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

The revisions to Subchapters 6, 7, 8, 11, and 13 of Chapter 75 clarify: (1) Independent Living (IL) program services, procedures, and residential programs, including IL contingency funds; (2) educational and scholarship assistance opportunities for youth in Oklahoma Department of Human Services (OKDHS) custody; (3) Developmental Disabilities Services Division (DDSD) services for children in OKDHS custody; (4) contracted community-based residential care (CBRC) procedures; (5) residential and diagnostic evaluation (D & E) services; (6) residential intensive treatment services (ITS); (7) specialized community homes (SCH); (8) non-funded and funded contracted Level B and Level C placements; (9) contracted Level D, Level D plus (+), and Level E placements; (10) Title IV-E (IV-E) criteria and related procedures; (11) procedures for establishing a Special Needs Trust (SNT) for children receiving Supplemental Security Income (SSI); and (12) by revoking sections of policy that are duplicative.

340:75-6-110 is amended to clarify the provision of IL services to youth.

340:75-6-115 is amended to reflect current IL support services.

340:75-6-115.1 is amended to clarify IL eligibility criteria, community contracted services, and assistance services.

340:75-6-115.3 is amended to include One Time Only contingency funds as a category of available funds to eligible youth.

340:75-6-115.4 is amended to specify that IL incentive payments are contingent upon funding availability.

340:75-6-115.5 is amended to include Oklahoma Higher Learning Access program (OHLAP) and Education and Training Voucher (ETV) program information.
340:75-6-115.10 is issued to detail IL SCH opportunities and eligibility criteria.
340:75-7-15 is amended to clarify all required background searches for foster applicants.
340:75-8-36 is amended to clarify the process for identification of and application and needs assessment for children with developmental disabilities.
340:75-8-37 is amended to reflect the reference to the Child Welfare (CW) worker's responsibilities to a child receiving Home and Community-Based Waiver Services (HCBWS).
340:75-8-38 is amended to clarify the role and responsibilities for DDSD staff for a child receiving HCBWS.
340:75-8-39 is amended to specify the shared roles of CW and DDSD staff for a child receiving HCBWS.
340:75-8-40 is amended to detail the grand staffing process between Children and Family Services Division and DDSD for a child that requires intensive support services.
340:75-11-231 and 75-11-232; 75-11-235 through 75-11-251 through 75-11-253; 75-11-266 through 75-11-285; 75-11-288; 75-11-290 through 75-11-292; 75-11-302 through 75-11-307; 75-11-323; 75-11-331 through 75-11-337; 75-11-351 through 75-11-353; 75-11-361 through 75-11-373 are revoked as most of the information contained in these Sections was incorporated throughout Subchapter 11.
340:75-11-230 is amended to reflect the incorporation of the legal base for CBRC and applicable definitions for terms used in Subchapter 11.
340:75-11-233 through 75-11-234 are amended to better detail CBRC placement requirements and services.
340:75-11-236 through 75-11-240 are amended to clarify the rights of children placed in CBRC, CW county of jurisdiction worker's and contract liaison's responsibilities for these children, and general requirements for all CBRC providers.
340:75-11-250 is amended to specify residential D & E services and children served.
340:75-11-265 is amended to reflect residential ITS requirements and children served by ITS.
340:75-11-286 and 75-11-287 are amended to reflect the requirements of SCH contractors.
340:75-11-289 is amended to reference the current form used for SCH contract reimbursement.
340:75-11-300 and 75-11-301 are amended to better detail funded contracted Level B placement requirements and children served.
340:75-11-320 through 75-11-322 are amended to reflect non-funded contracted residential maternity services for the youth and
the youth’s infant and the role of the contract liaison.

340:75-11-330 is amended to specify funded Level C placement provisions and children served.

340:75-11-350 is amended to reflect procedures relating to children served in contracted Level D placements.

340:75-11-360 is amended to include information regarding contracted Level E placements and children served in Level D+ and Level E placements.

340:75-13-11 is amended to clarify the legal base and purpose of IV-E as provided through the Social Security Act.

340:75-13-12, 75-13-16, and 75-13-17 are amended and 75-13-20 is revoked to delete references to IV-E eligibility for children in Office of Juvenile Affairs (OJA) custody.

340:75-13-13 and 75-13-15 are amended to include references to DHS:10 policy cites and clarify IV-E eligibility criteria.

340:75-13-19 is amended to specify applicable policy cites regarding IV-E adoption assistance.

340:75-13-21 is amended to clarify the role of OKDHS when an Indian child is placed in the custody of a tribe and that tribe has an agreement with OKDHS for foster care services.

340:75-13-22 is amended to clarify the conditions regarding a trial home visit for a child.

340:75-13-30 is issued to include information regarding SNT for children who do require the utilization of the full amount of SSI.
INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

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SUBCHAPTER 6. PERMANENCY PLANNING

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340:75-6-1. Purpose and philosophy
340:75-6-2. Legal base and authority [REVOKED]
340:75-6-3. Values and goals [REVOKED]
340:75-6-4. Definitions

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340:75-6-12. Provision of casework treatment services [REVOKED]
340:75-6-13. Relative placement [REVOKED]
340:75-6-14. Service delivery system [REVOKED]

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340:75-6-24.1. Multidisciplinary teams in the permanency planning process [REVOKED]
340:75-6-25. Purpose of treatment planning [REVOKED]
340:75-6-26. Development of treatment needs [REVOKED]
340:75-6-27. Prioritization of treatment needs [REVOKED]
340:75-6-28. Client involvement in treatment planning [REVOKED]
340:75-6-29. Consequences [REVOKED]
340:75-6-30. Child’s visitation with parents and siblings
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340:75-6-40.6. Case contacts
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340:75-6-50. Education
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340:75-6-55. Counseling services [REVOKED]
340:75-6-56. Protection and confidentiality [REVOKED]
340:75-6-57. Medical services [REVOKED]
340:75-6-58. Living arrangements [REVOKED]
340:75-6-59. Termination of pregnancy [REVOKED]
340:75-6-60. Planning for the child [REVOKED]
340:75-6-61. Transfer of case record [REVOKED]
340:75-6-62. Coordination with Juvenile Services unit [REVOKED]
340:75-6-63. Coordination with Institutional Services [REVOKED]
340:75-6-64. Coordination with Family Support Services [REVOKED]
340:75-6-65. Use of community service providers [REVOKED]
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340:75-6-86. Changes in child's living arrangements
340:75-6-87. Placement of an Indian child [REVOKED]
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340:75-6-110. Independent Living program
340:75-6-111. Preparation for adult life/independent living initiative [REVOKED]
340:75-6-112. Administration [REVOKED]
340:75-6-113. Eligibility [REVOKED]
340:75-6-114. Requirements
340:75-6-115. Independent living support services
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340:75-6-115.2. Oklahoma Children's Services (OCS) [REVOKED]
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340:75-6-115.6. Youth Advisory Board
340:75-6-115.7. Teen panels
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340:75-6-115.10. Independent living specialized community homes
340:75-6-116. Oklahoma Children's Services (OCS) [REVOKED]
340:75-6-117. Matrix of independent living services [REVOKED]
PART 13. INDEPENDENT LIVING

340:75-6-110. Independent Living program

The Independent Living (IL) program seeks to ensure the successful transition of youth ages 16 to 21 from out-of-home care to adulthood by assisting them in planning for their future and enhancing their individual strengths and abilities. Laws that guide IL services administered by Oklahoma Department of Human Services (OKDHS) are described in (1) and (2).

(1) Federal IL component. The Foster Care Independence Act of 1999 was enacted as part of Public Law (P.L.) 106-169. P.L. 106-169:

(A) supports states, including Oklahoma, in the delivery of IL services to youth in OKDHS or tribal custody and out-of-home care and provides these youth with services after they exit care at age 18 that focus on:

(i) education;

(ii) career planning;

(iii) life skills; and

(iv) aftercare services; and

(B) requires that IL services complement the youth’s own efforts to achieve self-sufficiency and that program participants recognize and accept personal responsibility for the transition from out-of-home care to adulthood.

(2) State IL component. Section 7004-2.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 7004-2.1) requires OKDHS, to the extent of available funds, to provide or contract for services for children in OKDHS custody. The Independent Living Act, 10 O.S. § 7004-1.6, ensures that youth who are currently in out-of-home care, or who were in out-of-home care nine months between ages 16 to 18, receive the protection, support, and education necessary to become self-reliant and productive citizens. The provision of IL services for youth:

(A) are initiated by the Child Welfare worker according to the age of the youth, per Oklahoma Department of Human Services Publication No. 94-08, Oklahoma Independent Living Program;
(B) in OKDHS custody placed in other states is the responsibility of OKDHS, per OAC 340:75-1-86;

(C) placed in Oklahoma through Interstate Compact for the Placement of Children (ICPC) is approved by Children and Family Services Division IL Section on a case-by-case basis, per OAC 340:75-1-86; and 2

(D) up to age 19 in Office of Juvenile Affairs (OJA) custody and foster family or specialized community homes is in accordance with OAC 340:75-6-115.1.

INSTRUCTIONS TO STAFF

1. Time frames for independent living (IL) services. Services are initiated and overseen by the Child Welfare (CW) worker responsible for the youth. If this CW worker is not the primary worker, the CW workers coordinate their responsibilities.

2. IL services for youth placed in Oklahoma through ICPC. IL services for youth placed through Interstate Compact on the Placement of Children (ICPC) requires Children and Family Services Division IL Section approval and are coordinated between the CW worker and the worker supervising the case in the sending state, per OAC 340:75-1-86 Instructions to Staff.
340:75-6-115. Independent living support services

In order to facilitate the successful transition of youth from out-of-home care to independence, the Independent Living (IL) program provides a variety of services, resources, and youth development funds. Each service, resource, and youth development fund category listed in (1) through (9) has distinct eligibility requirements.

(1) Community contracted services, per OAC 340:75-6-115.1

(2) Contingency funds, per OAC 340:75-6-115.3

(3) Incentive payments, per OAC 340:75-6-115.4

(4) Educational opportunities and scholarships, per OAC 340:75-6-115.5

(5) Youth Advisory Board, per OAC 340:75-6-115.6

(6) Teen panels per OAC 340:75-6-115.7

(7) Special IL funding, per OAC 340:75-6-115.8

(8) Voluntary placement of youth after age 18, per OAC 340:75-6-115.9

(9) IL specialized community homes, per OAC 340:75-6-115.10.
340:75-6-115.1. Community contracted services

(a) Eligibility. Eligibility criteria for community contracted independent living (IL) services include youth:

(1) ages 16 to 18 who are currently in Oklahoma Department of Human Services (OKDHS) or tribal custody and out-of-home placement;

(2) who were in OKDHS or tribal custody and out-of-home placement for nine months between ages 16 to 18 and have not reached their 21st birthday;

(3) in OKDHS or tribal custody who opt for voluntary care after 18; and

(4) ages 16 to 19 in Office of Juvenile Affairs (OJA) custody and foster family or specialized community homes.

(b) Services. Services provided through community contracts include:

(1) educational, vocational, and supplemental assistance;

(2) resource materials, such as instructional tools or supplies needed for the youth's transition;

(3) IL teen conferences, seminars, and activities;

(4) technical assistance to OKDHS and tribal Child Welfare (CW) staff and other contractors;

(5) training regarding the Oklahoma IL program and the preparation of youth for a successful transition to adulthood;

(6) processing requests for youth development funds; and

(7) issuing youth development fund payments for goods and services.  1 through 5

(c) Assistance. The IL program provides reimbursement for mileage, per diem, and lodging to specified IL activities and events for OKDHS and tribal CW staff and placement providers.
INSTRUCTIONS TO STAFF

1. Community contracted services. To access community contracted services, the Child Welfare (CW) worker enrolls the eligible youth, upon reaching age 16, with the contracted provider utilizing Form DCFS-88, Independent Living Community Contracted Services Enrollment.

2. Resource materials. Resource materials, available through the respective area Independent Living (IL) specialist or National Resource Center for Youth Services (NRCYS), (918) 660-3700, that assist the youth are:
   
   (1) FYI3 binder for the youth's bookkeeping and finances, family history, photographs, and important documents and receipts;
   
   (2) A Future Near Me workbook that contains 100 questions to guide a youth toward self-sufficiency;
   
   (3) The Path Before Me workbook written for American Indian youth; and
   
   (4) luggage, one piece per eligible youth.

3. IL opportunities.

   (1) Teen conferences provide learning through specialized skills workshops and recreational activities. The CW worker enrolls the eligible youth via KIDS Training screens and supervises the youth. The youth to staff ratio is no more than three to one. The ratio of youth in Office of Juvenile Affairs (OJA) custody to staff is one to one and the OJA worker is required to share the same room with the youth in order to ensure supervision at all times.

   (2) National Teen Conference - Destination Future is a national leadership conference sponsored by NRCYS. The CW worker assists the youth in completing and submitting the application to Children and Family Services Division IL Section. The selection of youth is based upon the youth's participation in IL services and community involvement. The CW worker accompanies the youth to the conference.

   (3) Fun Fest introduces youth to state vocational and technical schools, community colleges and universities, branches of the military, job corps, police, fire, and emergency personnel and community business partners.
The CW worker enrolls the eligible youth via the area IL specialist or NRCYS and supervises the youth. The youth to staff ratio is no more than three to one.

(4) IL seminars are held in various communities throughout Oklahoma and provide training to the youth on important life skills. The CW worker enrolls the eligible youth via the area IL specialist or NRCYS and accompanies the youth or obtains alternate supervision through the placement provider.

4. Technical assistance. The IL community contractor consults with CW workers on:

   (1) developing and training local community IL advisory boards;

   (2) utilizing training resource materials;

   (3) keeping CW staff apprised of new resources;

   (4) providing assistance in implementation of IL programs that may include site visits and phone consultation; and

   (5) developing collaborative efforts between Oklahoma Department of Human Services and community-based resources.

5. Area IL specialists. IL specialists in each Field Operations Division service area assist CW and tribal staff by:

   (1) ensuring eligible youth receive an IL assessment;

   (2) recommending elements to include in the youth’s individual IL case plan;

   (3) referring eligible youth for services with Social Security Administration, IL community contractors, and Developmental Disabilities Services Division;

   (4) reviewing and updating IL data on KIDS;

   (5) facilitating life skills groups;

   (6) attending permanency planning reviews for IL eligible youth;
(7) providing IL resources;

(8) training CW staff on availability of IL services;

(9) facilitating an area wide youth advisory board;

(10) assisting each area with IL activities and events;

(11) maintaining a list of area IL resources; and

(12) processing requests for youth development funds.
340:75-6-115.3. Independent living contingency funds

(a) Independent living (IL) contingency funds are a category of youth development funds, per Oklahoma Department of Human Services (OKDHS) Appendix C-19-A, Independent Living Youth Development Funds, designed to support the youth’s IL case plan in preparation for living independently and for emergencies encountered after leaving care while learning to live independently. 1 through 4

(1) The approval of IL contingency funds is contingent upon funding availability.

(2) IL contingency funds are not used to reimburse youth, OKDHS staff, or contractors for a purchase made on behalf of the youth.

(3) Exceptions to reimbursement and item cost limits, per OKDHS Appendix C-19-A, require approval by Children and Family Services Division (CFSD) IL Section.

(4) Requests for an item, per OKDHS Appendix C-19-A, is not split between two codes.

(b) Eligibility criteria for IL contingency funds are listed in (1) through (4).

(1) Preparation contingency funds.

(A) Eligible youth are ages 16 to 18 currently in OKDHS or tribal custody and out-of-home placement or in Office of Juvenile Affairs (OJA) custody and residing in foster family or specialized community homes.

(B) These funds are used for education and work related expenses and miscellaneous services necessary to achieve the youth’s IL plan. 1 through 3

(2) Supportive Services contingency funds.

(A) Eligible youth are ages 18 to 21 and were in OKDHS or tribal custody and out-of-home placement for nine months between ages 16 to 18.

(B) These funds are used for education related expenses, car repair, furniture, appliances, public transportation, clothing, medical expenses, purchased services, such as substance abuse counseling and mentors, and other miscellaneous services necessary to achieve the youth’s IL plan. 1 through 4

(3) Housing contingency funds.
(A) Eligible youth are youth who were in OKDHS or tribal custody and out-of-home placement on their 18th birthday and have not yet reached age 21.

(B) These funds are:

(i) designated to assist youth with housing in emergency situations; and

(ii) used for living expenses, such as rent, utilities, deposits, and food.

(4) One Time Only contingency funds.

(A) Eligible youth are ages:

(i) 16 to 18 in OKDHS or tribal custody and out-of-home placement;

(ii) 18 to 20 in OKDHS or tribal custody receiving voluntary services;

(iii) 18 to 21 who were in OKDHS or tribal custody for nine months between ages 16 to 18; and

(iv) 16 to 19 in OJA custody.

(B) These funds are used to purchase goods and services the youth needs to access on a one time only basis.

INSTRUCTIONS TO STAFF

1. IL contingency funds. Independent living (IL) contingency fund categories are:

(1) Preparation. Appropriate items to request for IL Preparation contingency funds are:

(A) education related — tutoring, summer and night school, correspondence courses, General Educational Development (GED) classes and testing, national college admission examinations, college application fees, calculators, tape recorders and other study aids, career assessments, or any item that enhances the youth’s academic achievement;
(B) miscellaneous related – band, cheerleading squad, and sports equipment and clothing, class related trips, class ring, junior-senior prom expenses, animals and supplies needed for school related clubs, yearbooks, or goods and services that are identified on the IL case plan that assist the youth in a successful transition to adult living; and

(C) work related – clothing, such as uniforms, special shoes and protective wear, inoculations and health tests, and transportation assistance, such as purchase of a bicycle, taxi fare, gasoline, or bus tickets until the youth receives his or her first paycheck;

(2) IL Supportive Services. Appropriate items for authorization to request for IL Supportive Services contingency funds are:

(A) car repairs to assist youth with repairs if the youth is in school or working and the repairs are necessary to maintain transportation to job or school;

(B) furniture or appliances to assist youth with housing needs. Videocassette recorders (VCRs), digital video drives (DVDs), and play stations are excluded;

(C) public transportation to assist youth in transportation for seeking or maintaining employment, and transportation necessary for education or medical needs;

(D) clothing to assist youth with clothing needs, including work clothing;

(E) medical expenses for youth to obtain medical or dental treatment, purchase prescriptions, eyeglasses, or medical insurance, when these services are not available through other resources;

(F) counseling and mentoring services for youth to obtain outpatient sliding scale counseling, non-medical substance abuse treatment, or mentoring;

(G) miscellaneous for goods and services that are planned with the youth to complete the goal of transition to independence and are not covered by any other contingency fund or IL service; and
(H) education related expenses, for tutoring, GED classes and testing, summer, night, and correspondence courses, national college admission examinations, college application fees, tape recorders, calculators, and other study aids, and career assessments;

(3) Housing contingency funds. Youth, ages 18 to 21, who have left care may use IL Housing contingency funds for deposits and food for setting up the initial post care living arrangement or for housing assistance to prevent homelessness.

(A) Payment for housing for youth attending post secondary institutions where dorms are available is assessed on a case-by-case basis.

(B) Youth may be eligible for a total of six months housing payments.

(C) Housing payments extending beyond two consecutive months requires approval from Children and Family Services Division (CFSD) IL Section.

(D) Youth who choose to take advantage of an IL specialized community home (SCH) or other community supported transitional placement may have three months of housing paid to the IL SCH or transitional placement and still be eligible for an additional six months of housing.

(E) All subsequent requests for emergencies are considered on a case-by-case basis by CFSD IL Section.

(F) Appropriate items for IL Housing contingency funds are:

(i) rent deposit;

(ii) rent payment;

(iii) utility deposit for gas, water, and electric only;

(iv) utility payments for gas, water, and electric only;

(v) food; and

(vi) room and board payments that include rent, utilities, and food.
2. Contingency funds limits. Eligible youth may access:

   (1) an item in IL Preparation and Supportive Services contingency funds more than once but expenditures must not exceed the cost limit for each item per year, October 1 through September 30, per youth;

   (2) graduation expenses only during the year of the youth's graduation; and

   (3) One Time Only contingency funds at any time.

3. Accessing IL contingency funds for youth in care. To access Preparation or One Time Only contingency funds for eligible youth, ages 16 to 18, or Supportive Services or One Time Only contingency funds for eligible youth, ages 18 to 21, in voluntary care, the CW worker:

   (1) prior to requesting contingency funds, determines whether the goods and services are available elsewhere at no expense;

   (2) refers to OKDHS Appendix C-19-A, Independent Living Youth Development Funds, for a list of services and goods cost limits and codes available through contingency funds;

   (3) discusses goods and services that support the youth's IL case plan with the youth and placement provider during each visit and documents the discussion in KIDS Contracts screen;

   (4) negotiates with the vendor to obtain the lowest cost for goods and services and obtains cost comparisons on all goods and services greater than $200;

   (5) completes Form DCFS-84, Request for Independent Living Youth Development Funds, and includes complete vendor information and instructions on where the youth development fund payment must be mailed;

   (6) submits completed Form DCFS-84 to the CW supervisor for approval;

   (7) faxes CW supervisor approved Form DCFS-84 to the National Resource Center for Youth Services (NRCYS), (918) 660-3785. NRCYS IL staff:
(A) processes the request by verifying youth's available funding and determining whether the request supports the youth's IL case plan; and

(B) faxes the approved Form DCFS-84 to the contracted fiscal agent who issues the youth development fund payment and mails the payment to the location designated in the instruction section of Form DCFS-84;

(8) enters the goods and services in KIDS Service Log screen;

(9) verifies that the goods and services were received by the youth and advises the youth that the fiscal agent must have all receipts for goods and services for the youth to continue to receive youth development funds;

(10) assists in obtaining the receipts for goods and services if requested by the fiscal agent; and

(11) files Form DCFS-84 and any supporting documentation in the youth's case record.

4. Accessing One Time Only, Supportive Services, and Housing contingency funds for youth, ages 18 to 21, who have left care. When a youth contacts the current IL community contractor, the contractor:

(1) verifies the youth's eligibility for services and opens a KIDS IL case;

(2) consults with the youth regarding the contingency fund request and how it complements the youth's efforts to achieve self-sufficiency;

(3) when necessary, requests the youth fax verification of employment, housing lease agreement, or car ownership;

(4) when goods and services are needed, completes Form DCFS-84 and consults, as needed, with the CW worker familiar with the youth formerly in OKDHS custody in order to identify vendors and services in the area where the youth resides;

(5) faxes Form DCFS-84 to the contracted fiscal agent. The contracted fiscal agent issues the contingency fund payment and mails the payment to the location identified in the instruction section of Form DCFS-84;
(6) enters the conversations with the youth in KIDS Contacts screen and documents goods and services received on KIDS Service Log screen; and

(7) when the contractor determines the youth requesting contingency funds may benefit from case management, such as a parenting youth or the youth who is in an unsafe place or relationship, makes an agreement with the youth to allow a case manager to schedule a face-to-face contact.
340:75-6-115.4. Independent living incentive payments

The independent living (IL) incentive payment is another category of youth development funds that is a one-time monetary payment for youth exiting Oklahoma Department of Human Services or tribal custody from out-of-home placement to reunification, adoption, guardianship, or independence. Incentive payments are contingent upon funding availability and based upon the youth’s accomplishments between the time IL services are initiated at age 16 until the youth exits care. Activities for which the youth receives compensation include:

1. educational attainment;
2. employment;
3. placement stability;
4. volunteerism;
5. life skills development; and
6. planning for the future.

INSTRUCTIONS TO STAFF

1. Incentive payment process.

(1) The Child Welfare (CW) worker discusses the incentive payment process with eligible youth at age 16 and refers to the list of accomplishment categories and payment schedule outlined in Form DCFS-86, Independent Living (IL) Incentive Payment Worksheet.

(2) To access IL incentive payments, the CW worker:

(A) conducts an exit interview with the youth using Form DCFS-86 two months prior to the youth exiting custody or voluntary care after age 18;

(B) offers the youth the opportunity to complete Form DCFS-87, Independent Living Youth Exit Interview, during the exit interview;

(C) completes Form ADM-12-IL, Independent Living Incentive Payment Claim, that is signed by the youth.
(D) determines the incentive payment by verifying the youth’s accomplishments during the exit interview process;

(E) ensures the youth’s address is correct as the incentive payment is mailed to the address listed on Form ADM-12-IL; and

(F) mails Forms DCFS-86, DCFS-87, and ADM-12-IL, and required documentation to Children and Family Services Division IL Section.
340:75-6-115.5. Educational and scholarship assistance

A continuum of educational services is available for youth in Oklahoma Department of Human Services (OKDHS) custody for post secondary education at colleges, universities, secondary vocational-technical schools or trade schools, per OAC 340:75-6-115.1 and 340:75-6-115.3. Scholarships and independent living (IL) services are available that assist the youth in completing education and training, including:

(1) **Oklahoma Higher Learning Access program (OHLAP).**

(A) Section 2601 et seq. of Title 70 of the Oklahoma Statutes (70 O.S. § 2601 et seq.) sets forth a scholarship program for students between the eighth and tenth grade that pays for tuition at an Oklahoma public two-year college or four-year university.

(B) Children and Family Services Division (CFSD) makes application for youth in OKDHS custody.

(2) **Tuition waiver.** 70 O.S. § 3230 provides tuition waivers for eligible youth in OKDHS or tribal custody for undergraduate resident tuition at institutions within the Oklahoma State System of Higher Education and resident tuition for enrollment in post secondary programs of area vocational-technical districts.

(A) Youth are eligible until they:

(i) earn a baccalaureate degree or program certificate; or

(ii) reach 26 years of age, whichever comes first.

(B) To receive a tuition waiver, the youth must:

(i) have been in the custody of OKDHS or a federally recognized Indian tribe for any nine of the 24 months between his or her 16th and 18th birthday;

(ii) be a resident of Oklahoma;

(iii) have graduated from a high school accredited by the State Board of Education, Oklahoma School of Science and Mathematics, or, with approval, from a public high school in states bordering Oklahoma, or completed General Educational Development (GED) requirements;
(iv) have satisfied admission standards determined by Oklahoma State Regents for Higher Education for first time students;

(v) have secured admission to and enrolled in a post secondary vocational-technical program that has a cooperative agreement with the Oklahoma State System of Higher Education;

(vi) have graduated from high school or completed the GED during the 1999 - 2000 school year or thereafter; and

(vii) utilize the tuition waiver within three years after reaching age 18.

(C) To access the tuition waiver:

(i) CFSD notifies Oklahoma State Regents for Higher Education of the youth's eligibility; and

(ii) Oklahoma State Regents for Higher Education provides a list of eligible youth to the colleges and universities.

(3) **Lou Hartpence Scholarship.** Funding for post secondary education, either vocational training or college, is available, subject to funding, to assist eligible youth through a privately endowed trust fund established by Mary Louise Hartpence, a former OKDHS employee.

(A) Scholarships are available to youth who:

(i) are in the legal custody of OKDHS; or

(ii) have been released from OKDHS custody within the past six months.

(B) The scholarship award:

(i) may be received in addition to other grants or scholarships and used without restriction;

(ii) is not available for graduate studies, including additional vocational courses, once the youth graduates or completes initial training or certification;

(iii) continues as long as the youth:

(1) maintains a 2.0 grade average;
(II) enrolls in 12 hours or more per semester;

(III) submits verification of enrollment and copies of grades each term or semester to the scholarship committee; and

(IV) is in good standing with the educational institution; and

(iv) allotments are:

(I) $1,000 per year for first and second year recipients;

(II) $2,000 per year for third year recipients; and

(III) $3,000 per year for fourth or more year recipients.

(C) To apply for the Lou Hartpence Scholarship, the eligible youth and CW worker submit Form DCFS-5, Lou Hartpence Scholarship Application, and all required attachments to CFSD IL Section no later than six months after the date of the youth’s 18th birthday, regardless whether the youth has graduated from high school.

(i) Form DCFS-5 and all required attachments are reviewed by a scholarship committee that recommends to the Commission for Human Services (Commission) the youth to receive the scholarship monies.

(ii) The Commission approves the recipients for the scholarship awards.

(4) Education and Training Voucher (ETV) program. The ETV program is a provision of the Independence Act of 1999, Public Law 106-169. This program makes funding available for post secondary education and training. Funding may be used for tuition, fees, books, supplies, room and board, transportation, and other miscellaneous and personal items. An eligible youth is one:

(A) eligible for services under the OKDHS IL program, including a youth who was likely to remain in out-of-home care but attained permanency through legal guardianship after age 16;

(B) adopted from out-of-home care after reaching age 16; and

(C) who participated in the ETV program on his or her 21st birthday until reaching age 23 and enrolled in a post secondary education or training program and has made satisfactory progress towards completion of that program. ■ 3
INSTRUCTIONS TO STAFF

1. OHLAP enrollment. Children and Family Services Division (CFSD) Independent Living (IL) Section staff initiates enrollment for eligible youth in Oklahoma Higher Learning Access program (OHLAP) and documents enrollment in KIDS Education and Contacts screens.

2. Access to tuition waivers.

   (1) To access tuition waivers, the Child Welfare (CW) worker notifies the current IL community contractor or CFSD IL Section staff of a youth who meets the eligibility criteria.

   (2) The IL community contractor mails individual tuition waiver eligibility letters to the school or youth.

3. ETV program. To access the Education and Training Voucher (ETV) program, the CW worker notifies the current IL community contractor or CFSD IL staff of a youth who:

   (1) meets the eligibility criteria; and

   (2) has been accepted into a post secondary education or vocational training program.
340:75-6-115.10. Independent living specialized community homes

(a) Independent living (IL) specialized community homes provide an intensive, short-term IL curriculum for youth who are motivated to:

1. reach an educational or vocational goal;

2. obtain and maintain employment; and

3. learn skills that prepare the youth to move to an IL situation within one year.

(b) This residential program is for youth preparing to transition to their first IL situation and youth who have exited care and are homeless or in an unsafe situation.

(c) Eligible youth are:

1. ages 17.3 to 18 in Oklahoma Department of Human Services or tribal custody and out-of-home placement;

2. age 18, receiving voluntary extended services to complete his or her high school education or General Educational Development (GED); and

3. youth who exited care at age 18 who request an opportunity to participate in the program.

INSTRUCTIONS TO STAFF

1. IL specialized community homes. The Child Welfare (CW) worker:

   (1) follows procedures in OAC 340:75-11-233 when making a placement request for the youth ages 17.3 to 18 in Oklahoma Department of Human Services custody;

   (2) contacts Children and Family Services Division (CFSD) Independent Living (IL) Section when making a placement request for the youth ages 18 to 21 in voluntary care; and

   (3) refers the youth who exited care at age 18 to the Youth In Care Alumni Network (YESICAN) toll-free number, (800) 397-2945, for placement assistance. These youth are then referred to CFSD IL Section.
340:75-7-15. Background investigation and assessment of results

(a) Requirements. A background investigation is conducted on all adults in the foster applicant's home as a safeguard for children placed in Oklahoma Department of Human Services (OKDHS) custody. Background investigations are conducted at the time of application and include, but are not limited to:

(1) an Oklahoma State Bureau of Investigation (OSBI) name and records criminal history search, including the Department of Public Safety (DPS) and Sex Offenders Registry, of the applicant and any adult living in the applicant's household;

(2) a Federal Bureau of Investigation (FBI) national criminal history search, based on the fingerprints of the applicant and any adult members of the household;

(3) a search of any court involvement;

(4) a search of all OKDHS records, including Child Welfare (CW) records, for past confirmation of child maltreatment involving the applicant and any adult living in the household; and

(5) a search of Juvenile Justice Information System (JOLTS) records for any child older than 13 years of age in the applicant's household.

(b) Criminal history search. The applicant and adult household members provide consent for an OSBI and FBI criminal history search by signing Form ADM-130, Request for Background Check.

(c) Exception to fingerprinting. The Director of OKDHS or designee may authorize an exception to the fingerprinting requirement for any person residing in the home who has a severe condition that precludes such person being fingerprinted.

(d) Residence time frame.

(1) If every person age 18 or older residing in the applicant's home has resided in Oklahoma for at least five consecutive years immediately preceding approval, the initial approval may occur upon completion of the entire home assessment process utilizing results per OAC 340:75-7-15(a).

(2) Fingerprints are submitted to the FBI for a national criminal history records search before initial approval. Final approval, per OAC 340:75-7-18(b)(3), is
contingent upon receipt of the results of the national criminal history records search.

(e) **Occupyance of the household.** A criminal history search is completed for every adult who sleeps in the household more than 30 days per calendar year or engages in a pattern of overnight visitation that meets this test. Such persons are considered household members.

(f) **New occupants in the foster home.** The foster parent notifies OKDHS within 24 hours of any person taking up residence in the foster home. OKDHS completes a background investigation, per OAC 340:75-7-15, for persons age 18 years or older. The foster parent's child who reaches age 18 is considered in this category. Adults in this category have no provider responsibility until the background investigation is complete. A foster family's failure to notify OKDHS of a new household member or refusal of a household member to consent to a background check is grounds for cancellation of the foster care contract.

(g) **Kinship applicant criminal background records search after normal business hours or on a holiday.** When OKDHS considers placement of a child with a prospective kinship foster family in an emergency situation, after normal business hours or on a holiday, OKDHS requests that local law enforcement conduct a criminal history search. This is based upon submission of the name, race, gender, date of birth, and Social Security number of each person age 18 or older living in the household. Each person completes and signs Form ADM-130 to initiate the search.

(h) **Assessment of background investigation results.**

(1) **History of felony convictions.** OKDHS denies a resource home application if the applicant, or any person residing in the home of the applicant, has a criminal conviction record for any of the felony offenses listed in (A) through (E). The criminal conviction of an approved foster parent or any person residing in the foster home of any of the felony offenses listed in (A) through (E) requires the closure of the foster home, cancellation of the foster care contract, and removal of each child in OKDHS custody. The felony offenses are:

(A) physical assault, battery, or a drug-related offense within the five year period preceding the application date;

(B) child abuse or neglect;

(C) domestic abuse;
(D) a crime against a child, including, but not limited to, child pornography; or

(E) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding physical assault or battery. Homicide includes manslaughter.

(2) **Exceptions to history of felony convictions.**

(A) OKDHS does not grant exceptions regarding felony convictions, per OAC 340:75-7-15(h)(1), of a prospective or approved foster parent or of anyone residing in the foster home. Approval may be granted by the county director on a case-by-case basis, per OAC 340:75-7-15(h)(4), for any applicant who has, or is living with a person who has, a prior conviction or charges pending for any other felony or a relevant misdemeanor.

(B) A prospective adoptive parent or long-term placement provider for a specific child in OKDHS custody, who has not been approved as a placement provider due to a conviction of a felony offense specified in OAC 340:75-7-15(h)(1)(A) within five years preceding the application date, may be approved only by the court after:

(i) an evaluation is made and accepted by the court that considers the:

   (I) nature and seriousness of the crime in relation to the long-term placement;

   (II) time elapsed since the commission of the crime;

   (III) circumstances under which the crime was committed;

   (IV) degree of rehabilitation; and

   (V) number of crimes committed by the person involved; and

(ii) a showing by clear and convincing evidence that the child will not be at risk by such placement.

(3) **Sex related crimes.** OKDHS denies the application of an applicant if the applicant, or any person residing in the applicant's home, has been convicted, whether upon a verdict or a plea of guilty or upon a plea of nolo contendere, for any
crime specified per Section 582 of Title 57 of the Oklahoma Statutes. OKDHS denies the application of an applicant if the applicant is subject to, living with, or married to a person who is subject to the Oklahoma Sex Offenders Registration Act.

(4) **History of crimes, charges, or other convictions.** Approval of any applicant who has, or is living with a person who has, a history of arrests, charges, or convictions for any felony other than those listed in OAC 340:75-7-15(h)(1) or a relevant misdemeanor may be approved on a case-by-case basis. A relevant misdemeanor includes, but is not limited to, assault and battery, alcohol or drug related offenses, crimes involving domestic abuse, and other such offenses. ■ 4

(5) **History of child abuse and neglect investigations.** OKDHS determines the approval of any applicant with a history of child abuse and neglect investigations on a case-by-case basis. The county director considers the:

- (A) nature and seriousness of the CW history;
- (B) time elapsed since the CW history;
- (C) circumstances of the CW history;
- (D) degree of rehabilitation; and
- (E) risk, if any, to the child by such placement. ■ 5

(6) **JOLTS information.** The information obtained from a JOLTS search on the child older than 13 years of age living in the applicant's home is used to determine whether that child poses a risk to a child in OKDHS custody. ■ 6

**INSTRUCTIONS TO STAFF**

1. **Background checks.** All searches, except for JOLTS, are completed on each foster applicant and adult household member using current and previous names, aliases, and Social Security numbers.

   (1) **OSBI and FBI searches.**

   - (A) Authorization by signature. Child Welfare (CW) staff advises the applicant that the applicant's signature on Form ADM-130, Request for
Background Check, authorizes Oklahoma Department of Human Services (OKDHS) to complete an investigation of the applicant.

(B) Process. The anticipated time frame for completion of the entire fingerprinting process is eight weeks. The process for obtaining, sharing, and recording an Oklahoma State Bureau of Investigation (OSBI) name and records search and Federal Bureau of Investigation (FBI) national criminal history records search consists of CW staff:

(i) submitting Form ADM-130 to Children and Family Services Division (CFSD) Fingerprint Processing Section;

(ii) retaining a copy of Form ADM-130 in the resource record;

(iii) submitting one Form ADM-130 for the OSBI name search and a separate Form ADM-130 with fingerprint cards for the OSBI records search and FBI national criminal history records search for every adult household member;

(iv) providing two fingerprint cards to every person 18 years or older residing in the applicant’s home;

(v) providing the applicant with an automated fingerprinting authorization through Finance AS400;

(vi) instructing the applicant to take the authorization and fingerprint cards to local law enforcement or a fingerprinting agency for fingerprinting services and return the cards to CW staff once fingerprinting is completed;

(vii) checking the fingerprint cards for accuracy and forwarding all cards for the applicant’s household, along with Form ADM-130 to the Fingerprint Processing Section;

(viii) if the fingerprint cards are rejected and reprinting is necessary, returning the cards to and instructing the person to take the cards to the original vendor, who reprints the person at no additional charge; and
(ix) entering the results of the search in KIDS Criminal Background Check screen.

(2) Court records search. A search is completed to determine whether there has been any court involvement and, if so, the disposition of criminal charges and court involvement. The results are documented on Form DCFS-109, Records Check, and filed in the resource record. CW staff searches:

(A) the Oklahoma State Courts Network (OSCN) at www.oscn.net;
(B) offender information and offender lookup through Oklahoma Department of Corrections (DOC) at www.doc.state.ok.us; and
(C) Oklahoma District Court Records (ODCR) at www.odcr.com.

(3) OKDHS records search. CW staff completes a search of all OKDHS records including CW history. A search is completed using the Information Management System (IMS) and KIDS with the adult's Social Security number and date of birth. The information is recorded on Form DCFS-109 and filed in the resource record.

(4) JOLTS search. CW staff completes a search on JOLTS of all children in the home older than 13. The results are documented on Form DCFS-109 and filed in the resource record.

2. Exception. CW staff submits the request for an exception in writing to the Fingerprint Processing Section and places a copy of the request and response in the resource file.

3. Kinship applicant criminal background records search after normal business hours or on a holiday. CW staff:

(1) documents the criminal history search by local law enforcement after normal business hours and on holidays in KIDS Resource Contacts screen;
(2) submits signed Form ADM-130 to the Fingerprint Processing Section the next working day, indicating that it is an after hours follow-up;
(3) submits the fingerprint cards to the Fingerprint Processing Section within five business days of the name-based after hours background records check, attached to a copy of the previously submitted Form ADM-130; and

(4) does not place a child in a kinship foster home if the prospective kinship applicant or person age 18 or older residing in the home refuses fingerprinting. A child in placement is removed if the prospective kinship applicant or person age 18 or older residing in the home refuses fingerprinting.

4. Assessment of other related crimes, charges, and convictions. The resource specialist conducts a thorough assessment of the risk potential to the child placed in the home and obtains consultation and written approval of the county director and CW field liaison (CWFL) prior to approving the home. The approval is documented in KIDS Pre-Resource or Resource Contacts screens, as applicable, and filed in the resource record.

(1) The resource specialist considers any other issues that may be relevant in assessing appropriateness of the applicant.

(2) According to Oklahoma law, a deferred sentence is not a conviction nor considered as such, but a finding or plea of guilty or nolo contendere to a charge may be considered even if the person has been granted a deferred sentence.

(3) Assessment of charges and convictions include, but are not limited to:

(A) type of crime committed;

(B) time elapsed since the crime or conviction;

(C) length of the deferment or length and type of sentence imposed;

(D) completion date of the sentence;

(E) assignment of a probation officer and the officer's information;

(F) positive changes the applicant has made in his or her lifestyle and a
description of how and why the changes occurred;

(G) self-evaluation by the applicant regarding how the experience may help children or youth placed in the home; and

(H) provisions for the safety and well-being of a child in the home due to the applicant's criminal history.

5. CW history results. The resource specialist consults with the CW supervisor, CWFL, and county director about any CW history found on a case-by-case basis.

6. JOLTS information. The resource specialist consults with the CW supervisor, CWFL, and county director about any JOLTS history found on a case-by-case basis. The county director considers the:

   (1) nature and seriousness of the JOLTS history;

   (2) time elapsed since the JOLTS history;

   (3) circumstances of the JOLTS history;

   (4) child's ongoing involvement with Office of Juvenile Affairs (OJA); and

   (5) child's degree of rehabilitation.
SUBCHAPTER 8. THERAPEUTIC FOSTER CARE AND DEVELOPMENTAL DISABILITIES SERVICES DIVISION SERVICES

PART 1. THERAPEUTIC FOSTER CARE

Section
340:75-8-1. Purpose, legal base, and definitions
340:75-8-2. Legal base and authority [REVOKED]
340:75-8-3. Definitions [REVOKED]
340:75-8-4. Contract procedures for therapeutic foster care
340:75-8-5. Definition of therapeutic foster care [REVOKED]
340:75-8-6. General requirements for contracted therapeutic foster care placement providers
340:75-8-7. Contracted therapeutic foster care services
340:75-8-8. Therapeutic foster care contractor requirements
340:75-8-9. Placement procedures in therapeutic foster care homes
340:75-8-10. TFC placement in close proximity to child's home community
340:75-8-11. Therapeutic foster care placement stability
340:75-8-12. Responsibilities of area resource coordinators
340:75-8-14. Responsibilities of the contract liaison

PART 3. DDSD SERVICES FOR CUSTODY CHILDREN

340:75-8-35. Purpose
340:75-8-36. Identification, application, and needs assessment
340:75-8-37. Role and responsibilities of Child Welfare worker for a child receiving Home and Community-Based Waiver Services
340:75-8-38. Role and responsibilities of DDSD case manager for a child receiving Home and Community-Based Waiver Services
340:75-8-39. Shared roles and responsibilities of Child Welfare workers and DDSD staff for a child receiving Home and Community-Based Waiver Services
340:75-8-40. Accessing DDSD services for a child with a developmental disability
340:75-8-36. Identification, application, and needs assessment

(a) Children in Oklahoma Department of Human Services (OKDHS) custody who have mental retardation may be eligible for Home and Community-Based Waiver Services (HCBWS), per OAC 317:40-1-1. Child Welfare workers have primary responsibility to make application for Developmental Disabilities Services Division (DDSD) services for children in OKDHS custody.  ■ 1

(b) A needs assessment for DDSD services is initiated by the child's Child Welfare (CW) worker at the earliest possible time for the child age three years or older.  ■ 2

(1) DDSD area intake staff completes the needs assessment and identifies services necessary to meet the child's needs.

(2) DDSD services, when appropriate, may be provided in the child's:

(A) own home;

(B) foster home;

(C) adoptive home; and

(D) group home.

(c) When the needs assessment determines that the child's needs require HCBWS, DDSD area staff forwards the completed DDSD application packet to the Oklahoma Health Care Authority (OHCA). The completed application packet includes Form DDS-1, Application for Developmental Disabilities Services, and all required attachments provided by the CW worker.  ■ 2 & 3

(d) OHCA reviews the completed application packet and makes a determination of eligibility for HCBWS.  ■ 4

INSTRUCTIONS TO STAFF

1. Initial application and assessment for DDSD services.

(1) If, at any time, the Child Welfare (CW) worker believes a child in Oklahoma Department of Human Services (OKDHS) custody may be eligible for Developmental Disabilities Services Division (DDSD) services, the CW worker:
(A) immediately staffs the child's needs with the CW supervisor. Refer to DCFS-127, Child Welfare/Developmental Disabilities Services Checklist;

(B) contacts the DDSD area intake staff and requests an application for Home and Community-Based Waiver Services (HCBWS), Form DDS-1, Application for Developmental Disabilities Services; and

(C) completes Form DDS-1 and attaches Form DCFS-123, CW Request for DDSD Needs Assessment.

(2) When the child is in:

(A) permanent OKDHS custody, the CW supervisor signs completed Form DDS-1; and

(B) emergency or temporary OKDHS custody, the child's parent(s) signs Form DDS-1. If the child's parent(s) is unwilling or unable to sign Form DDS-1, the CW county of jurisdiction worker requests the court sign Form DDS-1.

(3) The CW county of jurisdiction worker submits the completed and signed Form DDS-1 to the DDSD area intake office serving the child's county of court jurisdiction and documents the application process in KIDS/Client/Finance/Eligibility screen.

2. DDSD needs assessment.

(1) DDSD staff:

(A) completes a needs assessment for each Form DCFS-123 received on behalf of a child in OKDHS custody; and

(B) maintains a tickler file for all children in OKDHS custody with mental retardation whose needs are met by Medicaid, school, or other sources, and completes another needs assessment when the child reaches age 17.5.

(2) If DDSD area staff determines that a child's needs may best be met by:
(A) HCBWS. staff then requests a completed application packet from CW staff and submits it to OHCA for consideration; or

(B) Medicaid, school, or other sources, staff then consults with the CW worker to assist in accessing appropriate services for the child. If there is disagreement by CW staff, CW staff may appeal the decision to the Children and Family Services Division programs manager or liaison to DDSD to initiate an administrative review.

(3) At any time the child's needs change, CW staff submits a subsequent referral, per OAC 340:75-8-36 Instructions to Staff 1, for HCBWS, and DDSD staff completes another needs assessment.

3. Application. The completed DDSD application packet includes Forms:

   (1) DDS-1; and

   (2) DCFS-123 and attachments of the child's:

      (A) social history, including developmental milestones, sexual and physical abuse history, and history of any alleged delinquent behavioral problems;

      (B) psychological assessment, within one year, that includes the intelligence quotient (IQ) score and adaptive functioning assessment;

      (C) medical assessment, within 90 calendar days, on Form ABCDM-80, Report of Physician's Examination;

      (D) copy of full-certified birth certificate or Form VS 151, Application for Search and Certified Copy of Birth Certificate;

      (E) current immunization record;

      (F) legal documents showing OKDHS custody status, Disposition Order, last court review, and Termination of Parental Rights Order, if applicable; and

      (G) Social Security card or Form SS-5, Application for Social Security Number.
4. **HCBWS eligibility determination.** The child's CW county of jurisdiction worker receives notification of eligibility determination for **HCBWS** from the DDSD area intake worker or the DDSD case manager on Form DDS-3, Notice of Action – Request for Services. When the child is:

   (1) approved for **HCBWS**, the CW county of jurisdiction worker enters the DDSD status and approval date in KIDS Contacts screen and the child's IQ on KIDS Medical screen; and

   (2) not approved for **HCBWS**, the CW county of jurisdiction worker and DDSD area staff request a CFSD/DDSD grand staffing via Form DCFS-120, Request for CFSD/DDSD Grand Staffing.
340:75-8-37. Role and responsibilities of Child Welfare worker for a child receiving Home and Community-Based Waiver Services

The role and responsibilities of the Child Welfare (CW) worker for a child in Oklahoma Department of Human Services custody do not change when a child is eligible for or receives Home and Community-Based Waiver Services (HCBWS). CW workers comply with OAC 340:75 and support the application for and delivery of Developmental Disabilities Services Division (DDSD) services.

INSTRUCTIONS TO STAFF

1. CW county of jurisdiction worker’s responsibilities. The Child Welfare (CW) county of jurisdiction worker is responsible for:

   (1) applying for Supplemental Security Income (SSI) on behalf of the child per OAC 340:75-13-28 and 340:75-13-29;

   (2) applying for medical services per OAC 340:75-13-61;

   (3) visiting the child in the custody of Oklahoma Department of Human Services (OKDHS) in a Developmental Disabilities Services Division (DDSD) placement, when placed in the county of jurisdiction, per OAC 340:75-6-48;

   (4) participating in the development of the child’s DDSD Individual Plan and attending meetings and case staffing as notified by DDSD case management staff;

   (5) notifying the DDSD case manager of court hearings and requesting pertinent information for reports to the court;

   (6) arranging for the child’s transportation, in collaboration with the DDSD case manager, when he or she must attend court;

   (7) maintaining monthly phone contact, if the child is placed outside the county of jurisdiction, with the CW county of placement worker and updating the worker on the court status and permanency plans; and

   (8) maintaining the child’s primary case record. When the child is placed outside the county of jurisdiction, the CW county of jurisdiction supervisor assigns secondary case responsibility to the county of placement in KIDS and the CW county of jurisdiction worker forwards a copy of the child’s paper case record to the county of placement per OAC 340:75-1-26.
2. CW county of placement worker’s responsibilities. When the child is placed outside of the county of jurisdiction, the CW county of placement worker:

   (1) provides information to the CW county of jurisdiction worker regarding the child's progress and any problems in the DDSD placement;

   (2) maintains contact with the child in accordance with OAC 340:75-6-48; and

   (3) may attend case staffing and meetings related to the development and subsequent reviews of the child's DDSD Individual Plan.
340:75-8-38. Role and responsibilities of DDSD case manager for a child receiving Home and Community-Based Waiver Services

The Developmental Disabilities Services Division (DDSD) case manager:

1. provides services to children in Oklahoma Department of Human Services (OKDHS) custody receiving Home and Community-Based Waiver Services (HCBWS);

2. identifies team members and includes the referring and county of jurisdiction Child Welfare (CW) workers, if different, as team members, in accordance with OAC 340:100-5-52;

3. submits copies of any progress reports or information requested for court reports to the CW county of jurisdiction worker;

4. notifies the CW county of jurisdiction worker of needed medical consents for pre-planned or emergency medical treatment for children in OKDHS custody in DDSD placements; and

5. attends court hearings for children in OKDHS custody when notified by the CW worker.
340:75-8-39. Shared roles and responsibilities of Child Welfare workers and DDSD staff for a child receiving Home and Community-Based Waiver Services

(a) Child Welfare (CW) and Developmental Disabilities Services Division (DDSD) staff work together in identifying and developing the best long-term plan for a child in Oklahoma Department of Human Services (OKDHS) custody who has mental retardation. Permanency planning begins immediately after a child enters OKDHS custody per OAC 340:75-6-31, and continues until the child returns home or an appropriate permanent plan is achieved.  ■ 1

(b) When a child in OKDHS custody reaches age 16, the CW worker and DDSD case manager review the permanency plan for transition to adulthood and complete a guardianship assessment in accordance with OAC 340:100-3-1. If guardianship is determined appropriate for a child who is transitioning from OKDHS custody to independence, the CW worker coordinates with DDSD to identify and establish a guardianship relationship for the child.  ■ 1

INSTRUCTIONS TO STAFF

1. Initiation of guardianship identification.

   (1) By the child’s 16th birthday or if the child is age 16 when placed in Oklahoma Department of Human Services (OKDHS) custody, the Child Welfare (CW) worker and Developmental Disabilities Services Division (DDSD) staff work together to evaluate the need for guardianship.

   (2) The DDSD case manager, CW worker, CW supervisor, and any placement and service providers attend the team meeting that initiates the guardianship assessment process.

   (3) The CW county of jurisdiction worker:

      (A) assists the DDSD case manager in compiling a list of interested parties for notification of the guardianship assessment;

      (B) provides the DDSD case manager with contact information, such as addresses and phone numbers of interested parties, and any concerns of any person who may be willing to serve as a guardian;

      (C) completes monthly reviews of the status of guardian identification; and
(D) requests assistance from the Children and Family Services Division (CFSD) liaison to DDSD if a guardian has not been identified by the child’s 17th birthday.
340:75-8-40. Accessing DDSD services for a child with a developmental disability

(a) An array of services, support options, and placement settings, designed to meet individual needs exist for a child in Oklahoma Department of Human Services (OKDHS) custody who has a developmental disability. Per OAC 340:75-8-36, the child may live with a family or in another community-based setting while receiving Developmental Disabilities Services Division (DDSD) services.

(1) The Child Welfare (CW) county of jurisdiction worker pursues all appropriate placement resources for a child in OKDHS custody consistent with OAC 340:75-6-40.

(2) Home and Community-Based Waiver Services, arranged by DDSD staff, are available to meet the child's identified needs and may be provided in most placement settings.

(3) Early identification, expedient application, and joint planning between CW and DDSD staff, and timely service delivery, per Part 2 of OAC 340:75-8, facilitate appropriate referrals and service plan development for a child with a developmental disability.

(b) When a child's needs can no longer be met in less restrictive forms of care, such as own home, relative home, adoptive home, or any type of foster family care, the child is assessed and referred for grand staffing.

(c) The grand staffing process is a monthly meeting conducted by DDSD and Children and Family Services Division (CFSD) to review, assess, and determine service and placement needs for children who present significant challenges that prevent services in a family setting.

(1) The DDSD case manager or the CW worker makes a referral for grand staffing.

(2) Children staffed in grand staffing:

   (A) require:

      (i) 24-hour supervision by trained staff;

      (ii) professional crisis management; and
(iii) intensive support services to establish and maintain life in a community-based setting; and

(B) have ongoing severe and persistent emotional and behavioral disturbances.

(3) Children in emergency shelter settings are grand staffed when DDSD area staff or CW staff are unable to identify appropriate placement or service resources. The CW county of jurisdiction worker immediately requests a grand staffing for any child in an OKDHS operated emergency shelter who meets or is suspected to meet DDSD eligibility criteria.  ■ 1

(4) Referrals to provider agencies for residential service options are initiated through grand staffing.  ■ 1 through 3

(d) The DDSD programs manager or designee for Residential Services must authorize all pre-placement visits and all placements of children in OKDHS custody with any DDSD contracted provider.

INSTRUCTIONS TO STAFF

1. Grand staffing.

(1) Following supervisory staffing, Form DCFS-120, Request for CFSD/DDSD Grand Staffing, is completed to initiate the request for a grand staffing by the:

(A) Child Welfare (CW) county of jurisdiction or county of placement worker, if different;

(B) Developmental Disabilities Services Division (DDSD) intake worker or case manager. DDSD staff submit Form DCFS-120 to the DDSD programs manager or designee for Residential Services; or

(C) CW field liaison (CWFL). CW staff submit Form DCFS-120 to the Children and Family Services Division (CFSD) programs manager or liaison to DDSD.

(2) Following receipt of Form DCFS-120, the DDSD or CFSD programs manager reviews Form DCFS-120 completed by DDSD or CW staff. Staff with the most knowledge about the child referred completes Form DCFS-120.
(3) Area DDSD staff and CW staff, with supervisory approval, attend grand staffing meetings when requested by the CFSD or DDSD programs manager or designee.

(4) When the child is:

(A) placed in an OKDHS operated shelter, the CWFL assigned to the shelter ensures that the CW worker completes Form DCFS-120 and submits to the CFSD liaison; and

(B) known to DDSD, DDSD area staff completes Form DCFS-120 and submits to the DDSD programs manager.

2. Grand staffing results. Following the grand staffing, the DDSD programs manager or designee and CFSD programs manager or designee notify respective staff of the outcome or action needed and requests any additional information.

3. Pre-placement visits to DDSD placements. Pre-placement visits by children in OKDHS custody to DDSD placements do not occur prior to the approval of the DDSD area manager.
SUBCHAPTER 11. CHILD WELFARE COMMUNITY-BASED RESIDENTIAL CARE

PART 1. GENERAL PROVISIONS [REVOKED]

Section 340:75-11-1. Scope and applicability [REVOKED]

PART 2. RESIDENTIAL DIAGNOSTIC AND EVALUATION FACILITY [REVOKED]

340:75-11-10. Residential diagnostic and evaluation center [REVOKED]

PART 3. SPECIALIZED COMMUNITY HOMES [REVOKED]

340:75-11-15. Legal base [REVOKED]
340:75-11-16. Definition of specialized community home [REVOKED]
340:75-11-17. Implementing a specialized community home [REVOKED]
340:75-11-18. Specialized community home/foster home study [REVOKED]
340:75-11-19. Application to provide specialized community home/foster home care [REVOKED]
340:75-11-20. Contracting [REVOKED]
340:75-11-21. Role expectation of the specialized community home contractor [REVOKED]
340:75-11-22. Responsibilities of the specialized community home contractor [REVOKED]
340:75-11-23. Additional requirements for the specialized community home contractor [REVOKED]
340:75-11-24. Behavior management of residents [REVOKED]
340:75-11-25. Protected communication [REVOKED]
340:75-11-25.1. Placement into specialized community homes [REVOKED]
340:75-11-26. Role of the county worker [REVOKED]
340:75-11-27. Role of the specialized community home liaison [REVOKED]
340:75-11-28. Remaining in the specialized community home placement after age 18 [REVOKED]
340:75-11-29. Investigation of alleged abuse or neglect of youth in specialized community home care [REVOKED]

PART 5. COMMUNITY-BASED CONTRACT RESIDENTIAL CARE [REVOKED]

340:75-11-45. Legal base [REVOKED]
340:75-11-46. Contract facilities [REVOKED]
340:75-11-47. Levels of care [REVOKED]
340:75-11-49. Placement into community based residential contract care – non-guaranteed contracts [REVOKED]
340:75-11-49.1. Placement into community based residential contract care - guaranteed contracts [REVOKED]
340:75-11-50. Role of the county worker [REVOKED]
340:75-11-50.1. Role of the liaison [REVOKED]
340:75-11-51. Transfer of case record [REVOKED]
340:75-11-52. Educational information [REVOKED]
340:75-11-53. Grievance procedure [REVOKED]
340:75-11-54. Remaining in residential care after age 18 [REVOKED]
340:75-11-55. Investigations of alleged abuse or neglect [REVOKED]

PART 7. CHILD WELFARE OPERATED GROUP HOMES [REVOKED]

340:75-11-70. Abbreviations [REVOKED]
340:75-11-71. Scope and applicability; general description [REVOKED]
340:75-11-72. Legal base and authority [REVOKED]
340:75-11-73. Personnel [REVOKED]
340:75-11-74. Physical plant [REVOKED]
340:75-11-75. Reporting requirements [REVOKED]
340:75-11-76. Staff medical responsibilities [REVOKED]
340:75-11-90. Supervision [REVOKED]
340:75-11-91. Restriction of privileges [REVOKED]
340:75-11-92. Room restriction [REVOKED]
340:75-11-93. Physical force [REVOKED]
340:75-11-94. Searches [REVOKED]
340:75-11-95. Restitution [REVOKED]
340:75-11-110. Admission [REVOKED]
340:75-11-111. Resident rights [REVOKED]
340:75-11-112. Resident grievance procedures [REVOKED]
340:75-11-113. Treatment planning [REVOKED]
340:75-11-114. Staffing [REVOKED]
340:75-11-115. Counseling [REVOKED]
340:75-11-116. Preparation for adult life [REVOKED]
340:75-11-117. Other services [REVOKED]
340:75-11-135. Absent Without Leave (AWOL) [REVOKED]
340:75-11-136. Discharge [REVOKED]

PART 9. THERAPEUTIC FOSTER CARE SERVICES [REVOKED]

340:75-11-151. Legal base [REVOKED]
340:75-11-152. Definition [REVOKED]
340:75-11-153.1. Day care services for custody youth in therapeutic foster care [REVOKED]
340:75-11-154. Contracting [REVOKED]
340:75-11-154.1. DCYFS employees as therapeutic foster homes [REVOKED]
340:75-11-155. Placement into therapeutic foster care programs [REVOKED]
340:75-11-156. Role of the primary worker [REVOKED]
340:75-11-157. Role of the county of placement CW Worker [REVOKED]
340:75-11-158. Role of the liaison [REVOKED]
340:75-11-159. Transfer of case record [REVOKED]
340:75-11-160. Grievance procedure [REVOKED]
340:75-11-161. Remaining in therapeutic foster care after 18 [REVOKED]
340:75-11-162. Investigations of alleged abuse or neglect [REVOKED]

PART 11. FAMILY REUNIFICATION/COMMUNITY REINTEGRATION SERVICES [REVOKED]

340:75-11-177. Scope and applicability [REVOKED]
340:75-11-178. Services/providers [REVOKED]
340:75-11-179. Documentation/referral [REVOKED]

PART 13. SPECIALIZED COMMUNITY HOME STANDARDS AND HOME STUDY GUIDELINES [REVOKED]

340:75-11-194. Scope [REVOKED]
340:75-11-195. Specialized community home standards [REVOKED]
340:75-11-196. Uninhabitable facility and contractor incapacitation [REVOKED]
340:75-11-197. Home study guidelines [REVOKED]
340:75-11-198. Recommendation, evaluation and annual re-evaluation [REVOKED]

PART 15. COMMUNITY-BASED RESIDENTIAL CARE CONTRACT PROGRAM DESCRIPTIONS [REVOKED]

340:75-11-218. Purpose [REVOKED]
340:75-11-219. Level A - basic congregate residential care [REVOKED]
340:75-11-220. Level B - enriched congregate residential care [REVOKED]
340:75-11-221. Level C - specialized residential care [REVOKED]
340:75-11-222. Level D - moderate intensity specialized residential care [REVOKED]
340:75-11-223. Level E - specialized residential high intensity treatment program
340:75-11-224. Therapeutic foster care [REVOKED]
340:75-11-225. Residential maternity services [REVOKED]
340:75-11-226. Residential diagnostic and evaluation programs [REVOKED]

PART 17. CONTRACTED COMMUNITY-BASED RESIDENTIAL CARE PROVIDERS

340:75-11-230. Purpose, legal base, and definitions
340:75-11-231. Legal base and authority [REVOKED]
340:75-11-232. Definitions [REVOKED]
340:75-11-233. Placement of children into more restrictive community-based residential care placements
340:75-11-233.1. Placement services
340:75-11-234. Community-based residential care placement contracts
340:75-11-235. Monitoring of contracts [REVOKED]
340:75-11-236. Contract liaisons
340:75-11-239. Contract liaison's general responsibilities for children placed in community-based residential care and CBRC placement providers
340:75-11-240. General requirements for contracted community-based residential care placement providers

PART 19. RESIDENTIAL DIAGNOSTIC AND EVALUATION SERVICES

340:75-11-250. Contracted residential diagnostic and evaluation services
340:75-11-251. Custody children served in contracted residential diagnostic and evaluation services [REVOKED]
340:75-11-253. Responsibilities of the liaison to contracted residential diagnostic and evaluation services [REVOKED]

PART 21. RESIDENTIAL INTENSIVE TREATMENT SERVICES

340:75-11-265. Contracted residential intensive treatment services
340:75-11-266. Custody children served in contracted residential intensive treatment services [REVOKED]
treatment services [REVOKED]

340:75-11-268. Responsibilities of the liaison to contracted residential intensive treatment services [REVOKED]

PART 23. SPECIALIZED COMMUNITY HOMES

340:75-11-285. Definition [REVOKED]
340:75-11-286. Requirements for specialized community home contractors
340:75-11-287. Rights and responsibilities of the specialized community home contractor [REVOKED]
340:75-11-288. Rights of the specialized community home (SCH) contractor [REVOKED]
340:75-11-289. Specialized community home contract reimbursement
340:75-11-290. Custody children served in contracted specialized community homes (SCH) [REVOKED]
340:75-11-292. Responsibilities of the liaison to contracted specialized community homes (SCH) [REVOKED]

PART 25. NON-FUNDED AND FUNDED CONTRACTED LEVEL B PLACEMENTS

340:75-11-300. Non-funded and funded contracted Level B placements
340:75-11-301. Children served in non-funded and funded contracted Level B placements
340:75-11-303. Responsibilities of the liaison to non-funded contracted Level B placement providers [REVOKED]
340:75-11-304. Funded contracted Level B placements [REVOKED]
340:75-11-305. Custody children served in funded contracted Level B placements [REVOKED]
340:75-11-307. Responsibilities of the liaison to funded contracted Level B placement providers [REVOKED]

PART 27. RESIDENTIAL MATERNITY SERVICES
340:75-11-320. Non-funded and funded contracted residential maternity services placements
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PART 29. NON-FUNDED AND FUNDED LEVEL C PLACEMENTS

340:75-11-330. Non-funded and funded Level C placements and children served
340:75-11-331. Custody children served in non-funded Level C placements [REVOKED]
340:75-11-333. Responsibilities of the liaison to non-funded contracted Level C placement providers [REVOKED]
340:75-11-334. Funded Level C placements [REVOKED]
340:75-11-335. Custody children served in funded Level C placements [REVOKED]
340:75-11-337. Responsibilities of the liaison to funded contracted Level C placement providers [REVOKED]

PART 31. CONTRACTED LEVEL D PLACEMENTS

340:75-11-350. Contracted Level D placements and children served
340:75-11-351. Custody children served in contracted Level D placements [REVOKED]
340:75-11-353. Responsibilities of the liaison to contracted Level D placement providers [REVOKED]

PART 33. CONTRACTED LEVEL D PLUS AND LEVEL E PLACEMENTS
340:75-11-360. Contracted Level D plus (+) and Level E placements
340:75-11-361. Custody children served in contracted Level D+ placements [REVOKED]
340:75-11-363. Responsibilities of the liaison to contracted Level D+ placement providers [REVOKED]

PART 35. CONTRACTED LEVEL E PLACEMENTS [REVOKED]

340:75-11-370. Contracted Level E placements [REVOKED]
340:75-11-373. Responsibilities of the liaison to contracted Level E placement providers [REVOKED]
PART 17. CONTRACTED COMMUNITY-BASED RESIDENTIAL CARE PROVIDERS

340:75-11-230. Purpose, legal base, and definitions

(a) Purpose.

(1) The Community-Based Residential Care (CBRC) program serves children in Oklahoma Department of Human Services (OKDHS) custody whose treatment needs cannot be met in a family setting but whose treatment needs do not require inpatient psychiatric care.

(2) OKDHS contracts for different levels of care of CBRC placements that vary according to the level of restriction and intensity of treatment in order to meet the different treatment needs of children.

(b) Legal base.

(1) Section 7004-1.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 7004-1.1) requires OKDHS review and assess each child in OKDHS custody to determine the type of placement consistent with the child's treatment needs in the nearest geographical proximity to the child's home.

(2) 10 O.S. § 7004-2.1 requires OKDHS take all necessary steps, subject to the availability of funds, to develop and implement a diversity of community-based residential care, as needed, to provide for adequate and appropriate community-based treatment or rehabilitation of each child in a:

   (A) foster home;

   (B) group home;

   (C) community residential center; or

   (D) non-secure facility consistent with the child's individualized treatment needs and, when possible, in or near the child's home community.

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

(1) "Absent without leave (AWOL)" means the child in OKDHS custody is not present in a placement, such as foster care, therapeutic foster care, group home, or specialized community home, and does not have permission to be absent.
(2) "Group home" means a residential facility housing no more than 12 children who are supervised by adults other than their parents or relatives.

(3) "Intensive treatment services (ITS)" means a contracted eight-bed program that provides 72-hour crisis intervention services for children in OKDHS custody to prevent inpatient admission.
340:75-11-233. Placement of children into more restrictive community-based residential care placements

(a) Section 7004-1.1 of Title 10 of the Oklahoma Statutes requires children in Oklahoma Department of Human Services (OKDHS) custody be served in the least restrictive setting that meets the treatment needs of each child in the closest geographic proximity to the child's home, per OAC 340:75-6-85. ■ 1

(b) Community-based residential care (CBRC) placements are more restrictive placement settings than the child's own home, relative's home, or foster family care. The request and referral for the placement of a child in OKDHS custody in a CBRC placement is made through Children and Family Services Division (CFSD) Placement Section. ■ 2 & 3

(c) Children younger than ten years of age in OKDHS custody are not placed in CBRC placements, except when maintaining sibling groups together in non-funded and funded Level B and non-funded Level C CBRC placements.

(d) A child in OKDHS custody residing in a CBRC placement on his or her 18th birthday may receive voluntary care in his or her CBRC placement after age 18 per OAC 340:75-6-115.9. ■ 3

(e) The child's primary case assignment remains in the county of jurisdiction. ■ 4

(f) CBRC placements must:

1. be licensed by OKDHS, or another approved licensing body, and are either operated by, or under formal contract with OKDHS; and

2. provide appropriate treatment interventions for children that improve the level of functioning of children, resulting in a successful discharge to a less restrictive placement, such as own home, relative home, foster family home, adoptive home, or independent living. ■ 4 & 5

(g) Sufficient CBRC placements are subject to the availability of funds in the OKDHS budget. CFSD Placement Section maintains the waiting list for children requiring CBRC placements. ■ 2

INSTRUCTIONS TO STAFF

1. Assessing a child for placement. The Child Welfare (CW) county of jurisdiction worker and supervisor assess each child's treatment needs per
OAC 340:75-6-40.3. When the child’s treatment needs can no longer be met in the child’s own home, relative home, or foster home and the child does not meet the medical necessity criteria for psychiatric treatment, the CW county of jurisdiction;

(1) worker seeks treatment for the child in a community-based residential care (CBRC) placement;

(2) worker makes the placement request on KIDS Placement Recommendation screen; and

(3) supervisor approves the placement request, within five working days of the decision for CBRC placement.

2. Authorization of a placement request: Children and Family Services Division Placement Section:

(1) makes the referral for placement of and authorizes the placement of a child in Oklahoma Department of Human Services custody in a more restrictive CBRC placement.

(A) Exceptions to referral and authorization by the Placement Section are:

(i) residential diagnostic and evaluation services (D & E), 20-day time limited assessment services;

(ii) residential intensive treatment services (ITS), 72-hour short-term crisis stabilization services;

(iii) non-funded Level B placements with faith-based providers, such as Oklahoma Baptist Homes for Children, United Methodist Children's Home, and Sand Springs Children's Home; and

(iv) funded and non-funded residential maternity services that serve pregnant youth.

(B) Authorization and referral are made by the respective contract liaison; and

(2) maintains the waiting list of children for placement into CBRC
placements when the need for placement of children exceeds the availability of sufficient CBRC placements.

3. Voluntary care. The CW county of jurisdiction worker and supervisor determine whether the youth in CBRC placement is eligible for voluntary care after age 18, and if the eligible youth requests voluntary care, the CW county of jurisdiction worker completes requirements per OAC 340:75-6-115.9.

4. Case assignment and responsibility. The CW county of jurisdiction worker:

   (1) retains primary case assignment of the child's case record. The CW county of jurisdiction worker's supervisor makes a secondary case assignment to the county of placement, per OAC 340:75-1-26; and

   (2) is responsible for the child's permanency plan, per OAC 340:75-6-31 and 340:75-6-85.

5. Assessing the child prior to adjudication.

   (1) The CW county of jurisdiction worker and supervisor assess the child's treatment needs.

   (2) When the child's treatment needs cannot be met in a family setting and the child does not meet the medical necessity criteria for psychiatric treatment, the CW worker may request approval of the court to place the child in a residential facility prior to the child's adjudication as deprived.
340:75-11-233.1. Placement services

(a) The purpose of Children and Family Services Division (CFSD) Placement Section is to:

1. ensure that children in Oklahoma Department of Human Services (OKDHS) custody are placed in the least restrictive community-based residential care (CBRC) placement that most appropriately meets their treatment needs;

2. ensure equal access to CBRC placement resources by children in OKDHS custody statewide; and

3. maintain the waiting list of children in OKDHS custody who need CBRC placements when the need for CBRC placements exceeds the availability of CBRC placements.

(b) In order to respond expediently to the volume of placement requests for children, the Placement Section:

1. completes a daily review of children's cases received in the CFSD Residential, Placement, and Behavioral Health Services Unit KIDS In-box;

2. assesses each placement request and notifies the Child Welfare (CW) county of jurisdiction worker and supervisor of secondary case assignment to the Placement Section;

3. completes a daily review of the facility bed vacancy reports submitted daily by CW contract liaisons and CBRC providers;

4. as beds in CBRC facilities become vacant, evaluates the treatment and behavioral needs of children on the waiting list and identifies each child for referral to the appropriate CBRC placement vacancy;

5. when an appropriate CBRC facility is identified, makes the referral for placement to the CW worker assigned as the liaison to the designated CBRC facility and notifies the child's CW county of jurisdiction worker and supervisor of the referral, and, when requested, the county director and CW field liaison (CWFL);

6. documents, on KIDS Placement Authorization screen, information used in reaching the placement recommendation and documents compliance with applicable laws and policies.
(7) end-dates the secondary case assignment and completes documentation related to the placement episode when notified by the contract liaison that the child is placed; and

(8) maintains a working placement case record until the end of the year the child reaches majority.

(c) Placement of children prior to adjudication only occurs as described in OAC 340:75-11-233.

(d) Placement of a child in an acute psychiatric facility or a psychiatric residential treatment center (RTC) is made by the CW county of jurisdiction worker following the Oklahoma Foundation for Medical Quality (OFMQ) referral process and commitment process defined in OAC 340:75-16.

(1) The Placement Section provides consultation to the child's CW county of jurisdiction worker and supervisor regarding the identification of appropriate placement resources for a child discharged from inpatient psychiatric care.

(2) Discharge planning and the identification of an appropriate placement following discharge from inpatient psychiatric care begins when the child enters inpatient psychiatric care or immediately following commitment for monitoring purposes.

(e) A child who is adjudicated deprived and in need of supervision (INS) or delinquent is placed in accordance with OAC 340:75-6-46.

INSTRUCTIONS TO STAFF

1. Placement priority for a child in OKDHS custody.

   (1) The child's treatment needs, placement history, current location, and readiness for placement determine placement referral priority.

   (2) A child:

      (A) ready for discharge from an inpatient psychiatric treatment facility;

      (B) in a community-based residential care (CBRC) facility who needs a more or less restrictive level of CBRC care; or

      (C) in an Oklahoma Department of Human Services (OKDHS) operated
emergency shelter over licensed capacity is given priority on the waiting list.

(3) Children and Family Services Division Placement Section establishes the waiting list according to the:

(A) level of care the child requires;

(B) child's current location;

(C) date of the placement request; and

(D) child's permanency plan.

(4) The CW county of jurisdiction worker's supervisor facilitates assignment of the placement request to Placement Section by approving the KIDS Placement Recommendation screen that indicates his or her review of Form CWS-KIDS-20, Placement Worksheet, for completion and accuracy. Refer to OAC 340:75-11-233 Instructions to Staff.

(5) The CW county of jurisdiction worker is responsible for:

(A) faxing to Placement Section initial and updated collateral case information needed to justify CBRC placement, including, but not limited to, residential diagnostic and evaluation assessments, documentation of previous placement episodes, psychological evaluations, hospital letters, facility progress reports, critical incident reports, and discharge summaries. Placement Section maintains all information in the working placement case record; and

(B) maintaining regular and ongoing contact with Placement Section to inform of any changes in the child's location or need for CBRC placement.

2. Report of vacancies. The contract facility liaison or the provider reports CBRC vacant beds to Placement Section either by fax or e-mail immediately when a bed becomes vacant or in advance when a planned discharge results in a vacant bed.

3. Placement procedures. When the CW county of jurisdiction worker receives the referral, the worker:
(1) immediately contacts the CBRC facility and assigned contract liaison where the child is referred;

(2) makes arrangements for transportation and ensures the child is placed, per OAC 340:75-11-238, within no more than two working days of the referral; and

(3) documents the placement in the child’s KIDS Placement screens. Authorization of the placement episode by Placement Section unlocks the KIDS Enter-Exit screen.

4. Placement prior to adjudication. When a child in emergency OKDHS custody has needs that are best met in a CBRC facility, the CW county of jurisdiction worker:

   (1) requests court approval stating all parties agree to a CBRC placement; and

   (2) if the court approves, faxes the court approval to Placement Section.

5. Placement request for a child in inpatient treatment.

   (1) The CW county of jurisdiction worker immediately initiates a placement request on KIDS Placement Recommendation screen, for any child in OKDHS custody who is placed in inpatient psychiatric care for treatment and whose discharge plan recommends placement in a CBRC facility.

   (2) The CW county of jurisdiction worker and supervisor ensure Form CWS-KIDS-20 is updated to reflect inpatient treatment history and discharge recommendations.

   (3) The CW county of jurisdiction worker provides information to Placement Section on the child’s projected length of stay as authorized by the inpatient psychiatric care review coordinator of Oklahoma Foundation for Medical Quality (OFMQ) or as determined by discharge planning by the treating facility.

6. Admission to a psychiatric facility. If a child is admitted to a psychiatric facility from a CBRC placement, the CW county of jurisdiction worker initiates a new placement request on KIDS Placement Recommendation screen to reflect inpatient admission. Placement Section authorizes a child's return to
the same CBRC facility or refers the child to another CBRC setting upon discharge from inpatient care.
340:75-11-234. **Community-based residential care placement contracts**

(a) Contracts for the provision of community-based residential care (CBRC) placements are issued according to rules and procedures found in OAC 340:2-13-10 through 340:2-13-14.18, established by statutory requirements found in Section 85.1 et seq. of Title 74 of the Oklahoma Statutes.

(b) Contracts are monitored on-site at least annually in order to ensure:

1. the contractor's compliance with all contract terms;
2. services provided are in compliance with contract terms; and
3. clients receive the maximum benefit from the contractual services, per OAC 340:2-13-14.14.
340:75-11-236. Contract liaisons

A Child Welfare (CW) worker, in the county where the contracted community-based residential care (CBRC) facility is located, is assigned to each CBRC contract as the liaison to the contractor. Duties of the contract liaison are in accordance with the type of CBRC provider per OAC 340:75-11.

INSTRUCTIONS TO STAFF

1. CBRC liaison assignment. The county director and Child Welfare (CW) supervisor, in the county where the community-based residential care (CBRC) contracted facility is located, assign a CW worker to the CBRC provider.

(a) All community-based residential care (CBRC) programs, whether operated by Oklahoma Department of Human Services (OKDHS) or under contract with OKDHS, must comply with Sections 7004-3.2 and 7004-3.3 of Title 10 of the Oklahoma Statutes.

(1) A child:

(A) is not punished by:

(i) physical force;

(ii) deprivation of nutritious meals;

(iii) deprivation of family visits or

(iv) solitary confinement;

(B) has the opportunity to participate in physical exercise daily;

(C) is allowed daily access to showers and his or her own clothing or individualized clothing that is clean;

(D) has constant access to writing material and is allowed to send mail without limitation, censorship or prior reading;

(E) is allowed to receive mail without prior reading, except that mail may be opened in the presence of the child, without being read, to inspect for contraband;

(F) has reasonable opportunity to communicate and to visit with his or her family on a regular basis and to communicate with persons in the community;

(G) has immediate access to medical care as needed and receives necessary psychological and psychiatric services;

(H) is provided access to educational programs, including teaching, educational materials and books that emphasize reading, writing, mathematics, science, vocational-technical education, and other sources of instruction;

(I) has reasonable access to an attorney upon request in addition to the mandated contact, per OAC 340:75-6-48.1; and
(J) has access to grievance procedures per OAC 340:2-3-45 through 340:2-3-49.

(2) A child's mental health needs and mental well-being are met, protected, and served through the provision of guidance, counseling, and treatment programs staffed by competent, professionally qualified persons, serving under the supervision of a licensed mental health professional.

(3) The use of mechanical restraints and medication for behavior management are prohibited in OKDHS operated and contracted programs. The use of physical force is permitted when it is necessary for the protection of the child or others consistent with an approved passive physical restraint curriculum. The passive physical restraint curriculum includes:

(A) graded alternatives using a combination of psychological and physical techniques with emphasis toward:

(i) the reduction of injury;

(ii) de-escalation of the situation; and

(iii) elimination of abuse to persons with acting out behavior; and

(B) physical contact aspects utilized only when the child's behavior poses an immediate danger or threat of danger to self or others and other methods have been exhausted.

(4) CBRC placements providing care and treatment for children in OKDHS custody are not locked for the purpose of deprivation of liberty or for disciplinary purposes. CBRC placements may be locked for the purpose of security from external forces.

(b) The child's visitation with family is not contingent upon the child's behavior and family visitation is not denied as a consequence for acting out behavior.

(c) Denial of visitation, mail, or phone contact with family members occurs only by order of the court, when it is determined visitation, mail, or phone contact with a specifically identified family member is not in the child's best interests, per OAC 340:75-6-30.

The Child Welfare county of jurisdiction worker has general responsibilities for children in Oklahoma Department of Human Services custody placed in any CBRC placement. ■ 1 & 2

INSTRUCTIONS TO STAFF

1. CW county of jurisdiction worker's role.

   (1) The Child Welfare (CW) county of jurisdiction worker's role and responsibilities for a child in the custody of Oklahoma Department of Human Services (OKDHS) in out-of-home placement are defined in OAC 340:75-6-47, 340:75-6-85, and 340:75-11-233 Instructions to Staff (ITS).

   (2) The assignment of a liaison to the contracted community-based residential care (CBRC) placement provider does not diminish the CW county of jurisdiction worker's role and responsibilities for a child in OKDHS custody in contracted CBRC placement, such as:

   (A) diagnostic and evaluation services (D & E);

   (B) intensive treatment services (ITS);

   (C) specialized community homes (SCH);

   (D) non-funded and funded Level B placements;

   (E) contracted residential maternity services placements;

   (F) non-funded and funded Level C placements;

   (G) contracted Level D placements;

   (H) contracted Level D+ placements; and

   (I) and contracted Level E placements.

2. CW county of jurisdiction worker's responsibilities. The CW county of
jurisdiction worker is responsible for:

(1) accurately completing, and, at the time of placement, providing Form CWS-KIDS-20, Placement Worksheet, to the placement provider. Form CWS-KIDS-20 is required for placing a child in CBRC placement as the form includes the history and current situations of the child’s family, and the child’s physical and mental status, medical needs, education, and placement factors;

(2) making the request for the contracted CBRC placement in the child’s KIDS Placement Recommendation screen. The CW supervisor approves this request, within five days of the CW county of jurisdiction worker’s and CW supervisor’s decision that contracted CBRC placement or services are necessary to meet the child’s treatment needs;

(3) completing and providing to the placement provider, copies of:

(A) Forms CWS-KIDS-7, Placement Provider Information, CWS-KIDS-8, Placement Plan, CWS-KIDS-9, Family/Child Strengths and Needs Assessment, court-approved CWS-KIDS-10, Treatment Plan, or CWS-KIDS-24, Individualized Service Plan (ISP), as applicable, and DCFS-19, Placement Agreement for Out-of-Home Care, per OAC 340:75-6; and

(B) the child’s birth certificate, immunization records, court order for OKDHS custody, most recent psychological evaluation, current social history, Social Security number or Form SS-5, Application for Social Security Number, medical card or Form CWS-KIDS-4, Eligibility Determination, school records or the name and address of the last school attended, and independent living assessment if the child is 16 years or older;

(4) transporting the child for admission with:

(A) adequate clothing or a clothing authorization, when the child does not have adequate clothing. Emergency clothing authorizations for a child placed in a non-funded CBRC placement are provided every 90 days, per OAC 340:75-13-45; and

(B) a 30-day supply of any medications in labeled prescription containers with instructions that are currently prescribed for the child to
allow for uninterrupted treatment until alternate follow-up medical care is received. The CW county of jurisdiction worker documents the receipt and release of all medication on Form DCFS-92, Receipt and Release of Prescription and Over-the-Counter Medication(s), as described in OAC 340:75-6-85.1 ITS;

(5) providing the placement provider with input into the development, review, or revision of the child's individualized treatment plan, that is completed by the placement provider within 30 days of placement. Review of the contractor's individualized treatment plan for the child is required at least every 90 days or more frequently as determined by the child's treatment needs;

(6) documenting the child's placement in KIDS Placement screens;

(7) providing completed Forms DCYFS-CWS-8A and B, Change in Placement Notification, in accordance with OAC 340:75-6-86 when there is a change in the child's living arrangements;

(8) contacting the child and placement provider as defined in OAC 340:75-6-48;

(9) advising the placement provider of the local post adjudication review board (PARB) review meetings, dates and times of court hearings, and any case staffing that requires the provider's input;

(10) entering the end date of the placement in KIDS Placement screens, obtaining the child's next placement, and transporting the child to that placement;

(11) initiating an Oklahoma Foundation for Medical Quality (OFMQ) referral for the child who is likely to meet the medical necessity criteria for acute or residential treatment care (RTC);

(12) when the child requires inpatient treatment with the assistance of OFMQ, locating an inpatient facility for acute or RTC treatment when needed;

(13) when the child presents a physical threat to CW staff and requires transportation by law enforcement officials, arranging transportation by the county of jurisdiction or the county of placement Sheriff's office;
(14) when the sheriff’s staff transports the child to inpatient care, providing the sheriff’s office with the mailing address to Children and Family Services Division (CFSD) CBRC programs manager to file the claim for mileage, meals, and hourly wage; and

(15) submitting Form ADM-106, Authority to Purchase, to the CFSD CBRC programs field representative with all necessary identifying information for reimbursement to the sheriff’s office for transportation services.
340:75-11-239. Contract liaison’s general responsibilities for children placed in community-based residential care and CBRC placement providers

Contract liaisons have general responsibilities for children in Oklahoma Department of Human Services Division custody placed in community-based residential care (CBRC) placements and for all CBRC placement providers.

INSTRUCTIONS TO STAFF

1. Contract liaison responsibilities. The liaison:

   (1) prints Form CWS-KIDS-20, Placement Worksheet, and KIDS Placement Recommendation screen for each child in Oklahoma Department of Human Services (OKDHS) referred and submits to the contracted community-based residential care (CBRC) placement provider as quickly as possible and facilitates and monitors the referral process through completion;

   (2) assists the placement provider in obtaining all information about the child required from the Child Welfare (CW) county of jurisdiction worker and notifies Children and Family Services Division (CFSD) Placement Section by e-mail of the actual date of admission for each child;

   (3) provides consultation to the placement provider about OKDHS policy requirements for children in out-of-home placements;

   (4) assists the placement provider in maintaining effective working relationships with CW workers and supervisors;

   (5) provides the placement provider with the Dear Provider letter upon the admission of each child;

   (6) has face-to-face, private contact with the child and the placement provider in the placement in the months that the CW county of jurisdiction worker is not required to make contact, per OAC 340:75-6-48, and documents these contacts in the child's KIDS Contacts screen;

   (7) spends a minimum of four hours per week at the CBRC facility and is knowledgeable of the placement provider’s:

      (A) treatment planning;
(B) treatment plan review;

(C) quantity and quality of service provision; and

(D) discharge planning for children.

(i) This may be accomplished through participation in case staffings, interactions with children and facility staff, and review of case records.

(ii) The time a liaison spends per week at the facility is increased or decreased by the liaison's supervisor depending on the needs of the placement provider;

(8) knows the requirements of the contract and reports violations of the contract requirements to the CFSD CBRC programs manager;

(9) completes the monthly liaison statistical report and submits to the CFSD CBRC programs field representative by the fifth working day of each month;

(10) reports any earned income of the child to the assigned custody specialist on Form K-13, Information/Referral - Social Services;

(11) completes Form F-1, Authorization for Bus Transportation, when it is necessary for the child to travel by bus within Oklahoma;

(12) performs the quarterly on-site monitoring of the placement provider's compliance with contract mandates and submits a written report of the quarterly on-site monitoring to the CFSD CBRC programs manager;

(13) participates in the CFSD Continuous Quality Improvement (CQI) Unit annual on-site program assessment and focused review of the contract conducted by CQI staff;

(14) gives Form OCA-GR-2-A, Notice of Grievance Rights - Minors in OKDHS Custody - Youth in Voluntary OKDHS Care, to the child within 24 hours of placement and includes the name of the local grievance coordinator (LGC) on this form, per OAC 340:2-3-47, and remains alert to any alleged maltreatment of any child on the part of the placement provider and notifies the;
(A) Office of Client Advocacy regarding maltreatment; and

(B) county LGC regarding any grievances filed on behalf of the child;

(15) maintains sufficient awareness of the treatment plan and discharge plan of each child;

(16) ensures the completion of a home study, when appropriate, prior to overnight visitation by the child;

(17) ensures the provider submits vacant bed reports daily to Placement Section;

(18) when the child meets medical necessity criteria for admission and presents a physical threat to CW staff to transport, assists the CW county of jurisdiction worker in arranging admission of the child to an acute or residential treatment center inpatient facility;

(19) when the county of jurisdiction sheriff's office refuses to transport the child to an inpatient facility, assists the CW county of jurisdiction worker with a transportation request to the county of placement sheriff's office;

(20) when the sheriff's staff transports the child to inpatient care, provides the county of placement sheriff's office with the mailing address to the CFSD CBRC programs manager to file the claim for mileage, meals, and hourly wage;

(21) submits Form ADM-106, Authority to Purchase, to the CFSD CBRC programs field representative with all necessary identifying information for reimbursement to the county of placement sheriff's office for transportation services; and

(22) tracks leave days of each child and reviews the respective contractor's Form DCYS-S-2, CFSD Claim for Purchase of Residential Care, each month for accuracy of claims payment for specialized community homes (SCH), funded residential maternity placements, intensive treatment services (ITS), residential diagnostic and evaluation services (D & E), funded Level B, Level C, Level D, Level D+, and Level E placements;

(23) knows the licensing standards and reports any observed violation of licensing standards to Division of Child Care; and
(24) knows the disaster plans of the facility and maintains contact with the facility and programs staff during a disaster event; and, as applicable:

(A) maintains the waiting list of children referred for D & E, ITS, non-funded Level B and Level C, and residential maternity services placements and authorizes the placement on KIDS Placement Authorization screen;

(B) coordinates with D & E and ITS contractors in managing the waiting list and determining admission dates of children with the safety and protection of all children as the primary factor;

(C) ensures the $25 monthly allowance for the youth and $10 monthly allowance for each youth's infant and child is used for their benefit when in non-funded Level B, Level C, and residential maternity placements;

(D) obtains authorization for non-funded Level B and Level C placements from the CFSD CBRC programs manager for children who do not fall within the age range of the contracts; and

(E) reviews and signs the facility’s treatment plan verifying that additional treatment services are not duplicative nor provided in lieu of the contractually required treatment services for Level D, Level D+, and Level E placements that provide additional Title XIX treatment services over and above those required by the OKDHS contract.
340:75-11-240. General requirements for contracted community-based residential care placement providers

All contracted community-based residential care (CBRC) providers must:

1. maintain a written case record on each child that documents all services provided or obtained for the child while in placement;

2. implement and review an individualized treatment plan for each child in placement, with documented input of the child's Child Welfare (CW) county of jurisdiction worker, according to the requirements set forth in the Oklahoma Department of Human Services (OKDHS) contract;

3. assume responsibility for basic needs maintenance of each child placed;

4. accept responsibility for a reasonable knowledge of the child's whereabouts at all times.

(A) When a child:

(i) is removed by anyone without authorization;

(ii) is taken into custody by law enforcement officials;

(iii) runs away; or

(iv) otherwise cannot be accounted for, the provider notifies by phone the:

(I) CW county of jurisdiction worker;

(II) liaison; and

(III) police.

(B) The provider submits a written report to the child's CW county of jurisdiction worker describing the circumstances surrounding the incident and files a copy in the child's case record;

5. ensure that the child timely receives all needed routine, specialized, and emergency medical care provided by a medical provider who accepts Medicaid payment.
(A) Prior consultation and consent from OKDHS and the child's parent(s), if applicable, are required for:

(i) emergency medical care. When appropriate OKDHS staff cannot be located and the situation is life-threatening, the provider obtains emergency care and treatment and notifies OKDHS at the earliest possible time; and

(ii) any extraordinary medical procedure, such as surgery and invasive procedures.

(B) Prior consultation and consent from OKDHS and the child's parent(s), if applicable, is not required for ordinary medical care. Provision of all medical or dental care is documented in the provider's case record, including notification and attempts of notification in emergency situations;

(6) notify the CW county of jurisdiction worker and the contract liaison of any accidental or non-accidental injuries sustained by the child;

(7) ensure that the religious and cultural observations of the child comply with OAC 340:75-6-49.

(A) The provider arranges transportation to the nearest place of worship of the child's choice. On-site voluntary religious services are acceptable.

(B) Exceptions to this requirement are made for non-funded contracts with faith-based CBRC providers that require the child's and parent(s)' agreement for the child to attend a specific place of worship as a requirement for admission;

(8) develop and implement written policy and procedures regarding each child's access to legal counsel, court-appointed special advocate (CASA), OKDHS staff, phone, mail, and visitation, per OAC 340:75-11-237 and 340:75-6-30;

(9) develop and implement written policy and procedures regarding securing and safeguarding each child's property and funds, the disbursement of allowances, and items allowed and not allowed into the placement;

(10) ensure each child is discharged with all personal items and clothing;

(11) obtain prior approval from the CW county of jurisdiction worker any time the child travels overnight outside of the county of placement per OAC 340:75-6-89;

(12) develop and implement written policy and procedures defining situations in
which any person, other than family members previously approved by the CW county of jurisdiction worker, may take the child away from the placement on a day pass, not to exceed six hours, without supervision of the provider. The provider:

(A) does not allow a child any overnight visitation, except with peers per OAC 340:75-7-37, without prior planning and documented written approval of the child's CW county of jurisdiction worker. A home study is:

(i) completed on the overnight visitation resource, either by a CW worker in the county where the resource is located or by the contractor if the contractor is a licensed child-placing agency; and

(ii) approved by the CW county of jurisdiction worker and supervisor prior to the child's overnight visitation;

(B) does not secure any placement without prior planning and documented written approval of the CW county of jurisdiction worker; and

(C) when utilizing volunteers, ensures the provider's policy for approval and utilization of volunteers complies with OAC 340:2-35-4;

(13) develop and implement written policy and procedures that prohibit the utilization of children for commercial purposes;

(14) submit written reports to the child's CW county of jurisdiction worker describing the child's stay in placement, progress toward meeting identified treatment goals, education, and medical care on a quarterly basis, or more frequently if requested for court hearings, and file a copy of the reports in the child's case record;

(15) develop and implement written policy and procedures for discipline that comply with OAC 340:75-7-38, and Sections 7004-3.2 and 7004-3.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 7004-3.2 and 7004-3.3), that prohibit the use of solitary confinement, separation programs, use of mechanical restraints, and administration of medicine as discipline.

(A) Room restriction may be utilized in the child's own room for a cooling off period not to exceed 60 minutes.

(B) The duration of the restriction is specified at the time of the assignment;

(16) ensure all employees are trained in an approved passive physical restraint curriculum per OAC 340:75-11-237;
(17) develop and implement written policy and procedures that require the contractor, and all employees of the contractor, having reason to believe any child in placement has been subjected to physical abuse, neglect, or both, to report the matter to the OKDHS Office of Client Advocacy and the child abuse hotline.

(A) The provider makes the report to the Office of Client Advocacy the same day of the incident or the next working day if an incident occurs evenings, weekends, or holidays.

(B) Failure to report is a misdemeanor offense and upon conviction punishable by law per 10 O.S. § 7103;

(18) develop and implement written policy that prohibits:

(A) possession of or use of tobacco and tobacco products by children in placement; and

(B) use of tobacco or tobacco products by the provider, employees of the provider, or visitors in the presence of children in placement, and designates clearly marked smoking areas outside of the children's placement and treatment areas;

(19) develop and implement written policy for the resolution of grievances by recipients of the services provided under the contract regarding the substance or application of any written or unwritten policy or rule of the contractor, or any decision, act, or omission of the contractor, or employees or agents of the contractor. The contractor:

(A) utilizes a grievance system in compliance with OAC 340:2-3-45 through 340:2-3-47 and 340:2-3-61 through 340:2-3-64; and

(B) submits policy regarding the resolution of grievances, and any subsequent revisions, to the Office of Client Advocacy for approval prior to the placement of any child, per OAC 340:2-3-45;

(20) develop and implement written policy and procedures in accordance with OAC 340:75-1-120;

(21) develop and implement written policy and procedures that certify compliance in providing or continuing to provide a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988;
(22) develop and implement written policy and procedures to maintain strict standards of confidentiality regarding children in placement in compliance with OKDHS requirements regarding the absolute protection, use, and release of personal client information consistent with 10 O.S. § 7005-1.4 and OAC 340:75-1-42 through 340:75-1-46, and professional standards. The contractor agrees to hold confidential all personal information about children served, including lists of names, addresses, photographs, records of evaluation, and all other records about each child;

(23) submit monthly and annual reports to the Children and Family Services Division (CFSD) CBRC programs manager to provide an overview of the provider's activities.

(A) The monthly report includes:

   (i) information on each child's progress toward goals and objectives;

   (ii) significant behavior events, including descriptions of delinquent acts committed and the legal and judicial consequences of the delinquent acts committed by each child;

   (iii) each child's absent without leave (AWOL) days;

   (iv) total bed days utilized;

   (v) each child's leave days utilized;

   (vi) total number of children served during the month, the number of children served who are also adjudicated delinquent, and the total number of children served who are adjudicated delinquent and in the custody of Office of Juvenile Affairs;

   (vii) number of children admitted during the month;

   (viii) number of children discharged during the month and the reasons for those discharges; and

   (ix) vacancies in contract mandated staffing requirements, and other significant program events.

(B) The annual report, due within 60 days after the end of the contract year, includes the information listed in OAC 340:75-11-240(23)(A) for the contract year;
(24) plan and coordinate each child's discharge with the child's CW county of jurisdiction worker and provide a minimum of 48 hours notice to discharge, except in medical or psychiatric emergency situations. Contractor's recommendation for discharge is approved by the child's CW county of jurisdiction worker prior to the provider's implementation of the discharge plan;

(25) submit a written discharge summary to the child's CW county of jurisdiction worker within 30 days of discharge and file a copy in the child's case record, including a summary of treatment services, child's progress on treatment goals, reason for discharge, and recommendations for future placements and services for the child's treatment needs;

(26) ensure all staff comply, as applicable, with the minimum licensing standards defined in the Division of Child Care licensing standards for child-placing agencies or OKDHS Publication No. 86-78, Licensing Requirements for Residential Child Care Facilities, or OAC 340:75-11-286;

(27) ensure all staff comply with the staffing requirements mandated in the contract that are in addition to the minimum staffing requirements in OKDHS Publication No. 86-78.

(A) If the provider's actual staffing pattern differs from the requirements set forth in the contract, the provider submits a written plan to the CBRC programs manager that defines the proposed staffing pattern of the contractor and clearly illustrates how each of the staffing functions are provided.

(B) The provider's proposed staffing pattern requires written approval of the CBRC programs manager prior to implementation of the provider's proposed staffing pattern;

(28) fill vacant positions required by the OKDHS contract within 30 days of the position becoming vacant. The contractor notifies the CBRC programs manager in writing:

(A) when contractually required positions are vacant;

(B) of updates during the selection process; and

(C) of the effective hiring date for these positions;

(29) develop and implement written policy regarding corrective discipline procedures for employees;
(30) notify the CBRC programs manager immediately by phone, and in writing within two working days, of any critical incidents that may have grave consequences, such as:

(A) the death of a child or employee caused by murder, suicide, or accident;

(B) severe injury to a child as a result of abuse, neglect, or maltreatment by a service provider, employee, or another child;

(C) misappropriation of state or federal funds by an employee of a private or public service agency that receives these funds;

(D) a violent crime committed by a child against another person; or

(E) any event that occurs in the facility that gains or is likely to gain media attention;

(31) if required by terms of the OKDHS contract to provide an on-site educational program, provide 60-day notice to the local school board prior to the opening of the facility per 70 O.S. § 1-113; and

(32) maintain a current Life Book in a format separate from the provider's case record, for each child placed, regardless of the child's age, that documents the child's stay in care and provides continuity throughout the child's life, per OAC 340:75-7-37. The provider:

(A) when the child's Life Book is not provided by the CW county of jurisdiction worker, initiates and maintains a Life Book with current information about the child while in placement including, but not limited to:

(i) placement name and address;

(ii) date of admission and discharge;

(iii) educational history;

(iv) medical history;

(v) awards and achievements;

(vi) photographs and
(vii) family information; and

(B) gives the Life Book to the child and CW county of jurisdiction worker when the child is discharged.
PART 19. RESIDENTIAL DIAGNOSTIC AND EVALUATION SERVICES

340:75-11-250. Contracted residential diagnostic and evaluation services

(a) A residential diagnostic and evaluation facility that offers a 20-day admission program for children in Oklahoma Department of Human Services (OKDHS) custody, six to 18 years of age, is available to provide a comprehensive assessment of each child admitted. The comprehensive evaluation includes:

1. a psychological evaluation that addresses the child's:
   A. level of emotional development;
   B. capacity for self-control;
   C. need for supervision;
   D. specific therapy needs; and
   E. risk to self, others, and the community;

2. a family and social history evaluation;

3. an educational evaluation;

4. a substance abuse evaluation;

5. a behavioral evaluation;

6. a speech and hearing evaluation;

7. a recreational evaluation; and

8. a medical evaluation, including psychiatric if appropriate.

(b) All evaluations are completed by professional staff who are licensed or credentialed in their respective professions. The contractor employs such staff or contracts for professional services.

(c) The time frame for the completion of the comprehensive assessment of the child is limited to calendar 20 days.
(1) Upon the child's admission, an interdisciplinary staffing that includes the Child Welfare (CW) county of jurisdiction worker is scheduled to be held prior to the 20th day to produce the summary of treatment and placement recommendations.

(2) The provider submits this summary and the individual evaluation reports to the child's CW county of jurisdiction worker and the contract liaison.

(d) Psychological or psychiatric intervention is available for children through direct contact with a psychologist or psychiatric consultant. Individual counseling or therapy is provided, as needed, for each child by the contractor's designated social work or counseling staff.

(e) The provider:

(1) receives referrals of children from the contract liaison;

(2) considers the age, gender, and presenting behaviors of each child in determining which children share bedrooms to ensure the safety of all children;

(3) provides a 12-month school on campus. Curriculum provided in the educational setting conforms to the course of instruction approved by Oklahoma State Department of Education. The contractor ensures that educational opportunities are available that meet the child's special educational requirements;

(4) provides clothing, after initial placement of a child. Emergency funds for clothing may be accessed per OAC 340:75-13-45;

(5) provides 24-hour on-call and on-site crisis intervention and behavior management services to each child, as needed. Emergency or crisis intervention services include face-to-face encounters with the child to resolve acute emotional dysfunction by providing intervention resolution and stabilizing functions through triage screening, planning, and documentation;

(6) provides recreation opportunities, directed by a recreation therapist, for each child on a daily basis through a wide range of planned activities, both indoors and outdoors;

(7) completes a written incident report describing any extreme behavioral incident or major rule violation and includes the contractor's response to the incident. The incident report is maintained in the child's case record and included in the child's behavioral evaluation;

(8) meets the staffing guidelines defined in the OKDHS contract;
(9) complies with children's rights per OAC 340:75-11-237;

(10) complies with all general requirements per OAC 340:75-11-240;

(11) complies with Part 105 of OAC 317:30-5 for residential behavior management services in group settings and non-secure diagnostic and evaluation centers;

(12) is reimbursed by OKDHS at a fixed daily rate. The fixed daily rate is a blend of Title IV-E and Title XIX federal funds, per eligibility of each child served, and state funds; and

(13) submits Form DCYS-S-2, CFSD Claim for Purchase of Residential Care, for reimbursement to the Children and Family Services Division Administrative Services Unit.

INSTRUCTIONS TO STAFF

1. D & E services. Residential diagnostic and evaluation (D & E) services are:

   (1) short-term and not considered as a placement option for the child;

   (2) used when the Child Welfare county of jurisdiction worker and supervisor have difficulty assessing the child's treatment needs;

   (3) used to determine:

      (A) prescriptive treatment planning best suited to the child's needs that may prevent the disruption of the child's current placement; or

      (B) appropriate placement options; and

PART 21. RESIDENTIAL INTENSIVE TREATMENT SERVICES

340:75-11-265. Contracted residential intensive treatment services

(a) Contracted residential intensive treatment services (ITS) are available to provide crisis stabilization interventions to children in Oklahoma Department of Human Services (OKDHS) custody, eight to 18 years of age, who are experiencing a mental health or psychiatric crisis to prevent admission to psychiatric care and enable the return to a community-based placement.

(b) Children served by ITS are:

   (1) seriously emotionally disturbed and at imminent risk of admission to acute psychiatric care or a psychiatric residential treatment center (RTC);

   (2) seriously emotionally disturbed with development disabilities and certified for services through Developmental Disabilities Services Division (DDSD); or

   (3) in need of crisis stabilization to avoid inpatient psychiatric treatment and maintain community-based placement.

(c) Contracted residential ITS are intensive, short-term, individualized mental health treatment services for children used as an alternative to admission to an inpatient acute psychiatric setting or RTC, and include:

   (1) an initial period, maximum of 72 hours, of crisis stabilization in a crisis residential bed provided by a licensed child-placing agency or a licensed residential child care facility;

   (2) crisis stabilization mental health services, per Part 105 of OAC 317:30-5, available 24 hours a day, seven days a week;

   (3) 24 hours, seven days per week access by phone to an employee of the contractor so that referrals are made and services provided in emergency situations;

   (4) development of a safety plan for implementation by the child's placement provider upon discharge from ITS;

   (5) consultation with a psychiatrist or doctoral-level licensed mental health professional 24 hours a day, seven days per week; and

   (6) 24-hour on-call and on-site crisis intervention and behavior management...
services with the child, as needed. Emergency or crisis intervention services include face-to-face encounters with the child to resolve acute emotional dysfunction by providing intervention resolution and stabilizing functions through triage screening, planning, and documentation.

(d) The crisis residential beds are provided in a setting licensed as a child-placing agency group home or residential child care facility that is not located in:

(1) a residential facility already under contract with OKDHS for the placement of children in OKDHS custody;

(2) a residential facility already under contract with Office of Juvenile Affairs (OJA) for the placement of children in OJA custody;

(3) a hospital, either medical or psychiatric; or

(4) a psychiatric residential treatment center (RTC).

(e) The provider:

(1) receives referrals of children from the contract liaison, CW workers, and Children and Family Services Division (CFSD) programs staff;

(2) considers the age, gender, and presenting behaviors of each child in determining which children share bedrooms to ensure the safety of all children;

(3) completes a written incident report describing any extreme behavioral incident or major rule violation, including the provider's response, submits the copy to the child's CW county of jurisdiction worker, and files the original in the child's case record;

(4) meets the staffing guidelines defined in the contract;

(5) complies with children's rights per OAC 340:75-11-237;

(6) complies with all general requirements per OAC 340:75-11-240;

(7) complies with Part 105 of OAC 317:30-5 for residential behavior management services in group settings and non-secure diagnostic and evaluation centers;

(8) submits monthly and annual reports to the CFSD Community-Based Residential Care (CBRC) programs manager to provide an overview of the contractor's
activities.

(A) The monthly report includes:

(i) significant behavior events of each child;
(ii) each child’s absent without leave (AWOL) days;
(iii) total bed days utilized;
(iv) total bed days not utilized;
(v) total number of children served during the month;
(vi) number of children served:
   (I) who are also certified for DDSD services;
   (II) by county of jurisdiction;
   (III) by age;
   (IV) by gender;
   (V) by ethnicity;
   (VI) who were admitted to psychiatric care;
   (VII) in placement for seven days or less and the average length of stay; and
   (VIII) in placement for more than seven days and the average length of stay; and
(vii) vacancies in contract mandated staffing requirements and other significant program events.

(B) The annual report, due within 60 days after the end of the contract year, includes the information listed in OAC 340:75-11-265(e)(8)(A) for the total contract year;

(9) is reimbursed by OKDHS at a fixed daily rate. The fixed daily rate is a blend of
Title IV-E and Title XIX federal funds, per eligibility of each child served, and state funds; and

(10) Form DCYS-S-2, CFSD Claim for Purchase of Residential Care, for reimbursement to CFSD Administrative Services Unit.  ■ 1

INSTRUCTIONS TO STAFF

1. **ITS.** Residential intensive treatment services (ITS) are:

   (1) not used as an alternative to emergency shelter care or as respite care for children in Oklahoma Department of Human Services custody; and

   (2) listed in KIDS Resource Directory, category - Residential - Locally Authorized and type - Residential Individualized Therapeutic Service.

2. Stabilization and care.

   (1) If the child is not stabilized within 72 hours of admission, the Child Welfare (CW) county of jurisdiction worker and ITS contractor make a request for a 72-hour extension to the contract liaison. If the child is not stabilized after the first extension, the CW county of jurisdiction worker and ITS provider make a request for additional extensions to the Children and Family Services Division Community-Based Residential Care programs manager.

   (2) If the ITS provider determines that the child's psychiatric problems are such that stabilization cannot be accomplished, the CW county of jurisdiction worker contacts the inpatient psychiatric care review coordinator of Oklahoma Foundation for Medical Quality (OFMQ) for review and authorization for the child's admission to an acute psychiatric care facility or a psychiatric residential treatment center (RTC).
340:75-11-286. Requirements for specialized community home contractors

(a) Each specialized community home (SCH) contractor serves a specially defined target population of four children in Oklahoma Department of Human Services (OKDHS) custody.

(1) Children served:

(A) vary by age, gender, and behaviors exhibited; and

(B) do not require 24-hour awake supervision.

(2) The contractor provides or obtains:

(A) individually focused therapeutic interventions to meet the treatment needs of these children; and

(B) educational and employment opportunities, cultural enrichment, and independent living skills consistent with each child's treatment plan.

(b) The SCH contractor must comply with:

(1) children's rights per OAC 340:75-11-237;

(2) all general requirements per OAC 340:75-11-240; and

(3) any other requirements in the OKDHS contract.

(c) The SCH applicant must meet the requirements for OKDHS foster homes, per OAC 340:75-7.

(d) The SCH contractor must meet the requirements described in (1) through (4).

(1) Education and experience. The SCH contractor meets one of the education and experience qualifications listed in (A) through (D).

(A) A Master or Doctor of Philosophy in Social Work degree or other related area of study and one year direct experience working with children with comparable treatment needs to those requiring treatment in the SCH.

(B) A Bachelor in Social Work degree or other related area of study and two years direct experience working with children with comparable treatment needs.
to those requiring treatment in the SCH.

(C) An Associate degree in a social service field and four years direct experience working with children with comparable treatment needs to those requiring treatment in the SCH; or

(D) A high school diploma or General Educational Development (GED) and six years of direct experience working with children with comparable treatment needs to those requiring treatment in the SCH plus training hours pertinent to residential child care.

(2) Outside employment. The SCH contractor is not allowed other employment outside of the operation of the SCH contract and is not eligible for paid day care.

(3) Respite care provider. During the mutual family assessment process, the SCH contractor identifies a Child Welfare approved respite care provider to provide alternative care when the SCH provider takes leave from his or her SCH contract responsibilities.

(A) The SCH contractor identifies the respite care provider at the time of the initial assessment. The respite care provider:

(i) must be at least 21 years of age; and

(ii) is not an OKDHS foster parent, a Children and Family Services Division (CFSD), Child Welfare (CW), or Office of Juvenile Affairs employee, as the respite care provider must be available on short notice when the contractor takes leave.

(B) When the SCH contractor takes leave, he or she selects one of the three options listed in (i) through (iii).

(i) The approved respite care provider utilizes the SCH to provide alternate care. Prior to approving the respite care provider, the CW worker in the county where the SCH home is located:

(I) makes personal contact with the respite care provider and conducts a personal assessment of the provider to determine his or her ability and willingness to provide alternate care;

(II) discusses SCH policy, per OAC 340:75-11-285 through 340:75-11-292, and foster care policy, per OAC 340:75-7, with the respite
(III) contacts two references for and completes the background investigation of the respite care provider, including Oklahoma State Bureau of Investigation (OSBI) name search, OSBI records search, and Federal Bureau of Investigation (FBI) records search and fingerprinting per OAC 340:75-7-15; and

(IV) files the personal assessment of the respite care provider in the SCH resource record.

(ii) The children go to the home of the approved respite care provider for alternate care.  ■ 2

(iii) The children go to their own homes or relative homes on planned leave approved by the CW county of jurisdiction workers.

(C) The SCH contractor is:

(i) encouraged to take two weeks planned time away from the home each year;

(ii) responsible for reimbursing the respite care provider from his or her salary; and

(iii) responsible for training the respite care provider.

(4) Mandatory training for SCH contractors.  All SCH contractors must:

(A) prior to placement of children in the home, complete all training requirements for OKDHS foster parents, per OAC 340:75-7-14;

(B) be certified in a behavior management system directed at managing aggressive and non-aggressive acting out behavior described in OAC 340:75-11-237.  Spouses or significant others must also be certified;

(C) obtain 21 hours of training each calendar year geared toward working with the children served in the SCH contract;

(D) attend the annual mandatory meetings for SCH contractors scheduled by CFSD that provide training hours; and

(E) participate in other training curricula required of OKDHS foster parents.
(e) CFSD does not enter into SCH contracts with any person related, either directly or through marriage, to:

1. an OJA employee;

2. a CFSD or CW employee in the county where the SCH home is located; or

3. an OKDHS employee who substantially influenced the funding of the contract.

**INSTRUCTIONS TO STAFF**

1. **SCH contract resources.** Each specialized community home (SCH) contractor is listed in KIDS Resource Directory, category - Residential-State Office Authorized and type - Specialized Community Home.

340:75-11-287. Rights and responsibilities of the specialized community home contractor

(a) Specialized community home (SCH) contractors have rights as Oklahoma Department of Human Services (OKDHS) foster parents, per OAC 340:2-3-50 and Section 7206.1 of Title 10 of the Oklahoma Statutes.

(b) The SCH contractor provides a full range of social services including:

1. direct social services to the child on an individual and group basis that focuses on the child's individual treatment goals;

2. community resources for the child, such as outpatient mental health treatment;

3. educational and vocational services and tutoring, as needed, for the child;

4. skills training to prepare the child for employment and facilitate job placement retention, as appropriate per the child's age;

5. crisis intervention on a 24-hour basis for each child;

6. recreational activities and opportunities for each child to pursue his or her talents, hobbies, and chosen interests;

7. adequate clothing and shoes for each child;

8. skills training in personal hygiene and grooming for each child;

9. medical and dental care for each child within the scope of OKDHS policy and contract mandates;

10. proper food and nutrition for each child;

11. independent living skills training for eligible youth;

12. establishment and maintenance of grievance procedures for each child consistent with OAC 340:2-3-45 and 340:2-3-47;

13. positive role modeling for the child;

14. respite care per OAC 340:75-11-286;
(15) written house rules and an orientation process for each child upon initial placement; and

(16) discharge planning and preparing each child for discharge.
340:75-11-289. Specialized community home contract reimbursement

(a) Monthly allotment. Specialized community home (SCH) contractors are reimbursed at an annual fixed rate of reimbursement, paid in 12 equal monthly allotments. The SCH contractor submits a monthly claim for the monthly allotment on Form DCYS-S-2, CFSD Claim for Purchase of Residential Care, to Children and Family Services Division (CFSD) Administrative Services Unit on the first day of each month.

(b) Boarding home reimbursement. In addition to monthly allotment reimbursement, the SCH contractor is reimbursed at the daily OKDHS foster care reimbursement rate, per actual number of days in each month, according to the child’s age. The SCH contractor signs the Fixed Rate Foster Home Contract for Specialized Community Homes at the same time the SCH contract is initiated, and on a yearly basis thereafter. If the new SCH contractor is already an OKDHS approved foster home, the Fixed Rate Foster Home Contract is cancelled and a new Fixed Rate Foster Home Contract for Specialized Community Homes is initiated with the same effective date of the SCH contract.

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(1) SCH contractors are reimbursed for up to a total of ten calendar days for planned treatment leave per child, per child placement year, for example, for pre-placement visitation or family reunification.

(2) A child’s placement year begins on the date a child is placed in the home and terminates 12 months later or on the date of discharge within that 12-month period. If a child is discharged, then readmitted to the same or another facility, a new child placement year begins.

(3) SCH contractors are reimbursed for a child who is absent without leave (AWOL) a total of five calendar days per child, per child placement year, when there is reasonable expectation the child will return to the SCH from AWOL status.

(4) SCH contractors are reimbursed if a child is hospitalized for a period not to exceed ten calendar days if the contractor maintains daily contact with the child and the child returns to the SCH upon discharge.

(5) The SCH contract liaison and supervisor approves all reimbursement for planned leave, hospital leave, or AWOL status.

(6) SCH contractors are not eligible for difficulty of care payments for children in SCH placements.
INSTRUCTIONS TO STAFF

1. Contract initiation. The Children and Family Services Division Community-Based Residential Care programs manager initiates the Fixed Rate Foster Home Contract for Specialized Community Homes.

2. SCH resources. Each specialized community home (SCH) contractor is listed in KIDS Resource Directory, category - Residential-State Office Authorized and type - Specialized Community Home.
PART 25. NON-FUNDED AND FUNDED CONTRACTED LEVEL B PLACEMENTS

340:75-11-300. Non-funded and funded contracted Level B placements

(a) Non-funded Level B placements are provided by faith-based residential agencies that provide the equivalent to foster home placements for children requiring a home-like environment with a full-time house parent couple.

(b) Funded contracted Level B placements are provided by the Murrow Indian Children's Home and meet the placement preferences required by the Indian Child Welfare Act (ICWA).

(c) Non-funded and funded contracted Level B services include:

(1) group treatment for each child, as needed, that focuses on maintenance issues and daily living matters;

(2) individual treatment for each child, as needed;

(3) active teaching and redevelopment of the child's basic living and social skills, both on-site and in the community. At minimum, the focus is on the restoration of skills for:

   (A) personal health and hygiene;

   (B) maintenance of the living environment, including food preparation;

   (C) money management;

   (D) job skills readiness, acquisition, and retention;

   (E) community awareness and mobility, including the use of community resources; and

   (F) socialization skills and techniques, including communication;

(4) developing and implementing policy and procedures for delivery of independent living (IL) skills training to youth, using an approved curriculum for teaching IL skills;

(5) assisting in the provision of federally mandated IL services that include coordinating with the Child Welfare (CW) county of jurisdiction worker to ensure:
(A) the Daniel Memorial or Ansell-Casey Life Skills assessment is completed on each youth age 16 or older and implementing the IL plan produced by this assessment; and ■ 1

(B) each youth age 15.5 or older attends one community contractor IL seminar each year; ■ 1

(6) ensuring the youth applies for Medicaid upon his or her 18th birthday, if the youth remains in placement in voluntary care to complete his or her secondary education per OAC 340:75-6-115.9; and

(7) providing 24-hour on-call and on-site crisis intervention and behavior management services to each child, as needed.

(d) Contracted Level B placements are provided in a setting licensed as a child-placing agency group home or residential child care facility that is not located in a hospital, either medical or psychiatric, or a psychiatric residential treatment center.

(e) The contractor:

(1) does not provide 24-hour awake supervision of children;

(2) may provide clothing for the child in Oklahoma Department of Human Services (OKDHS) custody. Emergency clothing authorizations may be accessed per OAC 340:75-13-45; ■ 2

(3) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response, submits the original to the Children and Family Services Division (CFSD) Community-Based Residential Services programs manager and a copy to the child's CW county of jurisdiction worker, and files a copy in the child's case record;

(4) meets the staffing guidelines defined in the OKDHS contract;

(5) complies with children's rights per OAC 340:75-11-237;

(6) complies with all general requirements per OAC 340:75-11-240;

(7) provides placements of children at no cost to OKDHS for non-funded contracted Level B services;

(8) maintains documentation of each child's absent without leave (AWOL) and leave
days set forth in the funded Level B contract and reports leave days on Form DCYS-S-2, CFSD Claim for Purchase of Residential care; and

(9) is reimbursed by OKDHS at a fixed daily rate for funded Level B services. The fixed daily rate is a blend of Title IV-E funds, per eligibility of each child served, and state funds. The contractor submits Form DCYS-S-2 for reimbursement to CFSD Administrative Services Unit.

INSTRUCTIONS TO STAFF

1. Independent living (IL) services. The Child Welfare (CW) county of jurisdiction worker:

   (1) ensures that the youth's basic life skills assessment is completed; and

   (2) arranges for the youth to attend the annual IL seminar, per Part 13 of OAC 340:75-6.

2. Clothing. The CW county of jurisdiction worker provides quarterly emergency clothing authorizations for the non-funded Level B group homes.
340:75-11-301. **Children served in non-funded and funded contracted Level B placements**

(a) Children in Oklahoma Department of Human Services custody are provided a structured and supportive living environment that provides direction and guidance. **Children appropriate for placement:**

1. Demonstrate the ability to positively interact with adult caregivers and have limited failed placements;

2. Agree to the placement;

3. Agree to attend the placement provider's identified **place of worship in non-funded group homes**;

4. Demonstrate the ability to attend public school;

5. Exhibit minimal behavioral or emotional problems.

(b) In general, children served are **male or female**, ten to 18 years of age. Exceptions to the age range may be made for sibling groups or younger children, as appropriate, with the agreement of the contractor and Children and Family Services Division (CFSD) Community-Based Residential Care programs manager and are documented by the contract liaison. **Children served in the funded Level B group home are Native American.**

(c) Each non-funded and funded Level B contractor serves a different target population.

(d) The placement provider and contract liaison screen referrals for appropriateness for the placement of children to non-funded Level B group homes.

(e) Referrals to funded Level B group homes are made by CFSD Placement Section though the contract liaison.

**INSTRUCTIONS TO STAFF**

1. **Contracts.**

   (1) **Non-funded Level B placements.** Children and Family Services Division (CFSD) contracts with Goodland Presbyterian Children's Home, Hope Harbor, Oklahoma Baptist Homes for Children, Sand Springs Children's **Children** served in non-funded and funded contracted Level B placements
Home, Peppers Boys' Ranch, and Willow Springs Boys' Ranch. These resources are listed in KIDS Resource Directory, category - Residential-Locally Authorized and type - Non-OKDHS Operated Facilities.

(2) Funded Level B placements. CFSD contracts with Murrow Indian Children's Home. This resource is listed in KIDS Resource Directory, category - Residential-State Office Authorized and type - Level B.
PART 27. RESIDENTIAL MATERNITY SERVICES

340:75-11-320. Non-funded and funded contracted residential maternity services placements

(a) Contracted residential maternity services placements provide residential care and treatment for pregnant youth in Oklahoma Department of Human Services (OKDHS) custody, regardless of age. The youth may return to the residential maternity services placement postpartum not to exceed 45 days, except with the approval of the Children and Family Services Division (CFSD) Community-Based Residential Services (CBRC) programs manager.

(b) Children served are pregnant youth in OKDHS custody, regardless of age, who require a supportive living environment with direction and guidance but are not appropriate for foster family care due to difficulty in sustaining relationships with parental figures.

(c) Youth not appropriate for placement are violent, aggressive, destructive to self, others, or property, engage in criminal or delinquent behaviors, or require intensive supervision and services.

(d) Non-funded and funded contracted residential maternity services for pregnant youth include:

1. group therapy, as needed, that focuses on maintenance issues and daily living matters;

2. individual treatment, as needed;

3. parenting skills training to enhance the youth’s capability to function as a parent. A specific plan for the delivery of those services is delineated in the contractor's written policy;

4. active teaching and redevelopment of the youth’s basic living and social skills. At minimum, the focus is on the restoration of skills for:

   (A) personal health and hygiene;

   (B) maintenance of the living environment, including food preparation;

   (C) money management;
(D) job skills readiness, acquisition, and retention;

(E) community awareness and mobility, including the use of community resources; and

(F) socialization skills and techniques, including communication;

(5) developing and implementing policy and procedures for the delivery of independent living (IL) skills training, using an approved curriculum for teaching IL skills;

(6) assisting in the provision of federally mandated IL services that include coordinating with the Child Welfare (CW) county of jurisdiction worker to ensure:

   (A) the Daniel Memorial or Ansell-Casey Life Skills assessment is completed on each youth age 16 or older and implementing the IL plan produced by this assessment; and

   (B) each youth age 15.5 or older attends one community contractor IL seminar each year;

(7) ensuring the youth applies for Medicaid upon her 18th birthday, if the youth remains in placement in voluntary care to complete her secondary education per OAC 340:75-6-115.9;

(8) providing 24-hour on-call and on-site crisis intervention and behavior management services, as needed;

(9) arranging prenatal, delivery, and postpartum care for the youth by a local physician or clinic; and

(10) ensuring a licensed dietitian or nutritionist is on staff or available as a consultant in menu planning that meets the United States Department of Agriculture (USDA) or Oklahoma State Department of Health standards for pregnant teenagers or adult women.

(e) The youth is eligible for an emergency clothing authorization for maternity clothing after initial placement in a funded maternity residential services placement and quarterly emergency clothing authorizations when the youth is placed in a non-funded maternity residential services placement, per OAC 340:75-13-45.

(f) When the youth is in the Home Bound educational program, the contractor provides
additional educational services at a minimum of two hours per day during the school term.

(g) Contracted residential maternity services placements are provided in a setting licensed as a child-placing agency group home or residential child care facility that is not located in a hospital, either medical or psychiatric, or a psychiatric residential treatment center.

(h) The contractor:

(1) does not provide 24-hour awake supervision of children in placement;

(2) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response, submits the original to the CBRC programs manager and a copy to the child's CW county of jurisdiction worker, and files a copy in the child's case record;

(3) meets the staffing guidelines defined in the OKDHS contract;

(4) complies with children's rights per OAC 340:75-11-237;

(5) complies with all general requirements per OAC 340:75-11-240;

(6) maintains documentation for funded programs of each child's absent without leave (AWOL) and leave days set forth in the contract and reports leave days on Form DCYS-S-2, CFSD Claim for Purchase of Residential Care;

(7) is reimbursed by OKDHS for funded programs at a fixed daily rate, based upon actual utilization. The fixed daily rate is a blend of Title IV-E funds, per eligibility of each child served, and state funds. The contractor submits Form DCYS-S-2 for reimbursement to CFSD Administrative Services Unit; and

(8) receives referrals for the placement of youth from the contract liaison.

INSTRUCTIONS TO STAFF

1. Contracts. Children and Family Services Division contracts with Catholic Charities Holy Family Home for funded maternity services placements and with Grace Cottage for non-funded maternity services placements. These resources are listed in KIDS Resource Directory, category - Residential-Locally Authorized and type - Residential Maternity Services.

2. Independent living (IL) services. The Child Welfare (CW) county of jurisdiction
worker:

(1) ensures that the youth’s basic life skills assessment is completed; and

(2) arranges for the youth to attend the annual IL seminar, per Part 13 of OAC 340:75-6.

3. Clothing authorizations. The CW county of jurisdiction worker provides emergency clothing authorizations. In addition to quarterly emergency clothing authorizations, the non-funded maternity residential services youth receives a $25 monthly allowance.
340:75-11-321. Placements for infants of youth in non-funded and funded contracted residential maternity services

(a) Infants served are the newborn infants whose mothers are in Oklahoma Department of Human Services (OKDHS) custody and served in the residential maternity services placement.

(b) The infant is accompanied in care by his or her mother and the length of stay does not exceed 45 days, except with the approval of the Children and Family Services Division (CFSD) Community-Based Residential Services programs manager.

(c) The contractor provides residential maternity services for infants in care that include:

- a separate, suitable bed in a room shared with his or her mother. No other adults or children share the room with the mother and infant;
- child care equipment, including bedding, high chairs, if needed, car seats, appropriate toys, and furniture;
- clothing;
- all food, formula, diapers, and personal hygiene items; and
- pediatric care. Prior consultation and consent from infant’s mother is required for any medical procedure.

(d) The contractor documents the interaction between the mother and the infant in the child’s case record.

(e) The funded contractor is:

- reimbursed by OKDHS at a fixed daily rate, based upon actual utilization. The fixed daily rate is a blend of Title IV-E funds, per eligibility of each child served, and state funds; and
- submits Form DCYS-S-2, CFSD Claim for Purchase of Residential Care, for reimbursement to CFSD Administrative Services Unit.

INSTRUCTIONS TO STAFF

1. Services.
(1) The infant’s Child Welfare (CW) county of jurisdiction worker and the contract liaison provide assistance to the placement provider regarding case planning and coordinating services for the infant.

(2) Each infant and child of the youth in a non-funded maternity residential placement receives a $10 monthly allowance.

(a) The Child Welfare (CW) county of jurisdiction worker has responsibilities for children in Oklahoma Department of Human Services (OKDHS) custody placed in contracted residential maternity services placements. ■ 1

(b) The Child Welfare (CW) worker assigned as the liaison to contracted residential maternity services placement providers has specific duties and responsibilities. ■ 2

INSTRUCTIONS TO STAFF


2. Contract liaison responsibilities. In addition to responsibilities listed in OAC 340:75-11-239 ITS, the liaison:

   (1) maintains the waiting list of children referred for maternity residential services placement;

   (2) authorizes the placement on KIDS Placement Authorization screen;

   (3) tracks the use of leave days for each child in funded placement and verifies accuracy of leave days by signing Form DCFS-126, Community-Based Residential Care (CBRC) Leave Tracking, each month for each child; and

   (4) reviews the funded contractor's Form DCYS-S-2, CFSD Claim for Purchase of Residential Care, each month for accuracy of claims payment.
PART 29. NON-FUNDED AND FUNDED LEVEL C PLACEMENTS

340:75-11-330. Non-funded and funded Level C placements and children served

(a) Placements equivalent to foster home placements for children requiring a home-like environment with a full-time house parent couple are contracted by:

(1) faith-based residential agencies for non-funded Level C placements; and

(2) non-faith-based residential agencies for funded Level C placements.

(b) Non-funded and funded contracted Level C services include:

(1) structured group treatment, a minimum of one hour per week for each child;

(2) individual treatment for each child, as needed;

(3) family visitation, when the case plan is reunification;

(4) family treatment, when deemed appropriate by the contractor and the Child Welfare (CW) county of jurisdiction worker;

(5) active teaching and redevelopment of the child's basic living and social skills, both on-site and in the community. At minimum, the focus is on the restoration of skills for:

   (A) personal health and hygiene;

   (B) maintenance of the living environment, including food preparation;

   (C) money management;

   (D) job skills readiness, acquisition, and retention;

   (E) community awareness and mobility, including the use of community resources; and

   (F) socialization skills and techniques, including communication;

(6) developing and implementing policy and procedures for delivery of independent living (IL) skills training to youth, using an approved curriculum for teaching IL skills;
assisting in the provision of federally mandated IL services that include coordinating with the CW county of jurisdiction worker to ensure:

(A) the Daniel Memorial or Ansell-Casey Life Skills assessment is completed on each youth age 16 or older and implementing the IL plan produced by this assessment; and

(B) each youth age 15.5 or older attends one community contractor IL seminar each year; ■ 1

(8) ensuring the youth applies for Medicaid upon his or her 18th birthday, if the youth remains in placement in voluntary care to complete his or her secondary education per OAC 340:75-6-115.9; and

(9) providing 24-hour on-call and on-site crisis intervention and behavior management services to each child, as needed.

(c) In addition, funded Level C services include:

(1) substance abuse or chemical dependency therapy within a group or individual counseling or therapy sessions for each child, as needed;

(2) behavior redirection 24 hours a day, seven days a week to meet the goals and objectives of the treatment plan and respond to any behavioral crisis of the child. The contractor ensures staff are available to respond in a crisis to stabilize the child's behavior and prevent placement disruption; and

(3) 24-hour on-call and on-site crisis intervention and behavior management services to each child, as needed. Emergency or crisis intervention services include face-to-face encounters with the child to resolve acute emotional dysfunction by providing intervention resolution and stabilizing functions through triage screening, planning, and documentation.

(d) Non-funded and funded contracted Level C placements are provided in a setting licensed as a child-placing agency group home or residential child care facility that is not located in a hospital, either medical or psychiatric, or psychiatric residential treatment center.

(e) The non-funded contractor:

(1) does not provide 24-hour awake supervision of children;
(2) is not required to provide clothing for the child in Oklahoma Department of Human Services (OKDHS) custody. Emergency clothing authorizations may be accessed per OAC 340:75-13-45; ■ 2

(3) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response, submits the original to the Children and Family Services Division, Community-Based Residential Services programs manager and a copy to the child's CW county of jurisdiction worker, and files a copy in the child's case record;

(4) meets the staffing guidelines defined in the OKDHS contract;

(5) complies with children's rights per OAC 340:75-11-237;

(6) complies with all general requirements per OAC 340:75-11-240; and

(7) provides placements of children at no cost to OKDHS.

(f) The funded contractor:

(1) provides clothing after initial placement of a child. Emergency clothing authorizations may be accessed per OAC 340:75-13-45;

(2) maintains documentation of each child’s absent without leave (AWOL) and leave days defined in the contract and reports leave days on Form DCYS-S-2, CFSD Claim for Purchase of Residential Care;

(3) is reimbursed by OKDHS at a fixed daily rate. The fixed daily rate is a blend of Title IV-E per eligibility of each child served and state funds; and

(4) submits Form DCYS-S-2 for reimbursement to CFSD Administrative Services Unit.

(g) Children served in non-funded and funded Level C placements.

(1) The primary goal of services is the remediation of mild to moderate behavior problems through a focus on daily living issues rather than clinical interventions.

(2) Non-funded contractors:

(A) provide services to children, male or female, ten to 18 years of age. Each contractor serves a different target population of children; and
(B) serve children whose typical behaviors include minor criminal offenses, difficulty in school, problems with authority figures, verbal aggression, peer difficulty, or infrequent runaway behavior with a few failed placements in a family setting.  ■ 3

(3) Funded contractors provide services to male children, 12 to 18 years of age, whose typical behaviors include impulse control problems and those behaviors listed in OAC 340:75-11-330(g)(2)(B).  ■ 3

(4) Children not appropriate for non-funded placement:

(A) have a history of setting fires or sexual perpetration;

(B) are chemically dependent or have used drugs in the last 30 days;

(C) are psychotic or on anti-psychotic medications;

(D) have lived on the streets for the prior six months; or

(E) are intellectually limited with an intelligence quotient (IQ) below 70 and have poor verbal skills.

(5) Both the non-funded and funded contractor receives referrals of children for placement from the CFSD Placement Section through the contract liaison.

INSTRUCTIONS TO STAFF

1. Independent living (IL) services. The Child Welfare (CW) county of jurisdiction worker:

   (1) ensures that the youth’s basic life skills assessment is completed; and

   (2) arranges for the youth to attend the annual IL seminar, per Part 13 of OAC 340:75-6.

2. Clothing. The CW county of jurisdiction worker provides emergency clothing authorizations.

3. Level C placements.

   (1) Non-funded Level C. CFSD contracts with United Methodist Boys Ranch and United Methodist Children’s Home. These resources are listed
in KIDS Resource Directory, category - Residential-State Office Authorized and type - Level C.

(2) Funded Level C. CFSD contracts with Oklahoma Lions Boys Ranch. This resource is listed in KIDS Resource Directory, category - Residential-State Office Authorized and type - Level C.
PART 31. CONTRACTED LEVEL D PLACEMENTS

340:75-11-350. Contracted Level D placements and children served

(a) Contracted Level D placements are designed to serve the special needs of children, male or female, 12 to 17 years of age, in Oklahoma Department of Human Services custody, who are emotionally disturbed and certified as developmentally disabled by Developmental Disabilities Services Division (DDSD).

(b) The placement of children who are emotionally disturbed and developmentally disabled in Level D facilities is a joint decision made by the Children and Family Services Division (CFSD) programs manager or liaison to DDSD and DDSD programs manager for Residential Services.

(c) Providers of Level D placements are under contract with both CFSD and DDSD.

(d) Contractors receive referrals for children who are emotionally disturbed and developmentally disabled from DDSD programs staff.

(e) Level D contracted services include:

1. structured group therapy, a minimum of one hour per week for each child;
2. individual therapy, a minimum of one hour per week for each child;
3. family visitation, when the case plan is reunification;
4. family therapy, when deemed appropriate by the Child Welfare (CW) county of jurisdiction worker;
5. substance abuse or chemical dependency therapy within a group or individual counseling or therapy session for each child, as needed;
6. crisis intervention and behavior management services, as indicated in each child's DDSD Individualized Plan and in compliance with OAC 340:100-5-57. Emergency or crisis intervention services include face-to-face encounters with the child to resolve acute emotional dysfunction by providing intervention resolution and stabilizing functions through triage screening, planning, and documentation;
7. staff available to respond in a crisis to stabilize a child's behavior and prevent placement disruption, 24 hours a day, seven days per week;
(8) active teaching and redevelopment of the child's basic living skills. At minimum, the focus is on the restoration of skills for:

(A) personal health and hygiene;

(B) maintenance of the living environment, including food preparation;

(C) money management;

(D) job skills readiness, acquisition, and retention;

(E) community awareness and mobility, including the use of community resources; and

(F) socialization skills and techniques, including communication;

(9) developing and implementing policy and procedures for delivery of independent living (IL) skills training to youth, using an approved curriculum for teaching IL skills; and

(10) providing 24-hour awake supervision of children.

(f) The contractor:

(1) complies with Part 105 of OAC 317:30-5 for residential behavior management services in group settings and non-secure diagnostic and evaluation centers;

(2) provides clothing after initial placement of a child. Emergency funds for clothing may be accessed per OAC 340:75-13-45;

(3) complies with group home regulations per OAC 340:100-6;

(4) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response, submits a copy to the child's CW county of jurisdiction worker and DDSD case manager, and files the original in the child's case record;

(5) meets the staffing guidelines set forth in the OKDHS contract and OAC 340:100-6;

(6) complies with children's rights per OAC 340:75-11-237.
(7) complies with all general requirements per OAC 340:75-11-240;

(8) maintains documentation of each child's absent without leave (AWOL) and leave days set forth in the contract and reports leave days on Form DCYS-S-2, CFSD Claim for Purchase of Residential Care;

(9) is reimbursed guaranteed payment by CFSD for the total number of beds specified in the contract;

(10) is reimbursed by OKDHS at a fixed daily rate. The fixed daily rate is a blend of Title IV-E and Title XIX federal funds, per eligibility of each child served, and state funds; and

(11) submits Form DCYS-S-2 for reimbursement to CFSD Administrative Services Unit.

INSTRUCTIONS TO STAFF

1. DDSD and CFSD Level D placements.

(1) Developmental Disabilities Services Division (DDSD) and Children and Family Services Division (CFSD) jointly contract with Level D placement providers.

(2) The joint decision to place children who are emotionally disturbed and certified developmentally disabled is made at the monthly CFSD and DDSD case grand staffing meeting.

(3) Level D resources are listed in KIDS Resource Directory, category - Residential-State Office Authorized and type - Level D.
PART 33. CONTRACTED LEVEL D PLUS AND LEVEL E PLACEMENTS

340:75-11-360. Contracted Level D plus (+) and Level E placements

(a) Contracted Level D+ and Level E services include:

(1) structured group therapy, a minimum of two hours per week for each child;

(2) individual therapy, a minimum of one hour per week for each child;

(3) family visitation, when the case plan is reunification;

(4) family therapy, when deemed appropriate by the Child Welfare (CW) county of jurisdiction worker;

(5) substance abuse or chemical dependency therapy within a group or individual counseling or therapy session for each child, as needed;

(6) psychological or psychiatric intervention for each child through direct contact with a psychologist or psychiatric consultant or the contractor’s designated therapy counseling staff;

(7) behavior redirection 24 hours a day, seven days a week to meet the goals and objectives of the treatment plan and respond to any behavioral crisis of the child. The contractor ensures staff are available to respond in a crisis to stabilize the child's behavior and prevent placement disruption;

(8) active teaching and redevelopment of the child's basic living and social skills, both on-site and in the community. At minimum, the focus is on the restoration of skills for:

(A) personal health and hygiene;

(B) maintenance of the living environment, including food preparation;

(C) money management;

(D) job skills readiness, acquisition, and retention;

(E) community awareness and mobility, including the use of community resources; and
(F) socialization skills and techniques, including communication;

(9) developing and implementing policy and procedures for delivery of independent living (IL) skills training to youth, using an approved curriculum for teaching IL skills;

(10) assisting in the provision of federally mandated IL services that include coordinating with the CW county of jurisdiction worker to ensure:

(A) the Daniel Memorial or Ansell-Casey Life Skills assessment is completed on each youth age 16 or older and implementing the IL plan produced by this assessment; and ■ 1

(B) each youth age 15.5 or older attends one community contractor IL seminar each year; ■ 1

(11) ensuring the youth applies for Medicaid upon his or her 18th birthday, if the youth remains in placement in voluntary care to complete his or her secondary education per OAC 340:75-6-115.9;

(12) providing 24-hour awake supervision of each child;

(13) providing 24-hour on-call and on-site crisis intervention and behavior management services to each child, as needed. Emergency or crisis intervention services include face-to-face encounters with the child to resolve acute emotional dysfunction by providing intervention resolution and stabilizing functions through triage screening, planning, and documentation;

(14) providing a nine-month on-site educational program for each child in a Level D+ placement;

(15) providing recreation services for each child in a Level E placement; and

(16) providing a 12-month on-site educational program for each child in a Level E placement.

(b) Contracted Level D+ and Level E placements are provided in a setting licensed as a child-placing agency group home or residential child care facility that is not located in a hospital, either medical or psychiatric, or psychiatric residential treatment center.

(c) The contractor:

(1) complies with Part 105 of OAC 317:30-5 for residential behavior management
services in group settings and non-secure diagnostic and evaluation centers;

(2) provides clothing, after initial placement of a child. Emergency funds for clothing may be accessed per OAC 340:75-13-45;

(3) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response, submits the original to the Children and Family Services Division (CFSD) Community-Based Residential Services programs manager and a copy to the child's CW county of jurisdiction worker, and files a copy in the child's case record;

(4) meets the staffing guidelines defined in the Oklahoma Department of Human Services (OKDHS) contract;

(5) complies with children's rights per OAC 340:75-11-237;

(6) complies with all general requirements per OAC 340:75-11-240;

(7) maintains documentation of each child's absent without leave (AWOL) and leave days defined in the contract and reports leave days on Form DCYS-S-2, CFSD Claim for Purchase of Residential Care;

(8) is reimbursed by OKDHS at a fixed daily rate for the total number of beds specified in the OKDHS contract. The fixed daily rate is a blend of Title IV-E and Title XIX federal funds, per eligibility of each child served, and state funds; and

(9) submits Form DCYS-S-2 for reimbursement to CFSD Administrative Services Unit.

(d) Children served in Level D+ and Level E placements.

(1) The primary goal of Level D+ and Level E services is the remediation of emotional disorders or behavioral problems through a focus on clinical interventions.

(2) Level D+ placements are less restrictive treatment intensive placements than Level E placements or psychiatric inpatient care and are available for children with severe emotional disorders or behavioral disorders.

(3) Children served in Level D+ placements exhibit a wide range of serious emotional disturbances and behavioral disorders, but are less physically or sexually aggressive than children served in Level E placements.
(4) Level E placements are the most restrictive treatment intensive placements available for children outside of a psychiatric facility.

(5) In general, children served are male or female:

(A) 12 to 18 years of age in Level D+ placements; and

(B) 13 to 18 years of age in Level E placements. Each contractor serves a specifically defined target population of children.

(6) The contractor receives referrals for the placement of children from CFSD Placement Section through the contract liaison.

INSTRUCTIONS TO STAFF

1. Independent living (IL) services. The Child Welfare (CW) county of jurisdiction worker:

   (1) ensures that the youth’s basic life skills assessment is completed; and

   (2) arranges for the youth to attend the annual IL seminar, per Part 13 of OAC 340:75-6.

2. Level D+ and E placements. Level D+ and Level E contractors are listed in KIDS Resource Directory, category - Residential State Office Authorized and type - Level D+ and Level E.
SUBCHAPTER 13. OTHER CHILD WELFARE SERVICES AND MEDICAL SERVICES FOR CHILDREN IN OUT-OF-HOME CARE

PART 1. ELIGIBILITY FOR SUBSTITUTE CARE SERVICES AND CLAIMS FOR PAYMENT

340:75-13-1. Substitute care payments [REVOKED]
340:75-13-2. Child Welfare funds (Title IV-B) [REVOKED]
340:75-13-3. Initial eligibility for AFDC foster care funds [REVOKED]
340:75-13-4. Eligibility factors [REVOKED]
340:75-13-5. Continued eligibility for AFDC foster care funds [REVOKED]
340:75-13-6. Eligibility for AFDC upon return to own home [REVOKED]
340:75-13-7. Allowance claims
340:75-13-8. Students at Schools for the Deaf and the Blind
340:75-13-10. Social security number

PART 2. TITLE IV-E ELIGIBILITY AND REIMBURSABILITY

340:75-13-11. Title IV-E of the Social Security Act
340:75-13-12. IV-E applications
340:75-13-13. IV-E eligibility criteria
340:75-13-15. Initial eligibility determination
340:75-13-16. IV-E reimbursability
340:75-13-17. IV-E annual review
340:75-13-19. IV-E adoption assistance
340:75-13-20. Youth in the custody of OJA [REVOKED]
340:75-13-21. Children in the custody of an Indian tribe
340:75-12-22. Trial home visit

PART 3. INCOME AND RESOURCES OF THE CHILD

340:75-13-25. Exploration of resources
340:75-13-27. Child support enforcement requirements [REVOKED]
340:75-13-28. Social Security Administration and Veterans Affairs benefits
340:75-13-30. Special needs trust
PART 5. CLOTHING PURCHASES

340:75-13-45. Clothing purchases for children
340:75-13-46. Special services [REVOKED]

PART 7. MEDICAL SERVICES

340:75-13-60. Scope [REVOKED]
340:75-13-61. Medical services to children in placement
340:75-13-62. Medical services to children in their own home
340:75-13-63. Prior authorization and claims procedures
340:75-13-64. Sources of funding
340:75-13-65. Consent for medical services
340:75-13-66. Consent for admission/treatment [REVOKED]
340:75-13-66.1. Admission to Children's Convalescent Center [REVOKED]
340:75-13-68. Consent for DHS custody children in own or relative’s homes [REVOKED]
340:75-13-71. Children's Hospital of Oklahoma (CHO) [REVOKED]
340:75-13-72. Medical care unavailable locally [REVOKED]
340:75-13-73. Specialized medical facilities (Children's Convalescent Center, O'Donoghue Rehabilitation Center) [REVOKED]
340:75-13-74. Medical identification cards
340:75-13-75. Out-of-state Medicaid coverage
340:75-13-76. Medical categories [REVOKED]
340:75-13-77. Potential payment from third party sources
340:75-13-78. Third party liability, accident, or injury
340:75-13-79. Transportation and subsistence
340:75-13-80. Referral to the custody specialist for determination of medical eligibility
340:75-13-81. Organ donation and resuscitation efforts
340:75-13-82. Funeral expenses for children
PART 9. INDEPENDENT LIVING [REVOKED]

340:75-13-95. Independent Living Initiative [REVOKED]
340:75-13-96. Preparation for adult life/independent living initiative [REVOKED]
340:75-13-97. Administration [REVOKED]
340:75-13-98. Eligibility [REVOKED]
340:75-13-100. Services [REVOKED]
340:75-13-102. Oklahoma Children's Initiative (OCI) [REVOKED]
PART 2. TITLE IV-E ELIGIBILITY AND REIMBURSABILITY

340:75-13-11. Title IV-E of the Social Security Act

(a) Legal base. Title IV-E (IV-E) was originally enacted as part of the Adoption Assistance and Child Welfare Act of 1980, and later amended by the Adoption and Safe Families Act, (ASFA) of 1997, Public Law 105-89, Sections 620 through 679 of Title 42 of the United States Code. ASFA was enacted to address the nationwide problem of children remaining removed from their homes and in out-of-home care for many years with no permanent plan.

(1) These laws require that a child be removed from his or her home only when continuation in the home is contrary to the child's welfare and, unless an emergency exists, reasonable efforts be made to prevent the child's removal.

(2) When a child is removed, reasonable efforts must be made to finalize the permanency plan adopted by the court.

(3) Judicial determinations or findings must be made on a case-by-case basis and reflect the actions and efforts by the State. In those cases where reasonable efforts to prevent removal or reunify are not required, the court must hold a permanency hearing within 30 days of such finding.

(b) Purpose. To assist states in compliance with federal law, funds were made available through IV-E of the federal Social Security Act to reimburse the states for a percentage of the cost of:

(1) certain administrative and training activities;

(2) room, board, and basic supervision for children in out-of-home care; and

(3) recurring and non-recurring adoption assistance for eligible children.
340:75-13-12. IV-E applications

Custody specialists accept applications for Title IV-E (IV-E) eligibility and determine IV-E eligibility, per DHS:10-1, for children in the custody of Oklahoma Department of Human Services (OKDHS) or Indian tribes with which OKDHS has a contractual agreement for payment of foster care services.

INSTRUCTIONS TO STAFF

1. (a) CW worker responsibilities. Within five working days of the filing of a petition that results in a child's removal from the home, the Child Welfare (CW) worker:

   (1) completes a search of the child's and family's Oklahoma Department of Human Services (OKDHS) record history through Information Management System (IMS);

   (2) opens a KIDS case;

   (3) enters the child's removal information via KIDS Removal screen;

   (4) if the child's placement is the result of voluntary placement or it is for the child of a youth in OKDHS custody, completes all relevant questions in the Demographic Information section of Form CWS-KIDS-4;

   (5) enters all known financial, employment, and medical insurance information in KIDS of the specified relative from whom the child was removed. If the family has no visible means of support, it is clearly stated on Form CWS-KIDS-4;

   (6) prints, reviews, and signs Form CWS-KIDS-4 and submits to the custody specialist with a copy of:

      (A) court order removing the child from the home and any other judicial orders containing required findings; and

      (B) Form SS-5, Application for Social Security Number, verifying that an application was submitted, if the child has no Social Security number, per OAC 340:75-13-10. A KIDS secondary assignment is automatically generated to the custody specialist;
(7) documents all activities regarding the application process in KIDS Contacts screen;

(8) views the current eligibility status in the child's KIDS Eligibility Determination screen. The KIDS case is updated with Title IV-E (IV-E) and Title XIX eligibility status through a nightly batch interface between IMS and KIDS; and

(9) obtains and submits all subsequent court orders and documents filed with the court to the assigned custody specialist as long as the child's IV-E eligibility remains open.

(b) Custody specialist responsibilities. Instructions for custody specialists are outlined in the Children and Family Services Division IV-E Custody Specialist Manual.

(c) Tribal cases. See OAC 340:75-13-21 Instructions to Staff.
340:75-13-13. IV-E eligibility criteria

Both criteria in (1) and (2) must be met for a child to be determined eligible for Title IV-E (IV-E).

(1) Legal status. ■ 1 The removal or placement of the child is the result of a:

(A) court order, made on a case-by-case basis, documenting:

(i) continuation in the home is contrary to the child’s welfare, or that the placement is in the child’s best interests, or language to that effect, per OAC 340:75-3-10.1.

(ii) This determination must be made in the first court order that sanctions the child’s removal from the home.

(II) Failure to include this finding in the first court order results in a determination of ineligibility for IV-E foster care reimbursement for the duration of the child’s stay in out-of-home care; and

(i) prior to the placement of the child in out-of-home care, reasonable efforts were made to prevent the removal from the home, or reasonable efforts were not required due to an emergency, per OAC 340:75-1-18.4.

(i) The determination must be made no later than 60 days from the date of the child’s removal from the home.

(II) Failure to include this finding within 60 days of the child’s removal results in a determination of ineligibility for the duration of the child’s stay in out-of-home care; or

(B) voluntary consent with a signed written agreement between Oklahoma Department of Human Services (OKDHS) or a tribe and the parent(s) or legal guardian of the child that is binding on the parties to the agreement and specifies the legal status of the child, the rights and obligations of the parent(s) or legal guardian, and the rights and responsibilities of OKDHS or the tribe. A court order with required IV-E findings and custody to OKDHS or the tribe is necessary when the child is in out-of-home care more than 90 days, per OAC 340:75-4-12.1.

(2) Relationship to AFDC. In the initial month of IV-E eligibility consideration, the child must have been categorically related to the Aid to Families with Dependent
Children (AFDC) program using the AFDC rules in effect as of July 16, 1996, per DHS:10-1. To qualify for IV-E, a child must be either:

(A) physically and legally removed from the parent(s); or

(B) legally removed from the parent(s) while residing with a specified relative, per DHS:10-1-21, regardless whether the child was physically moved from the specified relative’s home. The child must have been living with the parent(s) or specified relative and AFDC eligible in that home:

(i) in the month of the initiation of court proceedings; or

(ii) within six months of the initiation of court proceedings and would have been eligible in the month court proceedings were initiated if the child had still been living in that home.

INSTRUCTIONS TO STAFF

1. Legal status.

(1) CW cases. A Title IV-E (IV-E) eligibility determination is not made without a copy of the court order removing the child from the home that contains the specific judicial determinations required by state and federal law, or Forms DCFS-46, Authorization from Parent or Guardian for Voluntary Foster Home Placement and Medical Care of Child, or DCFS-46-A, Voluntary Placement Request.

(A) Upon receipt of the applicable documents, the custody specialist reviews the court order to ensure it contains the required judicial findings.

(B) The county director develops and documents a plan with the local court to ensure the orders contain the required findings and are received within five days of the filing of the petition, including procedures for:

(i) review of each order for required judicial findings;

(ii) documentation of all incorrect orders;

(iii) action steps for working with the court to correct future orders; and
(iv) quarterly review of the plan and remediation of problem issues.

(2) Tribal cases. If the tribal court order does not contain required judicial determinations, a copy of the order is faxed to the Children and Family Services Division tribal coordinator, who consults with the tribe regarding judicial determinations necessary for determining IV-E eligibility.
340:75-13-15. Initial eligibility determination

Within 15 working days of receipt of Form CWS-KIDS-4, Eligibility Determination, the custody specialist makes an initial eligibility determination for Title IV-E and reports the IV-E eligibility determination to the referring Child Welfare worker.  ■ 1 & 2

INSTRUCTIONS TO STAFF

1. Financial information.

   (1) If the income of the child's family is unknown and no determination of potential Aid to Families with Dependent Children (AFDC) categorical relationship is made, all third party sources are examined.

   (2) If no evidence exists indicating the child or any household member has any income, the case is determined Title IV-E (IV-E) eligible when all other criteria are met.

   (3) If verification indicates potential eligibility for AFDC, the AFDC categorical relationship is established. Financial information may be obtained through several sources, including, but not limited to:

       (A) Form CWS-KIDS-4, Eligibility Determination;

       (B) the Child Welfare(CW) worker or tribal representative who has personal knowledge of the household's situation at the time of the child's removal;

       (C) wage and data exchange screens, such as BENDEX, SDX, OWL, OWC, ACES, IEV, and UIB, per OAC 340:65-3-4; and

       (D) the family's public assistance records.

2. Role of the custody specialist. Instructions for determining IV-E eligibility are outlined in the Children and Family Services Division IV-E Custody Specialist Manual. The custody specialist:

   (1) certifies the child for Title XIX effective the:

       (A) date of the child's removal from the home; or
(B) first month following the child's removal from an active case, per OAC 340:75-13-80; and

(2) notifies the referring CW worker of the child's eligibility determination and case number.
340:75-13-16. IV-E reimbursability

(a) Once a child has been determined eligible for Title IV-E (IV-E), criteria in (1) and (2) are reviewed by the custody specialist at least every 12 months to determine whether the cost of the child's out-of-home care is reimbursed by IV-E funds.

1. (1) Legal responsibility, per OAC 340:75-1-16. There must be a court order authorizing legal responsibility for the child to Oklahoma Department of Human Services (OKDHS) or an Indian tribe.

2. (2) Child's placement. A qualifying placement is any placement that is IV-E reimbursable, such as:

   (A) an OKDHS or tribally approved foster home;
   (B) a private child care institution;
   (C) a public child care group home; or
   (D) child care facility licensed for no more than 25 children.

(b) IV-E funds are not available when a court assumes responsibility for ordering the placement of a child and orders such with a specific placement provider without consideration of the recommendation by OKDHS or the tribe. IV-E funds are available if the child is later placed in accordance with OAC 340:75-13-16(a)(1) and (2).

(c) IV-E reimbursement payments may begin the date the child is determined eligible and upon entry into a qualified placement.

INSTRUCTIONS TO STAFF

1. Review notification. The custody specialist notifies the Child Welfare worker or Oklahoma Department of Human Services tribal liaison via intraoffice form or e-mail at the beginning of the month in which the annual review is due and identifies the information that is required.
340:75-13-17. IV-E annual review

Each Title IV-E (IV-E) case is reviewed for continued IV-E eligibility at least every 12 months by the custody specialist. Failure to do so results in the discontinuance of IV-E eligibility. There is no annual IV-E review required on adoption assistance cases, as the annual review of the Adoption Assistance Agreement serves that purpose, per OAC 340:75-15-128.2.

(1) **AFDC eligibility.** Aid to Families with Dependent Children (AFDC) eligibility is redetermined based on information supplied by the Child Welfare (CW) or tribal worker regarding the child's:

(A) continued out-of-home placement;

(B) age;

(C) financial support by the parent(s);

(D) school attendance, if applicable;

(E) earned and unearned income. The child's income must be confirmed by the custody specialist; and

(F) resources. ■ 1

(2) **Judicial determinations.**

(A) A judicial determination of reasonable efforts to finalize the permanency plan that is in effect must be made no later than:

\( i \) six months from the child's date of entry into out-of-home care; and

\( ii \) every six months thereafter while the child is in out-of-home care.

(B) If a judicial determination is not made, the child becomes ineligible for IV-E from the end of the:

\( i \) 12th month following the child's date of entry into out-of-home care; or

\( ii \) month in which the most recent judicial determination of reasonable efforts to finalize a permanency plan was made, and remains ineligible until such a judicial determination is made.
INSTRUCTIONS TO STAFF

1. (a) **Annual review.**

(1) The custody specialist:

(A) gathers information needed to complete the annual review from KIDS; and

(B) if the information needed is not contained in KIDS or if court orders are needed, e-mails the Child Welfare (CW) worker requesting the needed information or court orders.

(2) The CW worker gives the custody specialist the requested information before the end of the month in which it was requested.

(b) **Updating case information.** After reviewing the information provided and checking the data exchange screens, the custody specialist:

(1) updates the PS-2 file to reflect a completed medical review and any changes to the child's IV-E eligibility status. The KIDS case is automatically updated; and

(2) sends the information to the referring CW worker by intraoffice form or e-mail only when changes are made.
340:75-13-19. IV-E adoption assistance

Application for Title IV-E adoption assistance may be approved for a child who meets the eligibility criteria for special needs and Aid to Families with Dependent Children, per DHS 10:1, OAC 340:75-15-128.2, and OAC 340:75-15-128.4.
340:75-13-21. Children in the custody of an Indian tribe

When a state or tribal court awards custody of an Indian child to a tribe with which Oklahoma Department of Human Services (OKDHS) has a contractual agreement for payment of foster care services and the child is placed in a tribally approved foster home, OKDHS seeks Title IV-E (IV-E) reimbursement on any eligible child. IV-E eligibility is determined by the custody specialist utilizing the criteria set forth in OAC 340:75-13-13. ■ 1 The tribe:

(1) is responsible for developing and implementing policies and practices that ensure compliance with federal regulations related to Titles IV-B and IV-E of the Social Security Act. Children and Family Services Division monitors tribal compliance with such regulations through on-site visits on an annual basis, per OAC 340:75-19-32; and

(2) provides required information to determine IV-E eligibility to the assigned Child Welfare (CW) tribal liaison utilizing Form DCFS-57, Indian Child Welfare Program Referral.

(A) The CW tribal liaison submits completed Form CWS-KIDS-4, Eligibility Determination, to the assigned custody specialist for the initial IV-E eligibility determination and annual eligibility reviews.

(B) The custody specialist contacts the CW tribal liaison to request needed information for the annual review, per OAC 340:75-19-33.

INSTRUCTIONS TO STAFF

1. Application. Upon receipt of Form DCFS-57, Indian Child Welfare Program Referral, from the tribe, the Oklahoma Department of Human Services (OKDHS) tribal liaison:

(1) completes a search of the child's and family's OKDHS record history through Information Management System (IMS);

(2) opens a KIDS case;

(3) enters the child's removal information via KIDS Removal screen;

(4) if the child's placement is the result of voluntary placement or it is for the child of a youth in tribal custody, completes all relevant questions in the Demographic Information section of Form CWS-KIDS-4, Eligibility
**Determination:**

(5) enters all known financial, employment, and medical insurance information of the specified relative from whom the child was removed. If the family has no visible means of support, it is clearly stated on Form CWS-KIDS-4:

(6) prints, reviews, and signs Form CWS-KIDS-4 and submits to the custody specialist clearly marked with "tribal custody" and a copy of:

(A) tribal court order removing the child from the home;

(B) Form DCFS-57; and

(C) Form SS-5, Application for Social Security Number, to verify that an application was submitted, if the child has no Social Security number, per OAC 340:75-13-10:

(7) documents all activities regarding the application process in KIDS Contacts screen;

(8) reports to the custody specialist any changes in the child's circumstances, such as county of placement, return home, income, and resources; and

(9) if the tribal court order is incorrect, faxes the order to the Children and Family Services Division tribal coordinator with a notation to include it in the tribal IV-E monitoring process.
340:75-13-22. Trial home visit

A child who is returned to the parent(s)' home and remains in Oklahoma Department of Human Services (OKDHS) custody is considered on a trial home visit. The child retains Title IV-E eligibility for up to six months, and longer if the court extends the trial home visit. 1 through 3

INSTRUCTIONS TO STAFF


   (1) When a child returns home while in Oklahoma Department of Human Services (OKDHS) custody, the Child Welfare (CW) worker:

   (A) enters a KIDS Trial Reunification placement episode. The child retains Title IV-E (IV-E) eligibility for up to six months; and

   (B) advises the parent(s) to apply for or assume medical coverage for the child. The medical case remains open until the parent(s) is notified.

   (2) The KIDS removal, IV-E eligibility, and custody specialist's assignment remain open.

2. Subsequent removal of the child within six months.

   (1) At the time of a subsequent removal, the CW worker end dates the KIDS Trial Reunification placement episode and enters the new placement.

   (2) No action is required of the custody specialist as the child who is home less than six months in Trial Reunification status retains IV-E eligibility.

3. Subsequent removal of the child after six months.

   (1) If the court order does not include an extension of trial reunification for a specified period of time, the CW worker:

   (A) end dates the KIDS Trial Reunification placement episode at six months. This automatically end dates IV-E eligibility on KIDS. A KIDS tickler is generated to indicate that the child's removal was end dated; and
(B) enters a new removal in KIDS. The removal is treated as a new removal for IV-E purposes.

(2) The custody specialist:

(A) determines IV-E eligibility; and

(B) if the custody specialist does not receive the required court orders or findings for this new removal after requesting such, notifies the county director, per OAC 340:75-13-13 Instructions to Staff.

(3) If the court order includes a specified period of time when trial reunification ends, the child retains IV-E eligibility until the end date specified by the court.

(A) The CW worker:

(i) updates the KIDS Trial Reunification placement episode to reflect the extension; and

(ii) if the child returns to out-of-home care, end dates the KIDS Trial Reunification placement episode and enters the new placement episode.

(B) No action is required by the custody specialist as the child retains IV-E eligibility due to trial reunification status.
340:75-13-30. Special needs trust

When a child in Oklahoma Department of Human Services (OKDHS) custody does not use all of the Supplemental Security Income (SSI) received, per OAC 340:75-13-29, the accrued funds may be transferred into a special needs trust (SNT), per OAC 317:35-5-41.

(1) The assets in an SNT do not count toward the Medicaid or SSI resource limits when:

(A) the trust established is irrevocable and may only be amended with the agreement of OKDHS;

(B) the beneficiary of the trust is disabled and younger than age 65 when the trust is created and funded;

(C) the trust beneficiary meets the SSI definition of a disabled person;

(D) the trust is created by the beneficiary's parent, grandparent, legal guardian, or a court; and

(E) Medicaid is reimbursed after the beneficiary dies, to the extent of Medicaid funds spent on the beneficiary.

(2) The Child Welfare (CW) worker notifies the child's attorney of the requirements for creating an SNT, as described in (A) through (F).

(A) Designate a trustee. The trustee is a bank or any adult who will take care of the child's money appropriately. Except for a bank, the trustee may not be an organization.

(B) Designate an attorney. The attorney fills out documents, customizes the trust, and submits to the court for approval. If the child's attorney cannot do the trust, the child's attorney or CW worker uses community contacts to locate an attorney. Payment for the attorney is made with the child's money or with money from the trust.

(C) Request assistance from OKDHS, if needed. Forms and samples of the SNT are available through OKDHS Legal Division. 1

(D) Secure an order from the juvenile judge. The attorney approaches the juvenile assistant district attorney before addressing the judge. The judge
establishes the trust by signing an order or appoints someone to establish the trust.

(E) Apply for the trust employer identification number (EIN) required by the bank using Internal Revenue Service (IRS) Form SS-4, Employer Identification Number (EIN), available at www.irs.gov.

(F) Open a bank account, named "(trustee's name), Trustee of the (beneficiary's name) Irrevocable Trust."  ■ 2

INSTRUCTIONS TO STAFF

1. Assistance from Legal Division. Travis Smith, travis.smith@okdhs.org, of the Legal Division is available to assist the trust attorney by:

   (1) reviewing the final draft documents before presenting to the judge;

   (2) correcting any errors;

   (3) sending the attorney a letter confirming that the document meets Medicaid and SSI requirements necessary to exempt the trust corpus and income when determining Medicaid and SSI eligibility; and

   (4) signing any pleading the judge deems necessary.

2. Name of the bank account of a special needs trust. For example, if John Doe is the trustee for Jane Smith's trust, the bank account is titled, "John Doe, Trustee of the Jane Smith Irrevocable Trust."