in the same adoptive placement.

**(b) The adoptive family.** There is no means test for the prospective adoptive parent(s) to determine eligibility for adoption assistance. Title IV-E adoption assistance benefits are not available if a prospective adoptive parent has a felony conviction:

(1) at any time for child abuse or neglect; spousal abuse; crimes against children, including child pornography; or crimes involving violence, including rape, sexual assault, or homicide; or

(2) in the past five years for physical assault, battery, or a drug related offense.

**(c) School enrollment.** Title IV-E adoption assistance benefits are not available unless the prospective adoptive parent(s) provides written verification at the time the prospective adoptive parent(s) applies for adoption assistance and annually thereafter,

that each child who has attained the minimum age for compulsory school attendance under state law is:

(1) enrolled in an institution which provides elementary or secondary education as determined under the law of the state or other jurisdiction in which the institution is located;

(2) instructed in elementary or secondary education at home in accordance with a home school law or other jurisdiction in which the home is located;

(3) in an independent study elementary or secondary education program in accordance with the law of the state or other jurisdiction in which the program is located, which is administered by the local school or school district; or

(4) incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.

(d) **International adoption.** A child who has special needs but who is not a citizen or resident of the United States and was either adopted in another country or brought to the United States for the purpose of adoption is categorically ineligible for Title IV-E adoption assistance except if the child meets the eligibility criteria after the dissolution of the international adoption.



**340:75-15-128.5. Adoption assistance application procedures**

Revised 6-1-09

(a) **Application process.** To apply for adoption assistance, Form 04AN001E, Adoption Assistance Application, is completed by the prospective adoptive parent(s), custodial agency, or tribe on behalf of the child and family and is submitted to Children and Family Services Division (CFSD), Adoption Assistance Section for approval. ■ 1

(b) **Interstate adoptive placements.** The provisions of the Adoption Assistance Program of the state in which the application is made govern the terms of an adoption assistance agreement, including, but not limited to, the rates of the adoption assistance payments.

(1) For federally funded adoption assistance in interstate adoptions, application is made to:

(A) Oklahoma, if the child is in the custody of the Oklahoma Department of Human Services (OKDHS) or a tribe and receiving Title IV-E foster care and placed for adoption in another state;

(B) the other state, when an Oklahoma child is placed by any other entity;

(C) the other state, when a child is placed in Oklahoma by the public child welfare agency of another state or a tribal child in Title IV-E foster care of another state; or

(D) Oklahoma, when a child is placed in Oklahoma from another state by any other entity and there is compliance with the provisions of the Interstate Compact on the Placement of Children.

(2) For state funded adoption assistance in interstate adoptions, application is made to Oklahoma only when the child is in the legal custody of OKDHS or an Oklahoma tribe, as defined in OAC 340:75-15-128.3(a)(2), at the time of adoption, regardless of the residence of the adoptive parent(s) by whom the child is adopted. A child placed in Oklahoma from another state is not eligible for state funded adoption assistance in Oklahoma.

(c) **Determination of adoption assistance benefits.**

(1) Each Adoption Assistance Agreement is tailored to the individual situation, not according to a set of predetermined guidelines.

(2) The adoptive parent(s) is advised by the adoption specialist of the different components of adoption assistance, including special services, coverage under Title XIX Medicaid, reimbursement of non-recurring adoption expenses, and a monthly assistance payment.

(A) If the child is eligible for Title IV-E adoption assistance, the amount of assistance payment, if any, is determined through agreement between the adoptive parent(s) and OKDHS on an amount within the range of adoption assistance rates in OKDHS Appendix C-20, Children and Family Services Division Rates Schedule, up to a maximum amount which must not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home. Therapeutic foster care does not constitute a foster family home for which foster care maintenance payment is made.

(i) The adoption specialist works with the adoptive parent(s) to reach agreement on the assistance amount, taking into consideration the circumstances of the adopting parent(s) and the needs of the child.

(ii) If the parties cannot come to an agreement, OKDHS establishes the payment amount.

(B) If the child is eligible for state funded adoption assistance, OKDHS determines the adoption assistance payment amount within the range of rates in OKDHS Appendix C-20 based on the needs of the child and circumstances of the adoptive family. The maximum amount of adoption assistance may not exceed the foster care maintenance payment that would have been paid during the period if the child with respect to whom the payment is made had been in a foster family home. Therapeutic foster care does not constitute a foster family home for which foster care maintenance payment is made.

(C) For federally funded or state funded adoption assistance, a zero payment agreement may be reached at the time Form 04AN002E, Adoption Assistance Agreement, is signed.

(i) The zero payment agreement applies in cases where a risk of physical or mental disease exists but is not manifested, no other special factor or condition exists, and the other two criteria set forth in OAC 340:75-15-128.4(1) and (3) are met.

(ii) If documented symptoms of a physical or mental disease are later manifested, Form 04AN002E may be modified by agreement of the adoptive

parent(s) and CFSD.

(D) For federally funded or state funded adoption assistance, if the child is eligible for a Difficulty of Care (DOC) Rate, this rate is the maximum monthly assistance payment.

(E) For federally funded or state funded adoption assistance, updated supporting documentation for continuing eligibility may be required of the adoptive parent(s) by OKDHS at any time.

(d) **Adoption Assistance Agreement.** Form 04AN002E must be signed by the adoptive parent(s) and OKDHS prior to finalization of the adoption for Title IV-E federally funded adoption assistance, state funded adoption assistance, and non-recurring assistance. ■ 2

(1) Adoption assistance must be approved and the initial agreement signed prior to the child attaining 18 years of age.

(2) When a child has been determined eligible by OKDHS, adoption assistance may commence at the time of adoptive placement or at the time of finalization of the adoption. ■ 3

(e) **Annual reviews.** When adoption assistance benefits are for more than one year, OKDHS annually reviews Form 04AN002E and mails to the adoptive parent(s) Form 04AN014E, Adoption Assistance Annual Review, to ensure the adoptive parent(s) is fulfilling the obligations of Form 04AN002E. The adoptive parent is required to:

(1) inform OKDHS when circumstances occur that make the child ineligible for assistance payments or eligible for assistance payments in a different amount; and

(2) provide assurance annually that each child, who has attained the minimum age for compulsory school attendance under state law of the child's state of residence is:

(A) enrolled in an institution which provides elementary or secondary education as determined under the law of the state or other jurisdiction in which the institution is located;

(B) instructed in elementary or secondary education at home in accordance with a home school law or other jurisdiction in which the home is located;

(C) in an independent study elementary or secondary education program in accordance with the law of the state or other jurisdiction in which the program is

located, which is administered by the local school or school district; or

(D) incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.

(f) **Application made after finalization of adoption.** This Subsection applies only to Title IV-E federally funded adoption assistance. The provision for state funded application made after finalization of adoption is found at OAC 340:75-15-128.3(e). Federal regulations require that Form 04AN002E be signed and in effect at the time of, or prior to, the final decree of adoption. [45 CFR 1356.40(b)(1)] If the adoptive parent(s) feels benefits on behalf of an adoptive child were wrongly denied, the adoptive parent(s) may request a fair hearing, even if the adoptive parent(s) applied for adoption assistance after finalization of the adoption. If the adoptive parent(s) prevails in a fair hearing, OKDHS may determine whether the child would have met all eligibility requirements at the time of the placement in the adoptive home and at finalization of the adoption and reverse the earlier decision to deny benefits.

(1) **Eligibility.** A child may be eligible for Title IV-E post adoption assistance only if:

(A) the adoptive parent(s) prevails in a fair hearing and it is determined that the adoptive parent(s) proved an extenuating circumstance exists, such as:

(i) relevant facts regarding the child, the biological family, or the child's background were known and were not presented to the adoptive parent(s) prior to the finalization of the adoption;

(ii) denial of assistance was based upon a means test of the adoptive parent(s);

(iii) erroneous determination by OKDHS that a child was ineligible for adoption assistance; or

(iv) OKDHS was required and failed to advise the adoptive parent(s) of the availability of the Title IV-E adoption assistance program; and

(B) at the time of the placement in the adoptive home and at finalization of the adoption, the child met all eligibility requirements per OAC 340:75-15-128.2 and 340:75-15-128.4.

(2) **Benefits.** The benefits are the same as those listed in OAC 340:75-15-128.1.

(3) **Payment.** If adoption assistance payments are approved by OKDHS, they begin

effective the date of approval. OKDHS considers retroactive payments on a case-by-case basis, but in no event for a period that exceeds five years or the date the initial application for assistance was denied, whichever is less.

(4) **Procedures.** The procedures for securing Title IV-E post adoption assistance are identified in (A) and (B) of this paragraph.

(A) **Application packet.** The application includes:

- (i) a court order showing the child was removed from the home by a judicial determination to the effect that remaining in the home was contrary to the welfare of the child;
- (ii) Form 04AN001E, Adoption Assistance Application;
- (iii) Form 08MA002E, SoonerCare Health Benefits Application;
- (iv) description of child's special needs which meet the eligibility criteria;
- (v) documentation of special needs from physician(s), social worker(s), adoptive parent(s), or other professionals, as required; and
- (vi) criminal background check.

(B) **Application process.** Application for Title IV-E post adoption assistance is made by the adoptive parent(s) to CFSD, Adoption Assistance Section and reviewed by the Adoption Assistance Review Committee.

## INSTRUCTIONS TO STAFF 340:75-15-128.5

Revised 6-1-07

**1. Application packet.** For children in the custody of the Oklahoma Department of Human Services (OKDHS), the application packet is completed by the adoption specialist for the adoptive parent(s) and submitted to Children and Family Services Division (CFSD), Adoption Assistance Section within ten days of the placement date. The packet includes:

**(1) the court order removing the child from the home that indicates it was contrary to the welfare of the child to remain in the home;**

**(2) Form 04AN001E, Adoption Assistance Application, signed by the**

**applicant(s);**

**(3) Form 08MA002E, SoonerCare Health Benefits Application, signed by the applicant(s);**

**(4) Form 04AN022E, Child Profile Assessment for Adoption;**

**(5) documentation of special needs from physician(s), therapist(s), social worker(s), adoptive parent(s), or other professional(s), as required;**

**(6) documentation of the negotiation process used to determine the monthly payment amount;**

**(7) documentation of special care needs if Difficulty of Care (DOC) is requested, with the DOC rate descriptions attached, highlighting the criteria the adoption specialist feels best fits the conditions of the specific child;**

**(8) a cover memo or other documentation that addresses:**

**(A) the adoptive parent(s)' felony conviction status; and**

**(B) the efforts made to place the child without adoption assistance;**

**(9) a copy of the adoption assistance adult payee's Social Security card; and**

**(10) screen prints of termination of parental rights (TPR) screens from the biological KIDS case for all children for whom adoption assistance is requested. If TPR has not been documented on KIDS, the adoption specialist submits a copy of the last court report that addresses legal status of the child(ren).**

- 2. Adoption Assistance Agreement. Upon approval of the application, Form 04AN002E, Adoption Assistance Agreement, is sent to the adoption specialist, who assists the adoptive parent(s) by interpreting the program and getting Form 04AN002E signed.**
- 3. Required documentation for adoption assistance and non-recurring adoption expenses. To start adoption assistance after finalization or to initiate payment for approved non-recurring adoption expenses, the adoption specialist**

**submits to CFSD, Adoption Assistance Section within 30 working days of finalization of the adoption, copies of:**

- (1) Petition for Adoption;**
- (2) Final Decree of Adoption;**
- (3) itemized statement(s) of actual expense(s) for the adoption;**
- (4) original petition filed to remove the child from the parent(s)' home;**
- (5) court order removing the child from the home and assigning custody;**
- (6) Order of Adjudication, Order of Disposition, and Order(s) Terminating Parental Rights; and**
- (7) completed Form 04AN010E, Finalized Adoption Case Transmittal.**