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

340:75-1-12.2 is amended to update form numbers and clarify procedures.

340:75-1-18 is amended to clarify that the court makes a determination whether reasonable efforts have been taken to finalize the permanent placement of the child, if appropriate, through interstate placement.

340:75-1-18.1 is amended to update form numbers.

340:75-1-44 is amended to: (1) update agency names and form titles; (2) clarify that when a person responsible for a child is criminally charged, OKDHS may release to the public specific recommendations made to the district attorney and specific recommendations made by OKDHS in any progress reports submitted to the court, including recommendations made at the hearing as they relate to the custody or placement of the child; (2) clarify that disclosure of juvenile court records about the child, without a court order, to parent, legal guardian, or custodian, are withheld from the parent only when a court order is in effect that prohibits the parent from obtaining information and that if a child is removed from the home, the parent is informed of the child’s general location, but not the specific address unless the foster parent consents to disclosure as part of the family reunification effort; and (4) details the procedures for limited disclosure of court records, including that OKDHS does not disclose the identity or
location of any person who has reported child abuse or neglect, unless specifically ordered by the court.

340:75-4-12.1 is amended to: (1) list options for services for voluntary family-centered services; (2) update form numbers; (3) clarify procedures for signing Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Family Home Placement and Medical Care of Child prior to placement of child; and (4) move SoonerStart services referral procedure to this Section.

340:75-4-12.2 is amended to: (1) delete language that was moved to another section; and (2) clarify criteria used in determining referrals for services.

340:75-4-13 is amended to: (1) update form numbers and delete obsolete language. Instructions to staff are amended to update protocol for documenting child well-being measures; and age requirement for dental exams for children.

340:75-6-31, 31.5, 40.3, 40.5, 85.2, 85.4, 85.5, 86, and 88 are amended to: (1) update agency names, position titles, form numbers, and terminology; and (2) clarify procedures.

340:75-6-40.2 and 340:75-6-40.4 are amended to: (1) update procedures and form numbers; and (2) add language that conforms to the Safe and Timely Interstate Placement of Foster Children Act of 2006, Public Law 109-239, clarifying that courts are required to consider in-state and out-of-state placement options in permanency hearings.

340:75-6-48 is amended to: (1) provide that Child Welfare (CW) contact with a child in the custody of the parent in a supervision only case occurs with no more than 31 days between contacts; (2) clarify the CW worker role when a child in OKDHS custody is receiving DDSD services; (3) update form numbers; and (4) provide exceptions to, and direction for, contact with the parent when the child has been returned to or has never been removed from the parent’s custody and OKDHS has been ordered to provide supervision.

340:75-6-85 is amended to: (1) provide that if the court determines it would be in the best interests of the child, the court may place the child in the legal custody of OKDHS. If the child is placed in the custody of OKDHS, the court may not direct OKDHS to place the child in a specific home or placement; and (2) update form numbers.

340:75-6-85.6 is amended to provide direction for voluntary placement of a child born to a youth who is in OKDHS custody.

340:75-6-89 is amended to: (1) update terminology; and (2) clarify that a child in custody may travel outside the country.

340:75-8-1, 6, 7, 10, 11, 39 are amended to: (1) update agency names, form numbers, terminology, and citations of rules and statutes; and (2) clarify procedures.
340:75-8-12, 13, and 14 ITS only are amended to: (1) update agency names, form numbers, terminology, and citations of rules and statutes; and (2) clarify procedures.

340:75-8-8 is amended to: (1) update terminology and clarify procedures; and (2) include the requirement that the written request from therapeutic foster care (TFC) contractors for child care must include verification of child care licensing status or TFC approval as a respite provider when an individual is the child care provider.

340:75-8-9 is amended to: (1) reflect current procedures; and (2) include the requirement that TFC contractors include in the written request, prior to the placement of a child five years of age or younger, a description of the proposed TFC parent’s parenting responsibilities to other children in the home, children in foster care or therapeutic foster care placement, any adopted children, and any birth children of the TFC parent.

340:75-8 Part 3 tagline is amended to reflect current OKDHS language usage.

340:75-8-36 is amended to: (1) update form numbers; and (2) require that DDSD area staff provide a copy of the written needs assessment to CW staff and work with CW staff to identify referrals and needed resources.

340:75-8-37 is amended to clarify CW county of jurisdiction worker responsibilities for a child receiving home and community-based waiver services.

340:75-8-38 is amended to update language for clarity and conciseness.

340:75-8-39 is amended to clarify the CW worker’s responsibility in assisting the potential guardian to petition for guardianship 30 days prior to the child’s 18th birthday.

340:75-8-40 ITS only is amended to update form numbers.

340:75-15-128.1 is amended and supersedes the emergency revisions to comply with statutory amendments reflecting that adoption assistance payments are not made to parents of a child who is 18 years old, except the child may continue to receive assistance until the child is 19 years old if the child continues to attend high school or pursues General Educational Development, or meets the criteria for an adoption assistance difficulty of care payment as determined by OKDHS.

340:75-15-128.2 is amended to clarify eligibility for Title IV-E adoption assistance.

340:75-15-128.3 is amended to update form numbers and terminology.

340:75-15-128.5 amended to: (1) update form numbers; and (2) clarify the adoption assistance annual review process.

340:75-15-128.6 is amended to update form numbers, language, and rule citations.
340:75-16-31, 36, and 45 are amended to update agency names, position titles, form numbers, and procedures.
340:75-16-29 and 30 are amended to reflect APS Healthcare as the new entity designated by Oklahoma Health Care Authority to facilitate outpatient and inpatient psychiatric medical necessity care reviews for acute and residential inpatient mental health treatment.
340:75-16-32 is amended to clarify the decision-making process for length of stay in an inpatient mental health facility and extension by the APS Healthcare inpatient reviewer.
340:75-16-34 is amended to clarify: (1) CW contact requirements; and (2) hearing time frames.
340:75-16-35 is amended to clarify inpatient mental health treatment facility liaison duties.
340:75-16-37 is amended to specify that the child is discharged and placed in an appropriate placement when the child no longer meets medical necessity criteria for inpatient treatment, and the therapist and physician agree to discharge.
340:75-16-45 is amended to designate APS Healthcare as the medical necessity reviewer for behavioral health services.
340:75-19-1, 2, 11, 16, 22, 26, 28, 30, 31, and 33 are amended to update and clarify agency names, position titles, form numbers, terminology, definitions, and procedures; and delete obsolete language.
340:75-19-3 is amended to update: (1) the definition of adoptive placement and foster care placement to correspond with language in the Federal ICWA; and (2) terminology to reflect current OKDHS usage.
340:75-19-4 is amended to: (1) correspond with language in the Federal ICWA and clarify that the Federal and Oklahoma ICWA are applicable to any child custody proceeding that involves adoptive placement, including permanent placement of an Indian child for adoption, and including any action resulting in a final decree of adoption; and (2) update terminology to reflect current OKDHS usage.
340:75-19-29 is amended to: (1) add that the tribal CW worker or OKDHS CW worker advises the parent or guardian at the time of the child’s placement that any evidence gathered during the time the child is in voluntary foster care may be used as a basis for court action; (2) clarify that when the tribal CW worker places the child in voluntary foster care, the tribe is responsible for obtaining a written voluntary foster care agreement that gives authority to the child’s tribe to place the child in foster family care and provide for the child’s needs; (3) clarify that the agreement does not require court action, and the child is returned to the parent or guardian upon request. If the parent or guardian fails to meet the terms of the agreement or cannot be located, court involvement is required; and
(4) update terminology to reflect current OKDHS usage.
INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

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

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340:75-1-12.2. Appeal process

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

1. provides for the review of any confirmed finding by program staff not directly involved in the investigation; and
2. serves as a quality assurance mechanism to assess compliance of staff findings with Child Protective Services (CPS) standards, per OAC 340:75-3.

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

1. the person is a person responsible for the child (PRFC), per OAC 340:75-3-2, in an investigation involving abuse or neglect allegations;
2. the investigation results in a finding of confirmed - services recommended or confirmed - court intervention requested regarding the PRFC, and no deprived petition is filed or when a deprived petition is filed, the court case is dismissed prior to adjudication;
3. no civil proceedings are pending regarding the specific investigation referred for appeal or when civil proceedings are filed, the court case is dismissed prior to a final judgment or results in a favorable judgment for the appellant; and
4. no criminal proceedings are pending regarding the specific investigation referred for appeal or when criminal charges are filed, the court case is dismissed or the appellant is found not guilty.

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

1. a tribal representative on tribal land; or
2. the OKDHS Office of Client Advocacy.

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

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

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

(i) Form 04KI019E informs the PRFC of:

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

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

(ii) Form 04KI020E specifies:

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

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

(C) not mailed:

(i) when juvenile, civil, or criminal litigation is pending related to the confirmed finding of abuse or neglect in the investigation; and

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

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

(A) When a civil proceeding is dismissed prior to a final judgment or results in a favorable judgment for the appellant, the appellant may request a review by submitting a copy of the court ruling to the CFSD Appeals Section.

(B) When criminal charges are dismissed without a plea agreement or the appellant is found not guilty, the appellant may request a review by submitting a copy of the court ruling to the CFSD Appeals Section.

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

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

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

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

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

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

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

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

(i) Form 04KI003E, Report to District Attorney, and attachments, and relevant information in the KIDS system; and
(ii) all written statements submitted by the PRFC.

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

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

(i) appellant;

(ii) county director, CW field liaison, CW supervisor, and CW worker;

(iii) office of the district attorney in the county in which the finding originated; and

(iv) tribe, if applicable. 

INSTRUCTIONS TO STAFF 340:75-1-12.2

1. Notification to PRFC.

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

(A) after an investigation is approved by the CW supervisor;

(B) after a petition is dismissed prior to adjudication; or

(C) when the office of the district attorney (DA) declines to file a petition;

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

(A) in a number 10 window envelope with the county office return address printed in the left hand corner;
(B) so that the PRFC’s full address shows in the window; and

(C) by first class delivery.

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

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

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

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

   (B) programs manager; and

   (C) programs field representative.

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

4. Final determination.

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

   (2) CW staff prints the final determination e-mail and files in the child's CW case record and, if applicable, resource record.
340:75-1-18. Dispositional hearing

(a) Dispositional hearing. After a child is adjudicated deprived, the court holds a dispositional hearing, per Section 7003-5.5 of Title 10 of the Oklahoma Statutes. The court must enter a dispositional order on the same day or within 40 days of adjudication, unless the court finds on the record that the child's best interests are served by granting a delay.

(1) If the court grants a delay, the court must state why the delay is necessary and the minimum amount of time needed to resolve the reasons for delay.

(2) If the child is removed from the parent(s)' custody, the court or the Oklahoma Department of Human Services (OKDHS), as applicable, immediately considers concurrent permanency planning, to ensure permanency for the child at the earliest opportunity.

(b) Dispositional hearing purpose. The purpose of the dispositional hearing is to determine the service needs of the child and family and custody of the child during the deprived case. The court considers all evidence that is helpful in determining the disposition that is in the child's best interests.

(1) At the hearing, the recommended treatment and service plan is presented to the court. The judge makes the final decision regarding whether the proposed treatment and service plan is accepted and whether a court order is issued regarding compliance with any or all recommendations. The family is ultimately responsible for only those recommendations that are court-ordered, per OAC 340:75-6-40.4.

(2) The dispositional order includes a statement informing the child's parent(s) that the consequences of non-compliance with the court's requirements may include, as applicable, loss of custody of the child or termination of the parent(s)' rights to the child. If reasonable efforts are required for the return of the child to the child's home, the parent(s) of the child must be given at least three months to correct conditions that led to the adjudication of the child, prior to requesting termination of parental rights.

(3) The dispositional order is reviewed by the court at least once every six months until:

(A) conditions that caused the child's adjudication are corrected;
(B) the parent(s)' rights to the child are terminated and a final adoption is decreed;

(C) permanent care and custody of the child is awarded to another person or a kinship guardian is granted; or

(D) the court terminates jurisdiction.

(c) Special rules regarding custody orders. Before placing custody of a child with the parent(s), legal guardian, legal custodian, or other suitable person, the court must consider the order of custody preference and the person's background, per Sections 21.1 and 7003-8.1 of Title 10 of the Oklahoma Statutes.

(1) Order of custody preference. When a child is removed from the custodial parent and the court, in the child's best interests, is unable to release the child to the custodial parent, or, as the next priority preference, give placement to the noncustodial parent, custody is awarded, per Section 21.1 of Title 10 of the Oklahoma Statutes, to a:

(A) grandparent;

(B) person indicated by wishes of a deceased parent;

(C) relative of either parent;

(D) person in whose home the child has been living in a wholesome and stable environment; or

(E) any other person deemed by the court to be suitable. If the court determines custody of the child cannot be made according to the order of preference, the court must document the reasons in the court record.

(2) Background considerations. The court is prohibited from placing custody of a child with a person who is subject to the Oklahoma Sex Offenders Registration Act or with a person who is married to or living with a person who is subject to the Oklahoma Sex Offenders Registration Act.

(A) "Person" does not include a parent, legal guardian, or legal custodian of a child.

(B) Before awarding custody, the court must inquire whether the person has been previously convicted of any felony, relevant misdemeanor, or has such
charges pending. A person requesting custody must respond to the court's inquiry by affidavit or sworn testimony and provide the court with an Oklahoma criminal history record.

(3) Presumptions against placement. Custody or visitation with a child is not granted to any person if the custody or visitation established will likely expose the child to a foreseeable risk of material harm. There is a rebuttable presumption that it is not in the child's best interests to have custody or visitation granted to a person who:

(A) is or has been subject to, or resides with anyone who is subject to the Oklahoma Sex Offenders Registration Act;

(B) was convicted of or resides with a person who was convicted of a crime of child abuse, neglect, or of a sexual nature;

(C) was convicted of or resides with a person who was convicted of domestic abuse within the past five years; or

(D) is found alcohol or drug dependent by clear and convincing evidence and expected in the near future to inflict or attempt to inflict serious bodily harm to self or others as a result of dependency.

(d) Dispositional options. Subject to the conditions and restrictions per OAC 340:75-1-18(c), the court makes one or more dispositional orders, including:

(1) placing the child under supervision by OKDHS in the child's own home with the child's custodial parent, legal guardian, or legal custodian from whom the child was removed, or placement with the noncustodial parent. The court may specify conduct to be followed by the parent and any other adult in the home. Supervision by OKDHS may not exceed one year unless extended by the court;

(2) placing the child with a suitable person, including a grandparent, relative, or other person specified in OAC 340:75-1-18(c)(1);

(3) placement of the child in the custody of a private institution or agency;

(4) ordering the child to receive counseling or other community-based services;

(5) committing the child to the custody of OKDHS;
(6) ordering the parent, legal guardian, legal custodian, stepparent, or other adult living in the home, or other person or agency receiving custody of the child, to follow any treatment and service plan prescribed by OKDHS;

(7) ordering a child's permanent care and custody transferred to another person upon the written consent of the parent(s) of the child, per OAC 340:75-1-18.2;

(8) ordering a child's permanent care and custody transferred to a kinship guardian, per OAC 340:75-1-18.3; and

(9) dismissing the petition and terminating its jurisdiction at any time for good cause when in the child's best interests.

(e) Additional court determinations. The court makes a determination whether:

(1) reasonable efforts:

   (A) have been made to reunite the child with his or her family;

   (B) are no longer feasible and are being made to secure an alternate permanent placement for the child;

   (C) have been taken to finalize the permanent placement of the child including, if appropriate, through an interstate placement; or

   (D) to reunite the child with the family are not required, per OAC 340:75-1-18.4;

(2) an out-of-home placement continues to be appropriate and in the child's best interests; and

(3) services provided to assist any youth, 16 years of age or older, in the transition from out-of-home care to independent living are appropriate.

INSTRUCTIONS TO STAFF 340:75-1-18

1. Concurrent permanency planning. Concurrent planning provides for reunification services while simultaneously developing an alternative plan if reunification efforts fail or are no longer feasible. Efforts are made early in the case process to determine the most appropriate placement for the child. When a petition to terminate parental rights is filed, the Child Welfare (CW) worker actively pursues the previously determined concurrent plan. If the plan is adoption, the CW worker ensures the identification, recruitment, and
processing of a qualified adoptive family for the child is completed in a timely manner. Questions to consider when determining the appropriateness of the placement are listed in (1) through (4).

(1) Are the siblings placed together?

(2) Is the child located in his or her own community, school district, or within close proximity of close family attachments?

(3) Are appropriate services available and readily accessible?

(4) Will this placement be able to provide permanency if efforts to reunite are unsuccessful?
340:75-1-18.1. Permanency hearings

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

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

(b) **Permanency report.**

1. Prior to a permanency hearing, the CW worker prepares a report regarding the child for the court's review by contacting:
   
   (A) the child’s current foster parent;
   
   (B) the parent(s) or parent(s)’ attorney;
   
   (C) a post adjudication review board (PARB) member;
   
   (D) the child’s guardian ad litem, if applicable; and
   
   (E) the child’s attorney.

2. Information gathered from these persons is used by the CW worker to assist in the preparation of Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable. The applicable court report includes, at a minimum, the:

   (A) efforts and progress demonstrated by the child's parent(s) to complete an individual treatment and service plan;
   
   (B) extent to which the parent(s) or legal guardian cooperated and used the services provided;
(C) status of the child, including the child's mental, physical, and emotional health; and

(D) permanency plan for the child. □ 2

(c) Notification of hearing and opportunity to be heard. Prior written notice of the hearing, Form 04MP030E, Hearing Notification, is provided by OKDHS to the current foster parent of the child, any preadoptive parent or relative providing care for the child, and the child's guardian ad litem. An opportunity to be heard is provided by the court. Such notice and opportunity to be heard is not construed as requiring any foster parent, preadoptive parent, or relative be made a party to such action. □ 3

INSTRUCTIONS TO STAFF 340:75-1-18.1

1. Permanency hearing.

(1) Oklahoma statutes. The exact wording of the statute regarding permanency hearings is found in Section 7003-5.6d of Title 10 of the Oklahoma Statutes online at www.oscn.net.

(2) Requests. The Child Welfare (CW) worker requests on Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable, in the Recommendations section, that the court set a permanency hearing no later than six months from the child's placement in out-of-home care. This recommendation is made on Form 04KI009E or Form 04KI014E for any hearing held prior to the permanency hearing due date.

(3) Court orders. Within 30 days after the permanency hearing, the CW worker provides the court order to the custody specialist to ensure continuation of the child's Title IV-E eligibility.

2. Placement options. In the case of a child who will not be returned to a parent, the CW worker informs the court of the in-state and out-of-state placement options that have been considered.

3. Hearing notification. The CW worker:

(1) completes Form 04MP030E, Hearing Notification, and mails or hand-delivers to the current foster parent, preadoptive parent, or relative caring for the child, and, if applicable, child's guardian ad litem no later than 15 days after the hearing is set; and
(2) if the child moves after the notification is provided, copies Form 04MP030E completed for the hearing and mails or hand-delivers the copy to the current foster parent, preadoptive parent, or relative, and, if applicable, child's guardian ad litem no later than seven days prior to the court hearing and documents in KIDS Contacts screen when and how the notification was delivered.
340:75-1-44. Disclosure of client information and records without a court order

(a) **Authorized persons.** Client information or records are, upon request and with verification of the requester's credentials, disclosed without a court order to the persons or entities listed in this subsection. 1

(1) **Courts.** Information and records are disclosed to:

   (A) the court having the child currently before it in any proceeding pursuant to Title 10 of the Oklahoma Statutes;

   (B) any district court or tribal court to which the proceedings may be transferred;

   (C) employees and officers of the court in the performance of their duties, including but not limited to the guardian ad litem appointed by the court;

   (D) court-appointed special advocates;

   (E) post-adjudication review boards; and

   (F) any district court that has ordered a home study by the Oklahoma Department of Human Services (OKDHS) in a divorce, annulment, custody matter, guardianship, or any subsequent proceeding. OKDHS may limit disclosure to summaries or information directly necessary for the purposes of the disclosure.

(2) **OKDHS employees.** OKDHS employees acting in the course of their official duties performed in connection with the implementation or administration of any program for children, youth, and families. The administration of programs includes:

   (A) any activity relating to the review, audit, or monitoring of Child Welfare (CW) service, program, or fiscal performance; and

   (B) any activity in connection with potential or actual criminal, civil, or administrative proceedings relating to CW services and programs.

(3) **Office of Juvenile System Oversight employees.** Any employee of the Office of Juvenile System Oversight acting in the course of his or her official duties performed in connection with any investigation, inquiry, audit, or inspection conducted pursuant to Section 601.6 of Title 10 of the Oklahoma Statutes.
(4) **DHHS employees.** Any employee of the United States Department of Health and Human Services (DHHS) or the Comptroller General of the United States acting in the course of his or her official duties performed in connection with any investigation, inquiry, audit, or inspection conducted pursuant to federal law.

(5) **Office of the District Attorney employees.** Any employee of the Office of the District Attorney acting in the course of his or her official duties performed pursuant to Title 10 of the Oklahoma Statutes or in connection with the prosecution of crimes against children or in the capacity of advisor to a grand jury.

(6) **Office of the Attorney General or United States Attorney employees.** Employees of the Office of the Attorney General or United States Attorney when acting in the course of their official duties performed pursuant to Section 7002-3.1 of Title 10 of the Oklahoma Statutes.

(7) **Attorneys.** The attorney representing a child who is the subject of a proceeding conducted pursuant to the provisions of Title 10 of the Oklahoma Statutes or the attorney representing a child in a domestic, guardianship, or juvenile action filed under Section 7115 of Title 10 of the Oklahoma Statutes. □ 2

(8) **Law enforcement officers.** Any law enforcement officer of Oklahoma or another state, with proper identification, who is:

   (A) conducting an investigation of a report of known or suspected child abuse or neglect or crimes against children; or

   (B) determining whether to place an alleged deprived child in protective custody.

(9) **Child protective services agency employees.** Employees of child protective services agencies in other states, with proper identification, who are:

   (A) conducting an investigation of a report of known or suspected child abuse or neglect or crimes against children; or

   (B) determining whether to place a child in protective custody.

(10) **Indian tribes.** Pursuant to the Federal Indian Child Welfare Act, Section 1901 et seq. of Title 25 of the United States Code, and the Oklahoma Indian Child Welfare Act, Section 40 et seq., of Title 10 of the Oklahoma Statutes, a federally recognized Indian tribe:

   (A) with proper identification;
(B) in which the child who is the subject of the records filed with the court is a member or is eligible to become a member and is the biological child of a member of an Indian tribe; and

(C) who is performing the official duties of:

(i) investigating a report of known or suspected child abuse or neglect or crimes against children;

(ii) determining whether to place a child into protective custody;

(iii) providing or supervising services to or for the benefit of the child, including but not limited to protective, emergency, medical, and social services; or

(iv) the tribe, tribal court, or tribal CW program by:

(I) taking jurisdiction or intervening in the child's case; or

(II) being a party to the juvenile court proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act.

(11) Employees of a statutorily established juvenile bureau. Employees of a statutorily established juvenile bureau with proper identification in the course of their official duties pursuant to Sections 7305-1.1 et seq. of Title 10 of the Oklahoma Statutes.

(12) Child Death Review Board. The Child Death Review Board upon the Board's request pursuant to Section 1150.2 of Title 10 of the Oklahoma Statutes.

(13) Physicians. Any physician examining a child whom the physician suspects is a victim of child abuse or neglect.

(14) Health care or mental health professionals. Any health care or mental health professional involved in the evaluation or treatment of the child, the child's parents, legal guardian, foster parent, custodian, or other family members.

(15) Multidisciplinary child abuse team. Any multidisciplinary child abuse team designated by the administrator of OKDHS Field Operations Division or Children and Family Services Division as authorized to review confidential information to:

(A) investigate a report of known or suspected child abuse or neglect; or
(B) provide services to a child or family who is the subject of the report.

(16) **Public or private agency.** Any public or private agency or person authorized by OKDHS to diagnose or provide care, treatment, supervision, or other services to a child who is the subject of a report or record of child abuse or neglect. OKDHS may limit the disclosure of information and records to a summary of or the information directly necessary for the purpose of the disclosure.

(17) **OHCA.** Any employee of the Oklahoma Health Care Authority (OHCA) acting in the course of his or her official duties.

(18) **OJA.** Any employee of the Office of Juvenile Affairs (OJA) acting in the course of his or her official duties.

(19) **The Governor of Oklahoma.** The Governor or any person the Governor designates in writing.

(20) **Legislators.** Any member of the legislature approved in writing by the Speaker of the House or the President Pro Tempore of the Senate.

(21) **Persons or agencies engaging in research.** Persons or agencies engaging in research, provided that the person or agency:

   (A) is employed by or under contract with the State of Oklahoma and is authorized by OKDHS to conduct the research; and

   (B) ensures that:

   (i) all documents containing identifying information are securely maintained to prohibit unauthorized access;

   (ii) identifying information is not included in any document generated for the research; and

   (iii) identifying information is deleted from documents when the research is completed.

(22) **Foster parents.** Information and records concerning the social, medical, psychological, or educational needs of a child currently placed with or being considered for placement with foster parents are disclosed to the foster parents. Foster parents with whom a child is currently placed are provided a copy of the court-approved treatment and service plan and progress reports.
(23) **Schools.** A summary of or the information directly necessary for the school to know regarding a child enrolled in the school is disclosed upon the request for the information by the school. Any information disclosed to the school is kept confidential.

(24) **Department of Corrections employees.** An employee of any federal or state corrections or law enforcement agency in the performance of official duties concerning pre-sentence investigations or supervision of a parent of an alleged or adjudicated deprived child or the legal guardian, custodian, or any other adult member of the child's home who is responsible for the health, safety, or welfare of the child.

(25) **OCARPA.** Persons authorized by and in the manner provided by the Oklahoma Child Abuse Reporting and Prevention Act.

(26) **Adoptions.** Any person or agency authorized to receive any paper record pursuant to the Oklahoma Adoption Code pertaining to a child who is the subject of an adoption proceeding or relatives who are related to the child within the third degree of consanguinity.

(27) **Child support enforcement employees.** Employees of the Oklahoma or any other state child support enforcement agency in the performance of their official duties concerning the establishment of paternity or the establishment or enforcement of a child support order or other entitlement for the benefit of a child. Disclosure is limited to information related directly to the purpose of the disclosure.

(28) **Parent, legal guardian, or custodian.** A parent, legal guardian, or custodian of the child who is the subject of the records, provided that the records disclosed are limited to juvenile court records that are records filed with the court. All other agency records pertaining to or related to any alleged or adjudicated abuse or neglect of the child may not be inspected or disclosed.

(A) Information about the child is withheld from the parent only when a court order is in effect that prohibits the parent from obtaining information about the child.

(B) The parent may not inspect the case record, but information may be disclosed in accordance with this Section.

(C) If the child is removed from the child's home or placement, the child's parent(s) is informed of the child's general location, but not the specific address.
(D) With the foster parent’s consent, the foster parent’s name and address are disclosed when requested as part of the family reunification effort.

(b) Disclosure when child is in need of treatment or supervision. Any client information or record may be disclosed without a court order to any person or agency when the disclosure of confidential information is necessary to secure appropriate care, treatment, or supervision for a child and as may be necessary in conducting any investigation to determine whether a child is taken into protective custody or may otherwise come within the jurisdiction of the juvenile court. Disclosure pursuant to this subsection is limited to information reasonably necessary for the purpose of securing needed services or conducting an investigation.

(c) Disclosure of court records.

(1) Any record filed with the court by OKDHS, or obtained from the court and maintained by OKDHS, upon written request is disclosed without a court order to those persons identified in this Section and to:

(A) the child who is the subject of the record and the parents, guardian, legal custodian, or foster parent; and

(B) any public or private agency or individual having court-ordered custody or custody by virtue of OKDHS placement of the child who is the subject of the record.

(2) Any youth leaving out-of-home placement at or after the age of 18, or adult who was in OKDHS custody as a child, is entitled to information from the case record at no cost.

(d) Disclosure limited.

(1) Request for disclosure of information must be made in writing to OKDHS per OAC 340:75-1-46 and Sections 620.1 through 620.4 of Title 10 of the Oklahoma Statutes.

(2) Authorized persons receiving information are notified at the time of disclosure that the information remains confidential by law and may not be further disclosed.

(3) Information disclosed is limited to the specific information or record relevant to the need of the person offered or requesting confidential information.
(4) OKDHS does not disclose the identity or location of any person who has reported child abuse or neglect, unless specifically ordered by the court.

(e) **Media inquiries.** The confidentiality rules for inquiries govern case-specific information and requests from the public and the media. Inquiries may provide opportunities to discuss CW programs and services, in general, with the public or media representatives. 

(f) **Disclosure in cases of death or near death of a child.** When the person responsible for the child is charged with committing a crime resulting in the child's death or near death, as defined in OAC 340:75-3-2, the best interests of the public are served by public disclosure of information concerning the investigation of the death or near death of the child and any other investigations concerning the child or other children living in the same household.

(1) Any disclosure of information does not identify or provide, other than the identity of the person criminally charged:

(A) an identifying description of any complainant or reporter of child abuse or neglect;

(B) the name of the child victim's siblings or other children living in the same household;

(C) the parent or other person responsible for the child; or

(D) any other member of the household.

(2) At any time subsequent to seven days of the date the person responsible for the child is criminally charged, OKDHS, the Oklahoma Commission on Children and Youth, or the district attorney may release to the public:

(A) confirmation that a report has been made concerning the alleged victim or other children living in the same household and whether an investigation has begun;

(B) confirmation as to whether previous reports were made and the dates and a summary of the previous reports, including:

   (i) the dates and outcomes of any investigations or actions taken by OKDHS in response to any report of child abuse or neglect;
(ii) the specific recommendation made to the district attorney by OKDHS; and

(iii) any action taken by the district attorney after submission of any investigative report; and

(C) the dates of any judicial proceeding prior to the child's death or near death, including:

(i) specific recommendations made by OKDHS in any progress reports submitted to the court;

(ii) a summary of each participant's recommendations made at the judicial proceedings, including recommendations made at the hearing as they relate to the custody or placement of the child; and

(iii) the rulings of the court.

INSTRUCTIONS TO STAFF 340:75-1-44

1. Disclosure procedures.

(1) All disclosures are documented in the case record.

(2) Confidential information is not released solely on the basis of a telephone contact because Oklahoma Department of Human Services (OKDHS) staff cannot be assured of the identity of the caller.

(3) Necessary discussion of case information, personally or by telephone, is allowed between authorized OKDHS staff.

2. A summary of Child Welfare (CW) information about a client is shared with the client's attorney in juvenile proceedings only. Before sharing information, the CW worker must verify that the attorney is the legal representative for the client. Any information shared with the client, such as child abuse or neglect allegations, findings, and treatment plan recommendations, may be shared with the legal representative of the client.

(1) To verify that the attorney requesting the information is representing the client, the CW worker checks the court file or asks the attorney to put the request for information in writing.
(2) The client may provide verification to the CW worker that the attorney is the client’s legal representative.

3. Confidentiality. CW staff:

(1) discusses with all clients why information is gathered, the purpose for the information, and the circumstances under which the information will be released. The client is advised that:

(A) information about the client may be shared with the client’s counselors or therapists for treatment purposes and in the context of assisting the client to resolve problems; and

(B) counselors must observe confidentiality requirements.

(2) protects the privacy of the client when contacting a collateral reference. The CW worker explains the reason for the contact, the need for information in a specific area of concern, and how the information received will be used and does not reveal any other information about the client’s situation.

4. Any youth leaving out-of-home placement at or after the age of 18, or adult who was in the custody of OKDHS as a child, is entitled to information from the case record at no cost. The youth or adult is not given the case file to read, but is provided a summary of information regarding the youth’s or adult’s own CW involvement, medical, and social history. The youth or adult is given any health or education records, birth certificate, and Social Security card, if the original is in the case record. Copies are kept for the file. The county of jurisdiction at the time the youth exits care or when the adult requesting the information reached the age of majority is responsible for providing this information to the youth at exit from care or to the adult upon request.

5. Protocol for media contact.

(1) Media inquiries to field staff are referred to the county director for determination of the appropriate OKDHS spokesperson, and the Office of Communications is advised of the inquiry at 405-521-3027.
(2) Media inquiries to CFSD are referred to the programs manager responsible for the particular program(s) under inquiry and the Office of Communications is advised of the inquiry.

(3) Media inquiries regarding the person responsible for the child who is criminally charged with the child's death or near death are referred to the designated OKDHS spokesperson per OAC 340:75-1-44.

(4) When case-specific information obtained by the media from district attorneys, court records, attorneys for the parents of the child, or the parents is made public, confidentiality is still maintained by OKDHS.

(5) Media recruitment for specific program needs, such as foster home and adoptive home recruitment, is preplanned in conjunction with the CFSD program areas and the Office of Communications.

6. Staff contacts OKDHS Child Protective Services Section before disclosing any information regarding a child's death or near death. The OKDHS Legal Division ascertains that the person responsible for the child has been criminally charged and contacts the designated OKDHS spokesperson regarding disclosure of information.
340:75-4-12.1. Voluntary Family-Centered Services procedures

Upon completion of an investigation or assessment, utilizing all available information, the Child Welfare (CW) worker determines the safety and service needs of the child and family. Options for services include no services needed, referral for agency or community-based services, and referral for Oklahoma Children’s Services (OCS) Comprehensive Home-Based Services (CHBS). 1

(1) Investigation or assessment documentation. At the conclusion of an investigation or assessment the CW worker completes either Form 04KI003E, Report to District Attorney, or Form 04KI007E, CPS Family Assessment, and Forms 04MP025E, Voluntary Family Service Agreement, and 04KI023E, Safety Assessment, per OAC 340:75-3-11 and 340:75-3-13.

(2) Safety planning. The safety of the child is addressed before any other intervention is pursued. Safety determination and responses are completed in accordance with OAC 340:75-3-10.1 and documented on Form 04KI023E.

(3) Determining service needs and assisting the family in safety and service planning. When possible, the safety evaluation and service planning include the involvement and input of the family. The risk to the child and the level of need within the family determine the intensity and duration of services required to address any concerns within the family. The CW worker considers the facts and the family's circumstances and needs to determine the intervention a family needs. The CW worker may access contingency funds to assist with service needs in accordance with OAC 340:75-1-28. 1

(4) Voluntary Family Service Agreement. The CW worker discusses service options with the family and explains that services are voluntary unless there is court action involving the child and family.

   (A) When services are recommended, Form 04MP025E is explained to the family and the family is offered the opportunity to enter into a voluntary agreement to accept services.

   (B) Form 04MP025E documents the services needed and agreed to by the family to help provide for the child's safety without CW intervention.

(5) Informal supports to Voluntary Family Service Agreement. With the family's permission, supportive persons, such as neighbors, friends, volunteers, and extended family members, may be involved in safety plans and service agreements.
Supportive persons who agree to be resources for the family commit to involvement in the safety planning and voluntary services by signing Form 04MP025E.

(6) **Formal supports to Voluntary Family Service Agreement.** Formal supports include programs and professional services, such as community-based service programs, that assist the family in providing a safe environment for the child. CHBS are available through OCS, as described in OAC 340:75-4-12.2.

(7) **Assessing the need for voluntary foster family care.** Voluntary foster family care is available as a preventive and protective service to enhance family functioning without court intervention.

   (A) A child may be placed in foster family care at the request of the child's parent(s) or legal guardian when an emergency temporarily disrupts normal functioning.

   (B) A child whose needs exceed traditional foster family care is not eligible for this service, per OAC 340:75-8-1.

   (C) Relatives or other resources available to the family are fully explored and ruled out as a possible option before considering voluntary foster family care.

   (D) An open CW case is required for voluntary foster family care.

(8) **Voluntary placement of child.** Specific procedures are followed to place a child in voluntary foster family care.

   (A) Foster family care by voluntary request is a written, signed agreement between the parent(s) or legal guardian and Oklahoma Department of Human Services (OKDHS) wherein authority is given to place the child in foster family care and provide for the child's needs.

   (B) Prior to placement, the CW worker prepares Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Family Home Placement and Medical Care of Child, which the parent(s) or guardian signs.

   (C) Pursuant to the terms of the agreement, the child is returned to the parent(s) or legal guardian at the request of the parent(s) or legal guardian.

   (D) If the parent(s) or legal guardian fails to meet the terms of the agreement or cannot be located, court involvement is required.
(E) At the time of the child's placement, the parent(s) or legal guardian is advised that any information obtained during the time the child is in voluntary foster family care may be used as the basis for a petition alleging that the child is deprived.

(F) Foster family care by voluntary request is approved for an initial period of 30 days and may be extended up to a maximum of 90 days when the extension may result in family reunification without requiring court intervention.

(G) Court intervention is required when foster family care extends beyond 90 days.

(9) **Protective and preventive child care.** Child care services may be provided to a family whose child is at risk for removal due to abuse and neglect and to a family in the process of reunification, per OAC 340:75-6-91.

(10) **SoonerStart services.** When a child younger than three years of age is a victim in a confirmed case of child abuse or neglect, a referral is made to the SoonerStart Early Intervention program, per OAC 340:100-3-15. When the child is not in OKDHS custody, the referral is offered to the child's parent(s) as a voluntary service.

(11) **Transporting families who receive voluntary FCS.** Initially, the CW worker may assist with the transportation needs of the family receiving voluntary family-centered services (FCS). The CW worker explores with the family other means of transportation that allow for independence once services are completed. The person responsible for the child (PRFC) must be in the vehicle when CW transports a child who is not in OKDHS custody.

(12) **Case management responsibilities for exceptional voluntary FCS cases.** Ongoing voluntary family services are not provided by CW unless authorized by the county director. Certain circumstances require that CW retain case management of voluntary cases with full responsibilities for service provision as outlined in OAC 340:75-4-13, regardless whether the family is referred for CHBS.

(13) **Transfer of case responsibility to CHBS.** When CHBS is determined as the most appropriate service intervention based on the Levels of Service, the CW worker prepares for the transfer of responsibility as described in OAC 340:75-1-152.4. Before referring a family for CHBS, the CW worker must address the safety of the child during an abuse or neglect investigation or assessment, per OAC 340:75-3-10.1.
INSTRUCTIONS TO STAFF 340:75-4-12.1

1. Levels of Service. The Child Welfare (CW) worker considers the facts and the family's circumstances and needs. To determine the levels of service or intervention a family needs, the CW worker uses the Levels of Service protocol. The family is referred to the level of service that best promotes the child's safety, permanence, and well-being.

   (1) Level 1 - No Services Needed. No Services Needed is consistent with an investigation finding of services not needed, or a completed assessment in which the conclusion is that no services are needed.

   (A) To assess the safety and service needs of the family, the CW worker completes:

      (i) a review of any history, including history from other states;

      (ii) Form 04KI007E, CPS Family Assessment; or

      (iii) Form 04KI003E, Report to District Attorney; and

      (iv) Form 04KI023E, Safety Assessment.

   (B) The selection criteria for Level 1 are described in (i) through (v).

      (i) Form 04KI023E indicates no risk to the child.

      (ii) There is no indication of abuse or neglect to the child.

      (iii) Minimum parenting standards are being met.

      (iv) The family has strengths and resources and is able to deal with challenges and needs without referral to community agencies.

      (v) The family does not have significant problems, such as domestic violence, substance abuse, mental illness, or a child with developmental delays.

   (2) Level 2 - Referral for Agency or Community-Based Services. Referral for Agency or Community-Based Services is recommended when there is low risk to the child, and the family is able to use Oklahoma Department of
Human Services (OKDHS) or community resources for support without further intervention by CW. An investigation finding of services recommended is most consistent with Level 2 services or a conclusion on Form 04KI007E that referral to services is recommended. Cases with a finding of confirmed report – services recommended, with Form 04KI023E indicating low risk to the child, may benefit from Level 2 services.

(A) To assess the safety and service needs of the family the CW worker completes the steps in OAC 340:75-4-12.1 Instructions to Staff (ITS) 1(1)(A) and Form 04MPO25E, Voluntary Family Service Agreement.

(B) The selection criteria for Level 2 are described in (i) through (ix).

(i) Form 04KI023E indicates low risk to the child.

(ii) There is no indication of abuse or neglect, or the abuse or neglect was minor or an isolated incident.

(iii) Minimum parenting standards are being met.

(iv) The family has some challenges and needs that do not endanger the child's immediate safety.

(v) The family has strengths and resources and is able to deal with these challenges and needs through involvement with extended family, community resources, or both.

(vi) The family does not have significant problems, such as domestic violence, substance abuse, mental illness, or a child with developmental delays, or if any of these problems exist, the problems do not threaten the child’s safety.

(vii) There is no history of serious or chronic maltreatment to the child.

(viii) Services and resources needed by the family are available and accessible in the community.

(ix) The family is willing and able to make necessary changes to ensure safety, permanency, and well-being for the child.
(C) Level 2 services include:

(i) assistance in finding and accessing community resources, such as housing resources, food closets, basic parenting programs, parent aides, parent education, visiting nurse, educational resources, employment services, vocational counseling, training, or rehabilitation; and

(ii) other OKDHS services, such as Temporary Assistance to Needy Families (TANF).

(3) Level 3 - Short-Term Services. Short-Term Services are recommended when there is moderate but manageable risk to the child and services may be provided by community resources that provide ongoing services. At the discretion of the county director, an ongoing voluntary Family-Centered Services (FCS) case may be maintained by the CW worker, per OAC 340:75-4-13. The FCS case may be opened for 60 days, and extended an additional 30 days with the approval of the county director. An assessment with a conclusion of services recommended, or an investigation finding of services recommended or confirmed report - services recommended may be referred to Level 3 when Form 04KI023E indicates moderate risk to the child. When the safety of the child in the home may only be improved by longer term intervention, Level 4 services are more appropriate.

(A) To increase the safety of the child and plan for any immediate services that the family may need, the CW worker completes the steps in OAC 340:75-4-12.1 ITS 1(2)(A), and, if necessary, a referral for specialized evaluations, such as developmental or substance abuse assessments.

(B) The selection criteria for Level 3 are described in (i) through (ix).

(i) According to initial Form 04KI023E, the child may not be safe and requires a safety plan. The factors threatening safety are moderate and can be controlled or modified by the family within a short time frame.

(ii) The parent(s) is capable of meeting minimum parenting standards on his or her own after short-term intervention by CW.
(iii) Injuries or harm from the abuse or neglect to the child is minor to moderate and not life-threatening, such as over-discipline and inattention to non-critical medical needs.

(iv) Substance abuse by the family involves recreational use without a history of chronic use and does not involve use of methamphetamines.

(v) The family faces challenges and needs that may have an effect upon risk and safety, such as domestic violence, substance abuse, mental illness, or developmental delays that are not overwhelming, chronic, or severe. The family has strengths and resources to deal with the challenges and needs, with the assistance of CW intervention.

(vi) The family accepts responsibility for the incident and is willing and able to change with support.

(vii) Any history of serious or chronic maltreatment was successfully addressed in the past.

(viii) The services and resources needed by the family are available and accessible in the community.

(ix) The family has demonstrated the capability to make necessary changes.

(C) The CW worker must verify and document in KIDS whether the family is actively involved in the services to which the family was referred. Level 3 services include:

(i) short-term interventions, such as parent aide services, homemaker services, child care services, crisis counseling, short-term counseling, parenting classes, and supportive casework;

(ii) ongoing voluntary FCS by CW at the discretion of the county director;

(iii) other OKDHS services, such as TANF; and
(iv) community resources, such as housing resources, educational resources, employment services, vocational counseling, training, or rehabilitation.

(4) Level 4 - Oklahoma Children’s Services (OCS) Comprehensive Home-Based Services (CHBS). OCS CHBS is recommended when there is moderate to high risk to the child and the child is at imminent risk of placement outside of the home. An investigation finding of confirmed report - services recommended is most consistent with Level 4 services. An investigation with a finding of confirmed report - court intervention, where the district attorney declined to file a deprived petition, is referred to Level 4 services when the family agrees to accept CHBS.

(A) The CW worker completes the steps in OAC 340:75-4-12.1 ITS 1(2)(A) and, if necessary, a referral for specialized evaluations, such as developmental or substance abuse assessments.

(B) The selection criteria for Level 4 are described in (i) through (x).

(i) Per Form 04KI023E, a child is not safe and requires a safety plan. The risk factors threatening safety are moderate to high but can be controlled with a safety plan without removal of the child.

(ii) When the district attorney declines to file a petition in an investigation with a finding of confirmed report - court intervention, Level 4 services are offered to the family the next working day.

(iii) The family has multiple and complex CW needs.

(iv) Minimum parenting standards are not being met, but the parent(s) is capable of meeting minimum parenting standards with home-based services.

(v) The family faces challenges and needs that have an effect upon risk and safety, such as domestic violence, substance abuse, mental illness, or developmental delays. These behaviors and conditions may be effectively controlled with the assistance of CHBS.

(vi) There may have been a history of chronic or serious maltreatment to the child. There is no access to the child by the
perpetrator, or the abusive behavior of the perpetrator can be controlled through intervention.

(vii) There may be current deprived court involvement.

(viii) All of the services and resources required by the family are not available and accessible in the community.

(ix) The parent(s) is not ready to accept responsibility for the incident and may be resistive and unmotivated to change or involved with CW, even though the family is willing to accept CHBS.

(x) When CHBS services are not available in a timely manner, the CW worker and CW supervisor reevaluate the safety plan and determine the appropriate level of intervention. A recommendation for other community services is made until CHBS services are available. If the safety of the child cannot be controlled while the family is on a waiting list for services, the CW worker discusses other voluntary options with the family, such as placement with a relative or other persons who can provide safety. As a last resort, court intervention and placement in OKDHS custody is recommended per OAC 340:75-3-11.

2. Voluntary foster care procedures.

(1) When a decision is made to place a child in voluntary foster care, the CW worker opens a case with the case type of Voluntary Foster Care. Claims for foster care reimbursement are processed through KIDS.

(2) Prior to placement of the child, the CW worker prepares Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Family Home Placement and Medical Care of Child, which the parent(s) or guardian signs.

(A) The CW worker explores, and documents on Form 04FC007E, the parent(s) or guardian's ability to contribute to the cost of care.

(B) The CW worker does not complete a case plan when voluntary foster care is a short-term service not leading to court intervention, such as when a parent must receive medical treatment and the family has no other caregiver.
(3) CW staff selects a suitable foster family home, makes and supervises the placement, and provides all appropriate services to the child and foster family. Coordination of visitation and other services that involve the parent(s), relative, and child is arranged by CW staff.

(4) Upon return of the child to the parent(s) or guardian, page 2 of Form 04FC007E is completed, signed, and notarized.

(A) The CW worker provides the parent(s) or guardian with a record of medical care and immunizations received and any vital information learned about the child during foster family placement.

(B) An adequate clothing supply, including the clothing taken into foster family care, and any items of importance to the child, accompanies the child upon return to his or her own home or other placement.

(C) The CW worker informs the family of available services.

(5) When a referral is received from Field Operations Division (FOD), Family Support Services (FSS), requesting voluntary foster family care for a child residing in the home of a parent(s) or relative, the referral is reviewed by CW staff with the parent(s) or guardian to determine its appropriateness. CW staff assigned is responsible for all voluntary foster care services.

(6) Refer to OAC 340:75-19-29 for placement of a child younger than age 18 who is in tribal custody.

(7) If an extension of voluntary foster family care is required, the CW worker sends a written request to the CW field liaison (CWFL) stating the reason for the extension and projected date of return of the child to his or her own home or other placement. The CWFL provides a written response to approve or deny the request.

3. Court intervention. When the emergency situation resulting in the voluntary placement is unresolved and there is no alternative resource for the child, the CW worker completes Form 04KI003E requesting a deprived petition be filed.

4. Child care services. Protective and preventive child care services are provided to a family:

(1) whose child is at risk for removal due to abuse and neglect; and
(2) who is in the process of reunification, per OAC 340:75-6-91.

5. Case management responsibilities. Certain circumstances require that CW retain case management of voluntary cases with full responsibility for service provision, regardless of whether the family is referred for CHBS. These exceptional circumstances are described in (1) through (3).

(1) When the court has interest and involvement in a case and orders voluntary services in lieu of adjudication or delays adjudication until a voluntary plan of service is completed, CW maintains an open case until the court case is dismissed. If a referral is made to CHBS for services during this time, the referral is made under the focus of reunification to signify the court's involvement.

(2) When a family member participating in a voluntary case is referred for substance abuse treatment services through a TANF contract in a CW only case and the family is not eligible for TANF, the CW case must remain open until the substance abuse services are concluded.

(3) When a voluntary case is referred to CHBS, but the referral is placed on waiting list for services, all required services, including the case planning functions, must be provided by CW until services are initiated by the CHBS contractor.

6. Intake staffing. For voluntary family services clients referred to CHBS, the intake staffing allows for the release of CW involvement with the family unless a new report of child abuse, neglect, or other maltreatment is accepted for investigation or assessment by CW. When the family agrees to work with the contract case manager to address and reduce the risk conditions, and the CW worker in the intake staffing conveys these expectations formally, responsibility for services is transferred to the contractor and the CW case is closed.
340:75-4-12.2. Determining appropriate referrals to Oklahoma Children's Services

(a) CHBS services. Comprehensive Home-Based Services (CHBS) is a service that offers resources, options, and guidance to families to better care for their children and strengthen and preserve the family unit. CHBS offers an intensive, short-term educational approach that is effective for a family when there is moderate to high risk to the child and the child is at imminent risk of placement in out-of-home care.

(b) Determining referrals for CHBS. Criteria in this subsection and OAC 340:75-4-12.1 are used in determining whether to refer a family to CHBS. A formal staffing with the CW supervisor is required for exceptions to the referral guidelines, per OAC 340:75-1-151. Oklahoma Children's Services (OCS) contract liaisons may also request a justification for utilizing CHBS under such circumstances. The OCS contract liaison has the right to reject any referral, per OAC 340:75-1-151.

1. A family who received CHBS in the past and failed to meet goals due to lack of cooperation may be offered a trial service period or denied service by the OCS contract liaison.

2. Since CHBS is comprehensive and time-limited, it is not appropriate to meet a singular need, such as transportation, or address pervasive safety concerns, such as parents who are chronically unwilling or unable to protect their young children.

3. There are no provisions in the contract for ongoing drug and alcohol treatment services. A brief self-assessment of drug and alcohol abuse and dependency is included. Drug screening may be provided if specified by court order.

4. A referral for the purpose of maintaining placement or adoption is appropriate only for a child who has an established connection or attachment to the resource family. CHBS is not used to maintain therapeutic placements or to rectify deficient parenting skills of paid placement providers.

5. At least one child in the family must be at imminent risk of removal from the home.

6. All other less intensive services within the community must be exhausted or it must be established that community resources are not sufficient to avert placement of the child in out-of-home care.
(7) Reunification services may be provided to a family who has an active court case regardless whether the child has been removed, has yet to be returned to the family's home, or has been returned to the home.

(8) A permanent placement, kinship adoptive, or trial adoptive home at risk of disruption due to acting out behavior of the child may be referred to CHBS. When a permanent placement is at risk of disruption due to a caregiver's behavior, any referral to CHBS must be discussed with and approved by the CW worker responsible for maintaining the kinship home.

(c) **PAS services.** Parent Aide Services (PAS) is a voluntary in-home, non-therapeutic service provided by a paraprofessional designed to encourage parenting skill development for families affected by or at risk for child abuse and neglect due to lack of knowledge and experience in parenting and home management skills.

(d) **Determining referrals for PAS.** Criteria in this subsection and 340:75-4-12.1 are used in determining whether to refer a family to PAS. A formal staffing with the CW supervisor is required for exceptions to the referral guidelines, per OAC 340:75-1-151. OCS contract liaisons may request a justification for utilizing PAS under such circumstances.

(1) PAS is designed to assist families who are new to parenting and unfamiliar with how to access available resources.

(2) A family who received PAS and failed to meet goals due to lack of cooperation may be offered a trial service period or denied service by the OCS contract liaison.

(3) Since PAS provides time-limited, non-therapeutic services, it is not appropriate to meet a singular need, such as transportation, or address pervasive safety concerns, such as a parent(s) who:

   (A) is chronically unwilling or unable to protect his or her young child;

   (B) does not acknowledge there is a problem;

   (C) appears to be seriously mentally ill; or

   (D) exhibits evidence of significant substance abuse.
340:75-4-13. Ongoing voluntary Family-Centered Services

(a) **FCS requirements.** At the discretion of the county director, the Child Welfare (CW) worker has the option of opening an ongoing voluntary Family-Centered Services (FCS) case. After the CW worker completes initial Forms 04MP025E, Voluntary Family Service Agreement, and 04KI023E, Safety Assessment, and determines the need for ongoing voluntary service, the CW worker completes Forms:

(1) 04KI006E, Family/Child Strengths and Needs Assessment; and

(2) 04KI008E, Treatment Plan, or 04KI012E, Individualized Service Plan (ISP).

(b) **Child well-being measures.** Child well-being includes ensuring the child's educational, physical, and mental health needs are addressed and documented in the CW case record.

(c) **Referral for determination of medical eligibility.** The CW worker discusses the child's medical needs and determines whether the family has medical coverage for the child in the home for whom Oklahoma Department of Human Services (OKDHS) does not have custody. If the family does not have medical coverage for the child, the person(s) responsible for the child (PRFC(s)) is referred to SoonerCare Health Benefits, per OAC 317:35-6.

(d) **Regular and purposeful home visits.** The CW worker continues to maintain a minimum of twice per month home visits with the family, unless worker and supervisory conferences have determined the need for more frequent visits. The CW supervisor must approve any decrease in the number of visits.

(e) **Abuse or neglect in an active voluntary FCS case.** When a child who is part of an FCS case is reported or observed by the CW worker to have an injury, including an alleged accidental injury, or has evidence of any abuse or neglect, the information is documented on Form O4K1001E, Referral Information Report. If new allegations are reported, are more severe in nature, or both, Form 04KI003E, Report to District Attorney, is completed and submitted to the district attorney.

(f) **Contact with service providers.** The CW worker maintains at least monthly contact with the service provider by phone, in person, or by correspondence. It is the responsibility of the CW worker to keep the provider informed of any changes in the family's circumstances and provide the provider with a copy of Form 04KI012E that pertains to the service provisions to be addressed.
(g) **Alternative voluntary out-of-home placement.** The CW worker has face-to-face contact with the child in the voluntary out-of-home placement within the first two weeks of each placement and a minimum of once every calendar month thereafter, with no more than 31 days between contacts. The CW worker makes more frequent contacts in times of change and stress.

(h) **Conference with supervisor.** The progress on Form 04KI012E is reviewed by the CW supervisor and CW worker in a conference held at least once per month and documented in the KIDS system. During the conference, the CW worker and CW supervisor review the frequency of visits to the family and consider whether more frequent supervisory conferences are required to staff the case.

**INSTRUCTIONS TO STAFF 340:75-4-13**

1. Safety planning process. The ongoing safety planning process is described in (1) through (6).

   (1) The safety plan includes statements regarding actions or behaviors that will control the cause of the potential abuse.

   (2) The safety plan is monitored to ensure that services are occurring and are effective.

   (3) The services provided are available immediately in the frequency and amount required to increase the child's safety. If there is a waiting list for a service, the service is not an effective means of protection, and alternatives must be initiated.

   (4) The family is willing and able to participate in the service. The family is stable enough for service consistency.

   (5) During the first 30 days of services, the Child Welfare (CW) worker conducts home visits once or more each week, as determined by the CW supervisor, for the purpose of evaluating the safety of the child.

   (6) If the child is placed into protective or emergency OKDHS custody, court intervention is requested unless the incident that led to custody can be quickly and safely resolved.

   (A) If Form 04KI003E, Report to District Attorney, was initially completed, the CW worker documents in an addendum the family's failure to cooperate or to change the conditions that place the child in
danger. The addendum and initial Form 04KI003E are submitted to the district attorney (DA).

(B) If Form 04KI007E, CPS Family Assessment, was initially completed, Form 04KI003E is completed and submitted to the DA.

(C) If new allegations are reported, Form 04KI003E is completed and submitted to the DA.

2. Strengths and needs assessment. Procedures in (1) and (2) are followed to complete Form 04KI006E, Family/Child Strengths and Needs Assessment.

(1) Form 04KI006E must be initiated within 30 days of the family agreeing to accept voluntary FCS, as documented by the signature date on Form 04MP025E, Voluntary Family Service Agreement. The CW worker is not responsible for completing Form 04KI006E if the voluntary case is closed within 30 days of initiation of Form 04MP025E.

(2) The assessment process includes meeting with the family to discuss and complete Form 04KI006E. When possible, all of the family members are present along with any other persons invited by the family to participate. A child in voluntary alternative out-of-home placement may be brought to the home for the assessment, if case circumstances and safety permit, affording an opportunity to observe parent-child interaction. All children age 12 or older participate in the assessment process.

3. Development of treatment and service plan. Procedures in (1) through (5) are followed to develop Form 04KI012E, Individualized Service Plan (ISP).

(1) Form 04KI012E must be initiated no later than 30 days after the family agrees to accept voluntary FCS, as documented by the signature date on Form 04MP025E. Voluntary FCS cases that are open 30 days or less are not required to have a treatment plan.

(2) The identified safety issues, risk issues, and Form 04KI006E are used to develop initial Form 04KI012E. The initial plan determines the interventions to correct the conditions that resulted in CW involvement. Children ages 12 or older participate in the planning process.

(3) The planning process:
(A) provides direction to the CW worker and family about what will occur during planned changes;

(B) identifies services, associated with specific outcomes, that are made available to the child and person(s) responsible for the child (PRFC(s));

(C) identifies the behaviors and conditions that must change;

(D) identifies specific measures that may be applied to facilitate family change;

(E) prioritizes what will be done, when, and for what length of time by the family, CW worker, and other providers;

(F) identifies the alternative permanency plan;

(G) establishes the length of service expected in the case; and

(H) includes a crisis plan to address contingencies, such as relapse, regression, domestic violence, and home or environmental conditions.

(4) The CW supervisor reviews Form 04KI012E with the CW worker to ensure that the identified safety and risk issues are addressed.

(5) The CW worker:

(A) makes service referrals, based on Form 04KI012E;

(B) facilitates initiation of services with providers;

(C) discusses with the service provider and family agreed-upon objectives as they relate to the safety and well-being of the child and the length of anticipated service and outcome measure. Form 04KI012E is used as a guide to establish the details of service utilization;

(D) must be sensitive to the work and school responsibilities of family members when services are scheduled;
(E) maintains contact with the child, family, any voluntary alternative out-of-home placement providers, and all collateral service providers; and

(F) documents the contacts and visitation on the appropriate KIDS screens.

4. Child well-being measures. Procedures in (1) through (3) are followed to ensure the child well-being measures of educational, physical, and mental health needs are included in service planning and are documented in the appropriate KIDS screen no later than 30 days after each child's appointment for medical, dental, or psychological services. The CW worker assists the PRFC(s) in identifying and accessing appropriate services to meet the child's:

(1) educational needs.

(A) When the child is school-age, the CW worker determines whether the child is currently enrolled in school or participating in an alternative educational program.

(B) When the child has needs related to school performance, appropriate efforts are made to assess or address these needs.

(C) The case record must contain the child's educational records, including documentation of:

   (i) present grade placement;

   (ii) grade level performance;

   (iii) last school attended;

   (iv) special strengths and weaknesses; and

   (v) relevant education information, determined appropriate by the Oklahoma Department of Human Services (OKDHS).

(D) When the child is in voluntary out-of-home placement, the CW worker:
(i) provides copies of educational records to the placement provider; and

(ii) documents whether the child's school enrollment was affected during the last 12 months;

(2) physical health needs.

(A) The CW worker determines whether the child has received a health screening or physical examination within the last 12 months. If not, appropriate efforts are made to provide for such. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) may be used, per OAC 340:70-9-10 and 340:75-13-62.

(B) The CW worker determines whether the child, if older than three years of age, has received a dental examination within the last 12 months. If not, appropriate efforts are made to provide for an assessment of dental needs. Children younger than three years of age receive dental services as needed.

(C) Treatment is pursued for identified health and dental needs. The CW worker assists the PRFC(s) in identifying and accessing appropriate treatment.

(D) Appropriate efforts are made to ensure the child's immunizations are current.

(E) If the child is in alternative voluntary out-of-home placement, the CW worker ensures the child's health records are provided to the placement provider within 30 days of initial or 15 days of subsequent placement. Health records include a listing or description of the child's:

   (i) health provider's name and address;

   (ii) record of immunizations;

   (iii) known medical problems;

   (iv) medications;

   (v) psycho-social information;
(vi) third-party insurance coverage available; and

(vii) relevant health information, determined appropriate by OKDHS; and

(3) mental health needs.

(A) A mental health or developmental screening is conducted within 90 days of placement. This may be an EPSDT examination.

(B) If there are indications that the child has mental health or developmental needs, appropriate efforts are made to assess and address these needs.

5. Home visits. Procedures in (1) and (2) are followed when conducting a home visit.

(1) If the PRFC(s) requests a home visit be rescheduled, the visit is rescheduled within 48 hours.

(2) Discussion during home visits focuses on the Desired Results and To Dos on Form 04K1012E, and on activities or services that allow the family to function independently and without CW assistance.

(A) Initially, the CW worker may assist with the transportation needs of the family. The CW worker explores with the family other means of transportation that allow for independence once CW services are completed.

(B) The PRFC(s) must be present in the vehicle when a child who is not in the custody of OKDHS is transported by a CW worker.
SUBCHAPTER 6. PERMANENCY PLANNING

PART 1. GENERAL PROVISIONS

Section
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

PART 3. PROGRAM OVERVIEW [REVOKED]

340:75-6-10. Program responsibilities [REVOKED]
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]

PART 5. PERMANENCY PLANNING SERVICES

340:75-6-24. Scope of court involved permanency planning services [REVOKED]
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
340:75-6-31. Permanency planning for children in custody
340:75-6-31.1 Permanency Planning Review (PPR) System
340:75-6-31.2 Reunification services for Temporary Assistance for Needy Families (TANF) recipients
340:75-6-31.3 Court supervision of cases after reunification - Aftercare
340:75-6-31.4 Supported Permanency
340:75-6-31.5 Establishment of paternity

PART 7. CASE PLANS

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340:75-6-40.1 Placement Plan
340:75-6-40.2 Placement provider information
340:75-6-40.3. Family/Child Strengths and Needs Assessment
340:75-6-40.4. Treatment Plan and Individualized Service Plan
340:75-6-40.5. Court reports
340:75-6-40.6. Case contacts
340:75-6-40.7. Family visitation screen
340:75-6-42. Treatment Plan Report, CWS-KIDS-10 [REVOKED]
340:75-6-43. Court reports (CWS-KIDS-11) [REVOKED]
340:75-6-44. Case planning for heinous and shocking cases or reasonable efforts not required
340:75-6-45. Case planning for incarcerated parents
340:75-6-46. Services to Child Welfare (CW) youth involved in the juvenile justice system

PART 8. ROLE OF THE CHILD WELFARE WORKER

340:75-6-47. Role of the Child Welfare worker
340:75-6-48. CW worker contacts with child, placement providers, parents, and service providers
340:75-6-48.1. Role of the child’s attorney
340:75-6-48.2. Role of the child’s court-appointed special advocate or guardian ad litem
340:75-6-48.3. Protocol for missing, abducted, or runaway children in OKDHS custody or supervision
340:75-6-49. Religious and cultural observation
340:75-6-50. Education
340:75-6-51. Travel outside the county or state [REVOKED]

PART 9. MATERNITY SERVICES [REVOKED]

340:75-6-54. Provision of services to expectant parents [REVOKED]
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]
340:75-6-66. Referrals to service providers [REVOKED]
340:75-6-67. Community Based Services [REVOKED]
340:75-6-68. Case evaluation and case closure [REVOKED]
340:75-6-69. Divorce Home Studies [REVOKED]

PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES

340:75-6-85. Placement responsibilities
340:75-6-85.2. Diligent search for relatives and kin
340:75-6-85.3. Child Welfare (CW) worker placement responsibilities for siblings
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PART 13. INDEPENDENT LIVING

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340:75-6-111. Preparation for adult life/independent living initiative [REVOKED]
340:75-6-112. Administration [REVOKED]
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340:75-6-115.3. Independent living contingency funds
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340:75-6-115.10. Independent living specialized community homes
340:75-6-116. Oklahoma Children's Services (OCS) [REVOLED]
340:75-6-117. Matrix of independent living services [REVOLED]
340:75-6-31. Permanency planning for children in custody

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

(1) The permanency plan preferences are:

(A) reunite the child with the child's family;

(B) terminate parental rights and place the child for adoption;

(C) establish guardianship; or

(D) provide a planned alternative permanency placement.

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

(3) The CW worker informs the parent(s) of all of the alternatives from the outset to assist in choosing what is best for the child and parent(s). 1

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

(1) Form 04KI008E, Treatment Plan, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, containing current documentation of the parent(s)' progress, correspondence, consultations, or conferences with service and placement providers and professionals who interact with the child and parent(s);

(2) KIDS Contacts and Visits screens, containing pertinent information gained from visits and CW worker contacts with the child, parent(s), placement provider, and service providers;
(3) statements by the parent(s) that indicate the parent(s)' perceptions of:

(A) the child;

(B) parenting the child; and

(C) abuse and neglect issues that required corrections;

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

(5) staffing with the CW supervisor;

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

(7) conclusions or recommendations by a multidisciplinary staffing;

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

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

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

(11) Form 04KI024E, Ongoing Safety Assessment, which reflects whether the level of risk has increased or decreased compared to the risk identified on Form 04KI023E, Safety Assessment, completed at the time of the investigation resulting in the child's removal.

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

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

(2) it is determined that the conditions that necessitated intervention have not been corrected even though sufficient time and services have been provided.
(d) **Exceptions to reunification as the initial permanency plan.** Situations that require an alternative permanency plan to reunification as the initial permanency plan include:

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

(e) **Reunification services.** Prior to reunification with a parent(s) who has contributed to the abuse, neglect, or both, of the child, a court order granting approval is required.

In preparation for reunification and to provide to the court for consideration, the CW worker ensures the activities in (1) through (7) occur.

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

5. The CW worker informs the placement provider of the possibility of the child's reunification, provides information to the placement provider regarding the child, and includes the placement provider in permanency planning.
(6) The CW worker obtains supporting information from service providers about the degree of safety in the family home.

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

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

(1) The risk that necessitated the intervention is minimized, a plan is in place to address the child's safety, and the plan is documented on Form 04KI024E, Ongoing Safety Assessment.

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

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

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

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

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

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

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

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

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

   (B) visits irregularly;

   (C) frequently misses scheduled visits; or

   (D) arrives late and leaves early.

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

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

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

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

(7) The finding of the permanency hearing.

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

(i) Adoption. When a child cannot return safely to his or her own home, adoption is the preferred permanency plan in most cases. Consultation about adoptive placement for the child is initiated with the adoption specialist to discuss permanency planning options when reunification appears no longer feasible. This consultation is held regardless whether termination of parental rights has been recommended to the court.

(j) Legal guardianship or permanent custodian. A guardianship or permanent care and custody transferred to another person or kinship guardian may be the permanency plan for a child, per OAC 340:75-1-18.2 and 340:75-1-18.3, when a child is placed with a person who is reluctant to adopt due to extenuating circumstances.

   (A) Guardianship or a permanent custodian is not preferred over adoption because this option does not provide the same level of family permanency.
(B) Subject to the availability of funds, financial assistance is available to the legal guardian or legal custodian, provided the eligibility requirements are met, per OAC 340:75-6-31.4.

(k) **Planned alternative permanency placement.** A plan for planned alternative permanency placement may be appropriate for a child when OKDHS documents a compelling reason for the court to determine that to return home, be placed for adoption, or guardianship is not in the child’s best interests. Long-term out-of-home care is only an option when:

1. all other permanency plans have been explored and are not feasible or in the child's best interests; or

2. the child chooses not to be adopted after adoption has been thoroughly explored, explained, and the opportunities demonstrated.

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

**INSTRUCTIONS TO STAFF 340:75-6-31**

1. **Permanency plan selections.**

   (1) **Concurrent planning.** Concurrent planning provides for reunification services while simultaneously developing an alternative plan, if reunification efforts fail or are no longer feasible. Placement resources are evaluated regarding the potential to develop into a permanent placement for the child to prevent unnecessary movement. The parent(s) is kept informed of the planning for the child and the reasons are explained.

   (2) **Selecting the appropriate permanency plan.** To establish an appropriate plan, a plan is selected on Form 04KI008E, Treatment Plan, or 04KI012E, Individualized Service Plan (ISP), and Form 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable, that best serves the child's interests and long-term needs, including safety, well-being, and permanence. The Child Welfare (CW) worker reassesses the appropriateness of this plan at each update of Form 04KI008E or Form 04KI014E. Permanency planning is directed toward one of the permanency plans listed in (A) through (G).

   (A) **Maintain in own home.** The child's own home is determined by CW to be the appropriate, safe, and permanent living situation.
(i) The child is in the home of the parent(s) and the short-term risk of abuse or neglect is under control.

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

(B) Return to own home. The child's own home is determined by CW as the appropriate, safe, and permanent living situation.

(i) The child was removed from the home for protection from abuse or neglect. CW is providing services to the family to reduce the risk of abuse or neglect enough for the child to return home and live there safely.

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

(C) Guardianship. The home of a relative, kin, or another person is determined by CW as the appropriate, safe, and permanent living situation.

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

(ii) The relative, kin, or another person is willing and able to protect the child, assume responsibility for the child's care and upbringing, and assume guardianship of the child. Permanent placement is usually preceded by temporary placement with the relative, kin, or another person.

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

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

(ii) One of the conditions in (I) through (V) has or will occur in the near future.
(I) A request is made that the court find that efforts to reunite the child have been made and failed.

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

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

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

(V) Parental rights are terminated.

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

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

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

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

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

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

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

2. Guide for determining feasibility of reunification. The questions in this Instruction are used as a guide in assessing the potential for successful reunification and as a checklist for determining inhibitors to reunification.
(1) Has the parent(s) demonstrated learning and behavioral change related to the abuse or neglect that caused the intervention?

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

(3) If the abuse or neglect that precipitated intervention was severe, brutal, or cruel, has the perpetrator made sufficient progress in completing the plan established to address the reason(s) the child came into care, is the perpetrator no longer present in the home, or is the non-offending parent able to protect the child?

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

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

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

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

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

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

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

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

(12) Is there healthy, age appropriate communication between the parent(s) and the child?
(13) Do the levels of risk identified on Form 04KI024E, Ongoing Safety Assessment, reflect a decrease compared to the levels of risk identified at removal?

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

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

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

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

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

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

(b) Protocol when a child is reluctant to return home. When the parent(s) has corrected the conditions leading to CW intervention but the child is reluctant to return home, the parent(s) is informed of the child’s preference and is involved in the resolution, whether through family counseling, consultation with the CW worker, or a gradual reunification process. This requires involvement of the placement provider, child’s counselor, or other service provider to explore the possibility of:

   (1) abuse or neglect that has not been disclosed or discovered;

   (2) family violence, substance abuse, or conflicts that have not been resolved;

   (3) fears about the parent(s)’ treatment of the child;
(4) belief that the parent(s), stepparent, or other adults and children in the home feel negatively toward the child;

(5) fear or disapproval of the stepparent or other adults and children involved or living with the parent(s);

(6) concerns that conditions in the home, such as reliable meals, cleanliness, housekeeping conditions, appropriate clothing, and similar necessities, are not available; and

(7) preferential treatment by the parent(s) of other children or persons who are involved with the parent(s).

(c) Trial reunification - OKDHS custody. When requesting the court’s approval for reunification with a parent(s) on Form 04KI009E, Court Report, or Form 04KI014E, the CW worker recommends that the child remain in the custody of Oklahoma Department of Human Services (OKDHS) for six months, to continue the child’s Title IV-E eligibility. If the court authorizes trial reunification and the child remains in OKDHS custody, the CW worker:

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

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

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

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

(1) When removal of a child is necessary due to abuse, neglect, or both, the CW worker completes a referral and investigation, per OAC 340:75-3.
(A) When the child is in OKDHS custody, the CW worker completes for the court, prior to or within one working day after the removal of the child, Form 04PP002E, Request for Termination of Trial Reunification, with the reasons trial reunification must be terminated.

(i) The CW worker requests an ex parte order authorizing OKDHS to terminate the trial reunification and offers to the court Form 04PP003E, Order Terminating Trial Reunification. Form 04PP003E is utilized at the court's discretion.

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

(B) When the child is not in OKDHS custody or the trial reunification went beyond the six months without a court order that contained the required language extending the trial reunification, the CW worker completes Form 04PP002E with the reasons the child must be removed from the home.

(i) The CW worker presents Form 04PP002E to the district attorney (DA) who prepares an application for an emergency custody order.

(ii) The DA obtains an emergency custody order with judicial findings of "contrary to the welfare" and "reasonable efforts to prevent removal."

(2) Title IV-E redetermination. After the child is removed from the home, Title IV-E eligibility is redetermined, per OAC 340:75-13-15.

(f) Addressing concerns identified during trial reunification. Prior to the end of the first six months, if the reunification process appears marginal but may improve with additional or continued services, the CW worker:

(1) requests a court order authorizing trial reunification for a specified period of time and the continuance of the child in OKDHS custody; and

(2) depending on the court order:
(i) updates the KIDS Trial Reunification placement episode with the new projected reunification date, when the court order authorizes trial reunification for a specified period of time and that the child remain in OKDHS custody; or

(ii) end dates the KIDS placement episode with the exit reason of Reunification, when the court order returns legal custody to the parent(s) or the court order does not contain the required language.

(g) Protocol when trial reunification - OKDHS custody is successful. If, at the end of the first six months, the reunification process appears successful, the CW worker asks the court to return legal custody to the parent(s) and relieve OKDHS of legal custody and supervision. The CW worker:

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

(2) when the court orders OKDHS to continue custody, supervision, or both, follows the contact requirements outlined in OAC 340:75-6-48.
340:75-6-31.5. Establishment of paternity

(a) In cases where paternity has not been legally established for a child in the custody of Oklahoma Department of Human Services (OKDHS), Child Welfare (CW):

(1) requests the court to establish paternity in the juvenile court action; or

(2) cooperates with OKDHS Child Support Enforcement Division (CSED) to establish paternity per OAC 340:25-5-176.

(b) CW does not pursue a paternity action or request genetic testing when:

(1) paternity is voluntarily acknowledged in Oklahoma or another state and not rescinded within the allowable time, per Section 70 of Title 10 of the Oklahoma Statutes (10 O.S. § 70);

(2) the child is born during the course of the marriage and is reared by the husband and wife as a member of their family without disputing the child's legitimacy for a period of at least two years, per 10 O.S. § 3; or

(3) paternity is established by a district or administrative court order, per 10 O.S. § 70.

(c) If no other conclusive presumption of paternity or court determination of paternity exists for a child, the parent(s) may complete and sign Form 03PA209E, Acknowledgment of Paternity. The CW worker refers the parent(s) to CSED.

(1) CSED provides Form 03PA209E for voluntary acknowledgment of paternity, per 63 O.S. § 1-311.3(B).

(2) Signed and witnessed forms must be filed with Oklahoma State Department of Health Vital Records Division.

INSTRUCTIONS TO STAFF 340:75-6-31.5

1. Paternity establishment. For any child in Oklahoma Department of Human Services (OKDHS) custody for whom paternity has not been legally established, the Child Welfare (CW) worker views the Child Support Enforcement Division (CSED) Case Log Inquiry (CSLOGI) and Information and Referral Inquiry (CIRI) screens on the automated Oklahoma Support Information System (OSIS) no later than 30 days after the child's removal from
the home to determine whether paternity has been established and documented by CSED.

(1) When paternity has been legally established, per OAC 340:75-6-31.5(c), the CW worker:

(A) contacts the father;

(B) enters the father as a participating member in the KIDS case;

(C) explores placement of the child with the father or any other family member; and

(D) documents all contacts with the father and any family member in KIDS Contacts screen.

(2) When paternity has not been legally established, the CW worker:

(A) contacts the alleged father, if applicable;

(B) enters the alleged father as a participating member in the KIDS case, if applicable;

(C) documents attempts to establish paternity in KIDS Contacts screen;

(D) continues to pursue information from the mother and any other person who may have information regarding paternity of the child; and

(E) notifies the court and assistant district attorney of all alleged fathers.
340:75-6-40.2. Placement provider information

When a child in the custody of Oklahoma Department of Human Services (OKDHS) is moved from one placement to another, the Child Welfare (CW) worker has specific responsibilities to provide services, per OAC 340:75-6, Part 11. Form 04KI004E, Placement Provider Information, accompanies the child placed in out-of-home care as soon as the information becomes available, but no later than 30 days after the initial placement in out-of-home care or 14 days after subsequent placements in out-of-home care. This form includes, but is not limited to, the most recent information available regarding the health and education records of the child.

(1) The CW worker ensures the placement provider signs Form 04KI004E and provides a copy to the placement provider.

(2) Form 04KI004E is completed on all changes of placement for a child in OKDHS custody except when the child is placed in own home or a shelter.

INSTRUCTIONS TO STAFF 340:75-6-40.2

1. Form 04KI004E, Placement Provider Information, is printed from the reports icon in KIDS, and builds from information input into the KIDS system. This report is dynamic and will change as information is added or modified within KIDS. Re-printing of this report for the provider is recommended every six months.
340:75-6-40.3. Family/Child Strengths and Needs Assessment

(a) **Purpose of assessment.** Completing Form 04KI006E, Family/Child Strengths and Needs Assessment, is the initial and most important step in the permanency planning process. Information obtained during the assessment or investigation of the referral is the foundation for the treatment and service plan. The process is ongoing as information is gathered, obtained, and added to the assessment document. When the initial permanency plan is not reunification, such as when a heinous and shocking petition includes a recommendation for immediate termination of parental rights or a court finding of reasonable efforts is not required, the assessment is conducted on the child rather than the family.

(b) **Assessment procedure.** The assessment is conducted in the family home no later than 60 days from removal or the filing of the petition, or sooner if the family is willing to begin the process earlier.

1. The assessment is completed with as many members of the household present as possible.

2. A child in placement may be brought to the home for the assessment, if case circumstances and safety permit, affording an opportunity to observe parent-child interaction.

3. Assessment information is obtained from immediate family, extended family, placement providers, service providers, schools, other Oklahoma Department of Human Services (OKDHS) units or divisions, and the Office of Juvenile Affairs.

4. The assessment assists in establishing rapport, learning the family's history and current functioning patterns, and identifying support systems, strengths, and the child's and family's needs.

(c) **Assessment results.** The assessment provides a list of the child's risk related, safety, and other needs. The child's safety needs are incorporated into the parent's individualized treatment and service plan along with desired results that demonstrate the parent(s) can meet the child's needs. Services are provided to enhance and develop the child's strengths and focus on the child's well-being.

(d) **Subsequent family strengths and needs assessments.** When a child moves from temporary to permanent custody, a subsequent family strengths and needs assessment is conducted on the child to identify specific services and activities to enable completion of the child's permanency plan. An additional assessment is
completed whenever needed, such as when there is a substantial change in the family structure or risk factors affect the safety of the child. □ 4

INSTRUCTIONS TO STAFF 340:75-6-40.3

1. Case review. Prior to initiating the assessment, the Child Welfare (CW) worker reviews the entire CW record, including previous child abuse or neglect investigations, reports to the district attorney, and all other previous Oklahoma Department of Human Services (OKDHS) history with the family.

2. (a) Establishing rapport. In an effort to establish rapport during the assessment process, the parent(s) is informed that the initial goal is assisting the parent(s) in developing the ability to protect and care for the child in order for reunification to occur in a timely manner. The CW worker:

   (1) informs the parent(s) that CW will assist in obtaining the required services and encourages the parent(s) to access needed services immediately;

   (2) discusses with the family the importance of the court and permanency planning process; and

   (3) provides to the parent(s) OKDHS Publication No. 99-27, Away From Home, A Parent's Guide to Out-of-Home Placement, which explains what happens with the child, what the parent(s)' rights are, and what is expected of the parent(s).

(b) Problem resolution. If a parent and a CW worker are in disagreement and the parent has a complaint the CW worker is unable to resolve, the CW worker advises the parent that complaints regarding staff performance and other staff related issues are handled within the CW worker's Field Operations Division chain of command. The CW worker provides the parent information regarding reporting complaints to the Office of Information and Referral.

3. Helpful assessment tool. Form ODH 347, Medical and Social History Report for Adoption, is an excellent tool to assist in the assessment process and is an essential piece of concurrent planning. Form ODH 347 helps identify child and family needs and facilitates the identification and documentation of relative resources.
(1) For any relatives who are identified during completion of the form, the CW worker requests current addresses and phone numbers.

(2) For biological parents whose permanency plan is reunification, the CW worker removes the first page of Form ODH 347 that refers to adoption and files this page in the case record.

4. Pregnancy and newborns in an open or closed permanency planning case.

(1) A newborn is at serious risk of harm when:

(A) reunifying a sibling(s) currently in out-of-home care remains unsafe;

(B) there is a pending request for termination of parental rights to a sibling(s); or

(C) termination of parental rights has occurred to another sibling(s).

(2) When a CW worker becomes aware of a pregnancy involving a mother or father who is included in an open permanency planning case, the CW worker:

(A) requests the mother or father provide the name and phone number of the physician and sign a release for the CW worker to consult with the physician. If the mother or father refuses to provide the information or sign the release, the CW worker contacts the district attorney to request a court order to obtain the physician's information and allow the CW worker to release information to the physician;

(B) contacts the physician and provides pertinent information regarding the mother's or father's CW history;

(C) requests the mother or father and physician notify the CW worker immediately upon delivery of the child;

(D) when the mother or father refuses to disclose or provide information and the district attorney declines to request a court order, establishes contact with other known family members or service providers who may provide information about the birth of the newborn;
(E) maintains weekly contact with the mother or father during the month prior to delivery;

(F) if at any time during the pregnancy, the location of the mother or father is unknown, requests a protective service alert, per OAC 340:75-3-6 Instructions to Staff 7;

(G) upon delivery of the newborn, immediately initiates a referral and an investigation, per OAC 340:75-3-6.1.

(i) The risk of harm is based on the CW history of the mother, father, or both. New allegations are not required to initiate court intervention on behalf of the newborn.

(ii) Inclusion of information on the newborn in Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan Progress Report, is not sufficient and does not replace the need for an investigation and a determination regarding court involvement; and

(H) documents all contacts in the KIDS Contacts screen.

(3) When a CW worker becomes aware of a pregnancy involving a mother or father who previously participated in a permanency planning case where reunification was not successful, the CW worker follows OAC 340:75-6-40.3 Instructions to Staff 4(2)(G).
340:75-6-40.4. Treatment Plan and Individualized Service Plan

(a) Family plan. The Child Welfare (CW) worker and family develop the initial treatment and service plan, Form 04KI012E, Individualized Service Plan (ISP), after the strengths and needs assessment is completed and prior to the dispositional hearing. Participation or input from the parent(s), legal guardian, placement provider, child, if appropriate, child's attorney, and guardian ad litem, if applicable, are also utilized in the development of the plan. An age appropriate child, regardless of legal status, participates, if feasible. The plan:

1. is initiated as soon as a family is willing to begin the process. A plan is developed prior to the dispositional hearing or no later than 60 days from the child's removal or the filing of the petition regardless of the status of the case in court in order that services to correct conditions that created the risk to the child may begin. The plan is filed with the court prior to the dispositional hearing or no later than 30 days after adjudication if the dispositional hearing has not been held;

2. addresses the conditions the parent(s), legal guardian, legal custodian, stepparent, or other adult person living in the home must change in order to alleviate the risks to the child and the conditions of deprivation set out in the petition;

3. is individualized and specific to each child and parent with specified time frames;

4. contains all of the risk related needs and safety issues in order to prevent the return of the child to an unsafe home. The allegations in the deprived petition are the risk factors that must be addressed.

   (A) Risk factors that relate to those identified in the petition may also be included in the plan, for example, neglect is alleged in the petition but the basis for the neglect is substance abuse.

   (B) The parent's improvement on identified non-risk related needs is not used as a basis for recommending reunification unless the parent has made significant progress on the risk related needs;

5. is recommended to the court by the CW worker at the first dispositional hearing on Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report. Prior to the dispositional hearing, the plan is initiated with the parent(s) on a voluntary basis;

6. is revised after the first dispositional hearing to conform to the court’s order;
(7) is updated by utilizing Form 04KI008E, Treatment Plan, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, when Form 04KI012E is used to develop the initial plan, to document the parent(s)' progress toward completion every six months or prior to every review and dispositional hearing, whichever is earlier, and submitted to the court three days prior to the hearing;

(8) when Form 04KI008E is used and submitted for review hearings, is signed by the parent(s), age appropriate child, CW worker, and CW supervisor and a copy is provided to the designated persons; ■1 & 2

(9) in accordance with Section 7003-5.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 7003-5.3), includes this statement: TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU;

(10) is written by the CW worker in simple and clear language that is understood by the parent(s) or the persons for whom the plan is intended. If the person does not read or understand English, the plan must be translated to the person's principal language, per 10 O.S. § 7003-5.3;

(11) is provided to the child's attorney, guardian ad litem, placement provider, and parent(s) after it is approved by the court;

(12) includes the permanency plan for the child and an explanation for this plan; ■4

(13) specifically provides for the safety of the child, in accordance with state and federal law, and clearly defines what actions or precautions are necessary to provide for the safety and protection of the child;

(14) includes a description of any visitation rights and addresses the parent(s)' obligation to assist in the financial support of the child.

(A) The amount of financial support is based on the child support guidelines, per 43 O.S. § 118 and 119, that the court must follow when entering a child support order in a deprived court action.
(B) The child support order is filed as a separate document from the plan and a child support computation form is attached, per 10 O.S. § 7003-8.8; and

(15) includes documentation, when applicable, that the parent(s) is unwilling to participate in the development or implementation of the plan.

(b) **Child only plan.**

(1) When the CW worker determines that return to own home is no longer the permanency plan, the court determines that reasonable efforts have been made and failed or are not required, or a Petition for Termination is filed or rights of the parent(s) are terminated, the CW worker develops a plan that addresses the permanency plan for the child. Participation or input from the placement provider, child, if age appropriate, child's attorney, and guardian ad litem, if applicable, are utilized in the development of this plan. If the child, age 12 years or younger, is unable to sign, the placement provider signs for the child.

(2) When the permanency plan for the child is adoption or other permanent placement, information is provided in the plan regarding child-specific recruitment efforts such as the use of state, regional, and national adoption exchanges, including electronic exchange systems to facilitate timely and orderly in-state and interstate placements. The plan documents the steps the Oklahoma Department of Human Services (OKDHS) takes to:

(A) find an adoptive family or other permanent living arrangement for the child;

(B) place the child with an adoptive family, a fit and willing kinship relation, legal guardian, kinship guardian, or in another planned permanent living arrangement; and

(C) finalize the adoption, guardianship, kinship guardianship, or other permanent placement.

(c) **Independent living plan.** Federal law requires the initiation of an individualized independent living (IL) plan with every child in the custody of OKDHS and out-of-home placement upon reaching the age of 16 years, per Part 13 of OAC 340:75-6.

(d) **Revisions to the plan.** A court-ordered plan or portion of a plan may not be changed except by further order of the court. All changes to the plan are developed with the family and child, as appropriate, and recommended to the court at the next hearing. The placement provider is informed of any change that impacts the child's care. Changes are made when one of the circumstances in (1) through (4) exists.
(1) **Abuse or neglect allegations.** When new allegations of abuse or neglect are confirmed and result in an amended or new petition, a request is made to the district attorney for an accelerated hearing to consider the revisions.

(2) **Underlying causes.** Discovery is made of additional underlying causes, such as substance abuse, that require treatment.

(3) **New adult in the household.** An additional adult, such as the mother’s new husband, becomes a part of the family home.

(4) **Court-ordered standards.** When the court orders modification of the plan, the plan is revised to include the new standards ordered by the court. The parent(s) is informed of the additions and provided a copy of the new plan.

(e) **More than one plan for the child and family.** There are some circumstances in which more than one plan is necessary. For example, if the child’s parents are living separately with separate families and both are involved with the child in OKDHS custody either as the custodial parent with whom reunification is the permanency plan, or the noncustodial parent who has visitation through the divorce court, a plan for each family is appropriate.

(f) **Child in custody who is a parent.** A plan is developed with a child in OKDHS custody who is the parent of a child in OKDHS care, regardless whether the younger child is in OKDHS custody. Services are identified and provided to assist the child in OKDHS custody in parenting his or her child, per OAC 340:75-6-85.6.

(g) **Substance abuse treatment.** 10 O.S. § 7003-5.3 specifies that when a child who at birth tested positive for alcohol or a controlled dangerous substance and was determined at risk for future exposure to these substances, was removed from the home, the plan, subject to court approval, may require:

   (1) the mother of such child to complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the child's return home;

   (2) the father, legal guardian, legal custodian, stepparent of the child, or other adult person living in the home, who is an alcohol or drug-dependent person, as defined by 43A O.S. § 3-403, and whose conduct contributed to the child's or mother's dependency on alcohol or drugs or to the conditions that caused the deprived adjudication of the child, complete a treatment program approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority prior to the child's return to the safe home; or
(3) monthly testing for substance abuse of the mother, father, legal guardian, legal custodian, stepparent, or other adult person living in the home, for a 12-month period after completing the substance abuse program and the child's return home. A positive test must be presented to OKDHS and the district attorney. Testing ordered by the court is admissible only for the purpose of juvenile and custody proceedings.

INSTRUCTIONS TO STAFF 340:75-6-40.4

1. Forms 04KI008E and 04KI012E. The information that is included in either Form 04KI008E, Treatment Plan, or Form 04KI012E, Individualized Service Plan (ISP), is outlined in the forms instructions prepared for each form. These instructions are located on the Oklahoma Department of Human Services (OKDHS) InfoNet under Forms.

2. Age appropriate child. An age appropriate child is age ten or older with the exception of a child with severe developmental disabilities or a child younger than age ten who is intellectually capable of understanding and communicating ideas and opinions concerning the development and completion of the plan.

3. Estimated completion dates. Every plan has an overall estimated completion date. For a family plan, the estimated completion date is not changed when adequate time is given to the parent(s) and the parent(s) fails to complete the plan. The parent(s) is:

   (1) informed that services have time constraints due to statutory requirements and of the psychological and emotional harm that may occur to the child in out-of-home placement; and

   (2) advised that the child, if age appropriate, is made aware of the parent(s)' progress on the plan.

4. Permanency plan. OKDHS recommends the permanency plan and concurrent permanency plan. OKDHS recommends the permanency plan in order for the court to make a judicial finding regarding "reasonable efforts."

   (1) The recommendation for the permanency plan and recommendation for the judicial finding must be consistent.
(A) When OKDHS recommends the court modify the judicial finding, the recommended modification and a concise explanation supporting the reason for the modification is provided in the Recommendations section of Form 04KI009E, Court Report, and Form 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable.

(B) The permanency plan is updated to be consistent with the modified recommendation to the court. An example of inconsistency between the judicial finding and the permanency plan is when the Child Welfare (CW) worker requests the court enter a finding that reasonable efforts have failed but the permanency plan is Return to Own Home.

(2) The CW worker's recommendation regarding the permanency plan is based on the child's best interests, not on the expected response or receptivity of the court.

5. Child support. When the court has not addressed child support, the CW worker recommends child support be court-ordered, per OAC 340:75-13-26. When child support is court-ordered and the parent fails to comply, the CW worker recommends the court address this matter with the parent.
340:75-6-40.5. Court reports

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

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

(c) Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, is submitted for review hearings held no later than six months after the date of the child's out-of-home placement and at least every six months thereafter, and permanency hearings as required by Section 7003-5.6d of Title 10 of the Oklahoma Statutes and OAC 340:75-1-18.1.

(d) Form 04KI009E, 04KI014E, 04KI013E, or 04KI011E is prepared and submitted according to judicial procedure in the county of jurisdiction or no later than three judicial days prior to each hearing and a copy is provided to and discussed with the child's parent(s). Reports, correspondence, and information provided by other professionals working with the family, including the foster parent, are attached or incorporated into the applicable report to the court.

INSTRUCTIONS TO STAFF 340:75-6-40.5

1. Court reports.

   (1) Information. The information that is included in Forms 04KI011E, Preadjudication Court Report, 04KI009E, Court Report, 04KI013E, Individualized Service Plan (ISP) Dispositional Report, and 04KI014E, Individualized Service Plan (ISP) Progress Report, is outlined in the forms instructions prepared for each form. These instructions are located on the Oklahoma Department of Human Services (OKDHS) InfoNet under Forms.

   (2) OKDHS recommendations. The CW worker makes a recommendation regarding disposition of the child's case on every Form 04KI011E, 04KI009E, 04KI013E, or 04KI014E. This includes, but is not limited to, child's custody arrangement, legal status, and requests for court action or approval.

      (A) The recommendation is made after staffing the current case status with the CW supervisor and is based on the parent(s)' progress and child's need for permanency. The recommendation is not based on the anticipated response or receptivity of the court.
(B) A concise explanation is provided to support the reasons for the
recommendation.

(3) Recommended findings. At each dispositional or review hearing, the
court makes findings based on the circumstances of the case. The
recommended findings in KIDS and documentation that is required on
Form 04KI011E, 04KI009E, 04KI013E, or 04KI014E for the judicial finding
are described in (A) through (I).

(A) Active efforts are being made to reunite the child with his or her
family. This finding is used in cases where the court makes a judicial
finding that the Indian Child Welfare Act (ICWA) applies. The CW worker
describes the active efforts made, such as involving and assisting the
parent(s) in completing the plan, visiting the child, or obtaining the
parent(s)' compliance, if the parent(s) is not working the plan.

(B) Active efforts have been made and failed and are no longer feasible.
This finding is used in cases where the court makes a judicial finding
that ICWA applies. The CW worker describes the active efforts made to
obtain the parent(s)' compliance and reasons that further efforts are no
longer feasible.

(C) Reasonable efforts are being made to reunite the child with his or
her family. The CW worker describes efforts to refer to, arrange for, or
develop reasonable supportive and rehabilitative services that assist
the family in the safe reunification of the child or the efforts made to
obtain the parent(s)' compliance, if the parent(s) is not working the plan.

(D) Reasonable efforts have been made and failed. The CW worker
describes efforts to refer to, arrange for, or develop reasonable
supportive and rehabilitative services that assist the family in the safe
reunification of the child and the reasons that further efforts are no
longer feasible.

(E) Reasonable efforts are being made to secure an alternate permanent
placement for the child. The CW worker describes activities to locate
an alternative permanent placement for the child when other options,
including adoption, relative or kinship placement, or guardianship have
been explored but are not appropriate.

(F) Reasonable efforts are being made to timely place the child in
accordance with the permanency plan. The CW worker describes the necessary steps taken to finalize the child's permanency plan, including the consideration of in-state and out-of-state placement options.

(G) Reasonable efforts to reunite the child with the family are not required. The CW worker describes the reasons reasonable efforts are not required based on the statutorily defined reasons, per OAC 340:75-1-18.4.

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

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

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

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

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

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

(5) Protocol for multiple county assignments.

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

(i) date of court review;

(ii) notification of opening KIDS court report; and

(iii) request for each assigned worker to enter all applicable
information by a specified date, including a recommendation regarding permanency for the child, services required, and visitation issues.

(B) If there is disagreement regarding any case related issues, the CW worker not in agreement consults with his or her CW supervisor to determine necessary action via:

(i) teleconference; or

(ii) face-to-face staffing among all assigned CW staff.

(C) Pertinent information entered in the court report is not changed without notification to the CW worker who entered the information.

(6) Documentation of court hearings. The CW county of jurisdiction worker enters complete, detailed information in the applicable KIDS Court Hearing screens no later than 15 days after a court hearing is held.

(7) Court hearing documentation and notification protocol for multiple county assignments. The CW county of jurisdiction worker:

(A) e-mails all assigned CW workers and supervisors no later than one working day after a court hearing is held and includes:

(i) any major changes regarding visitation, custody status, placement decisions, or service provisions; and

(ii) date of next court hearing; and

(B) provides a copy of the most recent court order to the CW county of service or placement worker within two working days of receipt.
340:75-6-48. **CW worker contacts with child, placement providers, parents, and service providers**

(a) **Child and placement provider.** The purposes of a Child Welfare (CW) worker's contacts include, but are not limited to, maintaining the child's connections to his or her family, allowing the worker to evaluate the interactions, conditions, and services the child is receiving, particularly those in the home or in placement, and establishing and maintaining a teamwork relationship. ☐ 1 CW worker contacts with the child in Oklahoma Department of Human Services (OKDHS) custody and the placement provider are provided in (1) through (7).

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

(A) The CW worker in the county of placement has face-to-face contact with the child in the foster home within the first two weeks of each placement and a minimum of once every calendar month thereafter, with no more than 31 days between contacts. This applies to a child placed in:

(i) paid or non-paid kinship placement;

(ii) regular foster care;

(iii) contract foster care; and

(iv) therapeutic foster care.

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

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

(D) If there is good cause to believe that a child needs to be interviewed privately during a contact in the foster home, for reasons other than abuse and neglect allegations, the foster parent provides a place in the home where the child can be interviewed outside the foster parent's presence. ☐ 2

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

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

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

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

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

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

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

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

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

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

(ii) Each calendar month the facility liaison completes the required contact with the child, the CW worker contacts the facility liaison to communicate any pertinent actions that either require initiation or follow-up in order to achieve the child's permanency plan.

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

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

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

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

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

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

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

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

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

(8) Own home.

(A) The CW worker has face-to-face private contact with the child a minimum of once every calendar month, with no more than 31 days between contacts. When the child:

(i) initially returns to the parent(s) or is in the custody of the parent(s) in a supervision only case, the first three contacts are in the child's home.
Contact location may then alternate between the home and any other location; and

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

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

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

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

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

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

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

(C) in the county of jurisdiction, when the child is placed outside the county of jurisdiction, contacts monthly, either by phone, electronic mail, or in person, the CW county of placement worker to communicate any pertinent actions that
require initiation or follow-up in order to achieve the permanency plan for the child.

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

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

(B) During the months when the CW worker's contact with the youth is not in the provider's home, the worker contacts the youth and the provider by phone. 5

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

(5) **ICPC placement in residential treatment centers or group homes.** The CW worker has face-to-face contact with the child at least every 90 days in the facility when placed in Oklahoma and every six months when placed out-of-state through Interstate Compact on the Placement of Children (ICPC), per OAC 340:75-1-86.

(6) **Sunbeam Family Programs placement.** When the child in out-of-home placement is placed with Sunbeam Family Programs, the assigned Sunbeam Family Programs worker has face-to-face, private contact with the child in the home per contract specifications. This worker's contact meets the minimum monthly requirement for contact with the child. The CW worker maintains responsibility for coordination and completion of Form 04K1009E, Court Report, or 04K1014E, Individualized Service Plan (ISP) Progress Report, and attendance at any court hearing involving the child.

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

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

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

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

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

(i) staff the case;

(ii) discuss current case circumstances; and

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

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

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

(5) parental rights have been terminated; or

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

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

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

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

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

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

1. schedules, attends, and presents safety issues and needed changes at the CHBS intake staffing no later than 15 working days from the date the authorized referral is assigned; 6
2. participates in monthly staffings, in person or by phone, with the assigned CCM or parent aide;
3. reviews at least monthly the CCM or parent aide KIDS contacts and reports; and
4. responds to critical incident reports, faxed or phoned in to the CW worker by the CCM or parent aide, that are risk alerts, per OAC 340:75-1-152.9.

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

1. (a) **Contact guides.** Contact guides are available for use when making contact with a child in out-of-home placement, parent(s), and placement provider. Guides that provide a format to assist the Child Welfare (CW) worker in gathering and documenting information obtained during a contact are Forms:
   1. 04MP007E, Contact Guide for Face-to-Face Visit with Child(ren);
   2. 04MP002E, Contact Guide for Face-to-Face Visit with Parent(s)/Legal Guardian(s);
   3. 04MP003E, Contact Guide for Face-to-Face Visit with Placement Provider(s);
   4. 04MP004E, Contact Guide for Face-to-Face Visit with Newborn(s) – Age 0 to 6 Months;
   5. 04MP005E, Contact Guide for Face-to-Face Visit with Infant(s) – Age 7 to 12 Months;
(6) **04MP006E**, Contact Guide for Face-to-Face Visit with Toddler(s) – Age 13 to 36 Months; and

(7) **04MP008E**, Contact Guide for Face-to-Face Visit with Youth – Age 16 to 18.

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

(1) ensuring the parent(s) understands the treatment and service plan and the consequences of failure to correct the conditions of intervention;

(2) informing the parent(s) of the next court hearing;

(3) assessing the parent(s)' ability to provide a safe home environment for his or her child;

(4) evaluating the home situation and progress on the treatment and service plan;

(5) providing the parent(s) with information about the child and services the child is receiving, including medical care;

(6) informing the parent(s) and child of each other's situation, progress, and other related issues;

(7) ensuring the parent(s) understands the importance of visitation in developing and maintaining a healthy parent-child relationship;

(8) advising the parent(s) of his or her rights, roles, and responsibilities and the status of the case;

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

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

(11) assisting the parent(s) in obtaining the identified services needed to correct the conditions that led to the child's removal; and
(12) providing timely and relevant information to the placement provider that is pertinent to the care needs of the child and permanency planning process, per Section 7005-1.4 of Title 10 of the Oklahoma Statutes.

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

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

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

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

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

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

(b) Contact alternatives. Contact with the child is made primarily by the CW worker responsible for the child; however, when there are conflicts in the work schedule or other job-related demands, another CW worker may make the contact. The CW worker responsible for the child:

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

(2) makes no less than one visit each quarter with the child.

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

3. Contact with facility liaison. No later than 24 hours after a child's placement into an acute inpatient treatment facility, the CW worker contacts the facility liaison and the facility liaison supervisor by phone and e-mail to notify them of
the child's placement.

4. Increased need for contacts. Situations that indicate the need for increased contact with the child in the home or placement location include, but are not limited to, any type of safety concern, history of environmental neglect, concerns regarding access by the perpetrator, the age of the child, or an order of the court. The CW worker staffs the decision regarding the type and location of contacts with the CW supervisor and documents this staffing in KIDS Contacts screen.

5. Contacts for youth receiving extended services. The CW worker documents on the youth's Form 04K1008E, Treatment Plan, or Form 04K1012E, Individualized Service Plan (ISP), the frequency of contacts that are determined appropriate or effective for each six-month period between treatment and service plan reviews.

6. Comprehensive Home-Based Services (CHBS).

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

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

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

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

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

         (i) each area of risk determined through the Child Protective Services investigation or assessment; and
(ii) any remaining issues of compliance with court-ordered Form 04KI008E, Form 04KI012E, or the specific behaviors and dynamics that must change for the child to remain in his or her home or placement with the resource family.

(C) The CW worker must ensure that the family and provider understand the purpose of the referral and the roles and responsibilities of all parties, including those of the family.

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

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

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

(5) EKIDS. External KIDS (eKIDS) allows the CW worker to review KIDS CHBS contacts, assessment, and critical incident and other reports within a week of visits and other events. This information may be helpful to the CW worker in recommending to the CCM needed adjustments in certain aspects of CHBS case management, but does not substitute for formal case staffings with the contractor.
PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES

340:75-6-85. Placement responsibilities

(a) CW responsibilities. The Child Welfare (CW) worker is responsible for the placement of a child who is removed from the home and placed in the custody of Oklahoma Department of Human Services (OKDHS) by law enforcement and court order.

(1) OKDHS follows the provisions of the Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996, per OAC 340:75-1-9, unless the court finds that the Indian Child Welfare Act applies to the child. 1

(2) When determining placement for a child who is removed from the custodial parent and placed in emergency OKDHS custody, priority is given to placement with the noncustodial parent unless such placement is not in the child's best interest. 2

(3) If OKDHS determines that placement with the noncustodial parent is not in the child's best interest, placement preference per Section 21.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 21.1) is followed, such as:

(A) grandparent;
(B) person indicated by deceased parent;
(C) relative; and
(D) person in whose home the child has been living in a wholesome and stable environment, including, but not limited to, foster parent, or any other person deemed suitable by the court.

(4) If custody of the child cannot be made pursuant to 10 O.S. § 21.1, the reason for such determination is specified in the CW case record and provided to the court.

(5) Placement responsibility includes, per 10 O.S. § 7003-7.1 and OAC 340:75-6-85.1 through 340:75-6-85.4, ensuring the provision of:

(A) food;
(B) clothing;
(C) shelter;
(D) medical care;
(E) education;
(F) basic care;
(G) protection; and
(H) safety for the child.

(6) When the court determines it would be in the best interests of the child, the court may place the child in the legal custody of OKDHS. If the child is placed in OKDHS custody, the court may not direct OKDHS to place the child in a specific home or placement.

(b) Appropriate placement. OKDHS has the responsibility to determine whether a placement is an appropriate placement for a child in OKDHS custody, and to remove a child from a placement when it is in the child's best interest, per 10 O.S. § 7202.

(1) Every effort is made to place the child within his or her own community, school district, or both, in order to minimize the disruption for the child and ensure consistency with education. When a child is placed with a noncustodial parent, the noncustodial parent's home is considered the child's home community.


(3) Consideration is given to the parent(s)' wishes regarding religious preference in the selection of a placement provider for the child.

(4) In order to promote stability and healthy growth of the child, it is the intent of OKDHS to limit the number of times a child is moved in out-of-home placement.

   (A) If reunification is not feasible or is delayed, the placement made is the best available placement to provide permanency for the child.

   (B) A request by a placement provider for immediate removal of a child is examined and assessed regarding whether the situation can be resolved in order to prevent disruption of the placement.
(c) **Prescribed standards.** All placements utilized by OKDHS are approved or licensed by specified procedures and meet prescribed standards. A child in the custody of OKDHS is not placed in a home, whether temporary or closely related, prior to the provider meeting standards per OAC 340:75. Placements must be safe, have sufficient space to allow the child privacy, and the provider must:

1. support and participate in the child's permanency plan;
2. adhere to OKDHS rules, such as not using physical discipline; and
3. support the child's preferred religion and cultural choices.

(d) **Child's placement preference.** The child's statements and placement preferences are considered in making case decisions and are recorded on Form 04KI011E, Preadjudication Court Report, 04KI013E, Individualized Service Plan (ISP) Dispositional Report, 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, when the child's age and developmental abilities allow. Since the child's preferences are not the sole consideration in determining placements and case plan decisions, preferences are evaluated regarding reasons or causes, degree of consistency, and implications for the permanency plan.

(e) **Court decisions regarding the child's placement.** The court does not place a child in the custody of a person who is subject to the Sex Offenders Registration Act or a person living with someone subject to the Sex Offenders Registration Act.

1. "Person" does not include a parent, legal guardian, or legal custodian of the child.
2. The court inquires, prior to placing custody of a child with the person, whether the person has been convicted of a felony or a relevant misdemeanor, including assault and battery, alcohol or drug offenses, domestic abuse, and other charges, or has any charges pending.
3. Prior to the custody order being issued, the person requesting custody must present an affidavit or sworn testimony to the court and provide an Oklahoma criminal history background check, per 10 O.S. § 7003-8.1.

(f) **Foster home placements.** The provisions in (1) through (8) apply to placements in a paid or non-paid kinship, foster, or therapeutic foster home.

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

(2) **Foster parents may submit reports or present testimony in court.** Foster parents are entitled to provide the court with written reports or verbal testimony concerning the strengths, needs, behavior, important experiences, and relationships regarding the child, and may provide information requested by the court.

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

(4) **Foster parents preferred placement.** When a child re-enters out-of-home care and a relative or kinship placement is unavailable, the foster parent who previously cared for the child is the preferred placement option if the placement is in the child's best interest and the best interest of any other child in the foster home.

(5) **Foster parents informed of review meetings, permanency planning meetings, and special staffing.** Foster parents are advised of any local post adjudication review board meetings and special staffing, including scheduled permanency planning review meetings and the foster parent's right to participate.

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

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

(8) **Eligibility to adopt the child.** During any permanency hearing, if the court determines the child is to be placed for adoption and the child has resided with the foster parent for at least one year, the court must also consider the foster parent eligible to adopt the child unless there is an existing, loving, emotional bond with a relative of the child, by blood or marriage, who is willing, able, and eligible to adopt the child.

(g) **Respect for the foster parents or placement providers.** The CW worker treats
the foster parent or placement provider as a professional member of the CW team and with dignity, respect, and consideration. The CW worker cooperates with the foster parent or placement provider to provide a mutual exchange of information, including, but not limited to:

(1) the child's physical and emotional development;

(2) significant statements and behaviors that may affect the child's permanency plan and progress;

(3) school events; and

(4) any other concern.

(h) Foster parents' relationship with the child. Foster parents provide the child's basic needs, such as food, clothing, and shelter, and nurturing, emotional support, and direction and guidance for the child's growth and development.

(1) The foster relationship may be recorded through photographs, Life Book, exchange of gifts, and contact after the placement is completed.

(2) Section 7206.1 of Title 10 of the Oklahoma Statutes and OAC 340:75-7-37 recognize foster parents as essential participants in the decisions related to the growth, development, care, protection, and treatment of a child placed in their home with whom they have established a familial relationship.

(i) Least restrictive. Placements are made in the least restrictive or most home-like setting that will meet the child's needs and provide for the child's safety, per OAC 340:75-6-85 through 340:75-6-85.4. 10 O.S. § 7004-1.1 prohibits a child adjudicated deprived from being placed in an institution. The least to the most restrictive placements are:

(1) kinship home, which includes:

   (A) relative home; and

   (B) close family relationship;

(2) regular foster home;

(3) therapeutic foster home; and
(4) group home or residential child care facility.

(j) Close proximity. Placements are made consistent with the needs of the child in the nearest geographic proximity to the child's own home.

(1) Exceptions may be made when the child's needs and safety cannot be met in a placement closer to the child's own home.

(2) Arrangements for transportation are made to ensure regular family visits.

INSTRUCTIONS TO STAFF 340:75-6-85

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

2. Noncustodial parent. In many cases, Child Support Enforcement Division (CSED) has established and documented paternity prior to CW involvement. In order to ensure placement with the noncustodial parent has been explored and the CW case record accurately reflects all available OKDHS records regarding paternity, refer to OAC 340:75-6-31.5 Instructions to Staff.

3. Notice of hearing. The Child Welfare (CW) county of jurisdiction worker or the preadoptive parent’s adoption specialist:

   (1) provides KIDS generated Form 04MP030E, Hearing Notification, to the current foster parent, preadoptive parent, or relative, and, if applicable, child's guardian ad litem no later than 15 days after the hearing is set;

   (2) if the child moves after the notification has been provided, prints Form 04MP030E from the Reports icon and provides to the current foster parent, preadoptive parent, or relative, and, if applicable, child's guardian ad litem no later than ten working days prior to the court hearing;

   (3) if the hearing date changes, updates the Court Hearing Detail screen and provides the KIDS generated Form 04MP030E to the current foster parent, preadoptive parent, or relative, and, if applicable, child's guardian
ad litem no later than ten working days prior to the hearing; and

(4) documents in KIDS Contacts screen when and how Form 04MP030E was delivered.
340:75-6-85.2. Diligent search for relatives and kin

Relative and kinship placements are less restrictive and therefore preferable to other types of out-of-home care.

(1) Relative and kinship placements are made only when:

(A) the placement meets required standards;

(B) the safety and well-being of the child can be ensured;

(C) the placement meets the treatment needs of the child; and

(D) the placement supports the permanency plan for the child and the child's family.

(2) The CW worker explores all avenues of information in conducting a diligent search for maternal and paternal relatives and kin for any child coming into the CW system. The first placement resource considered is the noncustodial parent.

INSTRUCTIONS TO STAFF 340:75-6-85.2

1. Diligent search for relatives and kin.

(1) Gathering information regarding important people in the child's life.

The Child Welfare (CW) worker:

(A) obtains from each parent, mother and father, a list of all relatives or kin that are known to the parent(s), not only relatives or kin that may be appropriate or available for placement;

(B) requests that the parent(s) complete Form 04MP015E, Important People in the Child(ren)’s Life, prior to the emergency custody hearing. If this form is not completed prior to the hearing, the CW worker provides Form 04MP015E to the parent(s) as soon as possible thereafter. The CW worker provides a copy of the completed form to the court for the court record;

(C) ensures that all parents are added as clients to the KIDS case from the information obtained. Any other person is documented in the Coll Info screen in KIDS;
(D) solicits information from the parent(s) regarding placement preferences. The parent(s) is advised that consideration is given to these preferences but no assurances are made;

(E) requests the relative(s)' or kin's current address and phone number. For each person that the parent(s) has provided a phone number or address, the CW worker is responsible for initiating contact. If the CW worker is unable to make contact in person or by telephone, the worker follows up with a letter. The relative(s) or kin is not determined inappropriate based solely on the relative(s)' or kin's failure to contact the CW worker; and

(F) documents all efforts in KIDS on the Placement Plan and in the Contacts screen. The CW worker does not determine that sufficient efforts have been made to contact the relative(s) or kin until:

(i) the worker has spoken with the relative(s) or kin by telephone or in person;

(ii) the telephone number given has been disconnected and efforts to obtain a new number have been unsuccessful; or

(iii) the letter has been returned undeliverable.

(2) Assessing for placement. During the contact, the CW worker assesses the relative(s)' or kin's ability and appropriateness for placement. If the relative(s) or kin is interested in placement, the CW worker is responsible for completing the assessment process in accordance with OKDHS rules. If the relative(s) or kin is not interested in placement or is determined to be inappropriate, the CW worker attempts to obtain information about other relatives or kin that was not previously provided by the parent(s).

(3) Protocol for continued efforts to locate relatives or kin. If efforts to locate an appropriate relative(s) or kin have been unsuccessful based on the information provided by the parent(s), the procedures in (3)(A) through (F) of this Instruction are completed in order for the search to be considered diligent. The CW worker or a diligent search specialist, if available, through a referral by Form 04MP009E, Diligent Search Request:

(A) reviews existing case records, including, but not limited to CW, Temporary Assistance to Needy Families (TANF), court, school, and
child care;

(B) completes a search of the KIDS application, Information Management System (IMS), Juvenile Justice Information System (JOLTS), and Internet. A tool to assist in this search is Form 04MP010E, Relative/Kin Computer Search;

(C) utilizes the Child Support Enforcement screens available in IMS and the Federal Parent Locator Service;

(D) obtains from the child, if age appropriate, location information of any relative or kin known to the child;

(E) asks any known relative or kin to identify other relatives or kin. A tool to assist in this contact is Form 04MP011E, Diligent Search Contact Results; and

(F) attempts to contact and assess any relative or kin whose name and information is obtained during the process as per (2) of this Instruction.

(4) Need for diligent search for relatives and kin. The CW worker does not assume that relative or kin placements do not exist based solely on the parent(s)' statement or unwillingness to provide the information necessary to locate relatives or kin. The CW worker uses the methods discussed in (3) of this Instruction.

(5) Placement disruptions and further consideration of relatives and kin. If a child's placement disrupts, the CW worker reviews and assesses the availability of relatives or kin. The CW worker reassesses any relative or kin who may have been determined inappropriate in the past due to the case plan goal or other factors.

(6) Protocol for relatives or kin who reside out-of-state. If a relative(s) or kin is located out-of-state and indicates a desire to be a placement resource, the CW worker:

   (A) advises the relative(s) or kin, when the case plan goal is reunification, that a factor in the decision regarding placement of the child is whether the placement will enable the parent(s) and child to have visitation. The child will remain in-state if visitation is not feasible in the out-of-state placement;
(B) obtains the required information from the relative(s) or kin in order to initiate an Interstate Compact on the Placement of Children (ICPC) referral for an assessment of the relative(s)’ or kin’s home within 30 days of the relative(s)’ or kin’s request for placement per OAC 340:75-1-86.

(C) facilitates contact between the relative(s) or kin and the child while the child is in out-of-home care in order for the relative(s) or kin and the child to maintain their relationship;

(D) keeps the relative(s) or kin informed of the progress on the case plan goal and whether the anticipated return of the child continues to be feasible; and

(E) advises the placement provider(s) that if reunification is not feasible, the permanency plan will be to move the child to the out-of-state relative(s) or kin; and

(F) moves the child to the out-of-state placement if the relative(s)’ or kin’s home is approved by ICPC and efforts to reunite have been made and failed.
340:75-6-85.4. CW worker placement responsibilities for child with permanency plan of adoption

The preferred permanency plan for a child who cannot be returned home is adoption with extended family, foster family, or an approved adoptive resource family. As soon as this is determined to be the appropriate plan, the Child Welfare (CW) worker prepares the child for adoption while concurrently recruiting, processing, and approving a qualified family for the child. 1

INSTRUCTIONS TO STAFF 340:75-6-85.4

1. Protocol for placing a child in an adoptive placement.

(1) Within five days of the Child Welfare (CW) worker's determination that the child's permanency plan is adoption, the CW worker notifies the area adoption supervisor by e-mail or memo of the need for an adoption consultation. The CW worker does not wait for a court hearing, a finding of reasonable efforts have been made and failed, or until parental rights are terminated. This process begins as soon as the CW worker determines that the plan for reunification is no longer feasible.

(A) The e-mail or memo includes the child's name, date of birth, KK#, and legal status, briefly summarized; and whether there is an identified adoptive placement resource for the child.

(B) Upon receipt of the e-mail or memo, the area adoption supervisor assigns an adoption specialist to assist the CW worker and the child in the adoption matching and placement process.

(2) No later than 30 days after notification, the CW worker and adoption specialist participate in an adoption consultation to discuss:

(A) legal status, and any barriers to termination of parental rights;

(B) whether there are siblings, placement of the siblings, and whether there is a need to request separation of siblings, per OAC 340:75-15-43;

(C) results of diligent search and availability of relative placement;

(D) prospective adoptive caregiver, if applicable;
(E) date for criteria staffing and persons to invite to the criteria staffing;

(F) plan for copying the biological case;

(G) referral for Child Profile; and

(H) referral for medical records from Oklahoma Health Care Authority.

(3) Before the criteria staffing, the CW worker and CW supervisor fill out sections of Form 04AN020E, Adoptive Placement Criteria Staffing. The entire form is completed during the criteria staffing.

(4) A criteria staffing is held per OAC 340:75-15-41. The CW worker is a mandatory participant in the staffing.

(A) If a prospective adoptive parent is identified during the criteria staffing, and no placement concerns are noted, the adoption specialist completes the steps necessary to obtain an adoptive home assessment, per OAC 340:75-15-88.

(i) No later than five working days after receipt of the approved adoptive assessment, the CW worker initiates authorization of the selected prospective adoptive placement, per OAC 340:75-15-45.

(ii) If the prospective adoptive parent is not approved, the CW worker refers the child to the next Statewide Adoption Staffing available after receipt of the unapproved family assessment, per OAC 340:75-15-14.

(B) If a prospective adoptive parent is not identified during the criteria staffing, the CW worker refers the child to the next Statewide Adoption Staffing available after receipt of the Child Profile, per OAC 340:75-15-14.

(5) A Statewide Adoption Staffing is held per OAC 340:75-15-14 for a child with no identified prospective adoptive parent.

(A) If a prospective adoptive parent is identified, the CW worker:

(i) reads each resource family assessment no later than ten working days after the staffing, if there are ten or fewer prospective adoptive
(ii) contacts the adoption specialist for assistance in screening the families and reads the selected family assessments no later than one month after the staffing, if there are more than ten prospective adoptive parents identified; and

(iii) no later than five working days after selection of the prospective adoptive placement, initiates authorization of the selected prospective adoptive placement per OAC 340:75-15-45.

(B) If no prospective adoptive parent is identified, the CW worker:

(i) refers the child no later than ten working days after the staffing for child specific targeted recruitment, per OAC 340:75-15-82;

(ii) works diligently to find a prospective adoptive parent for the child; and

(iii) no later than five working days after selection of the prospective adoptive parent by review of adoptive assessment(s) received through the recruitment process, initiates authorization of the selected prospective adoptive placement, per OAC 340:75-15-45.

(6) During the search for an adoptive placement, the child's worker ensures that the child is emotionally and psychologically prepared and ready to accept a new family. The child's worker prepares the child for adoptive placement through a series of steps and activities and enlists the child's current caregiver in facilitating the preparation process. The child's worker discusses with the child:

(A) the child's understanding of why the child is in foster care. This helps the worker determine if the child's understanding is based upon accurate information. It is important that the child has accurate information based upon the child's ability to process the information. The worker solicits assistance from professionals if the need is indicated;

(B) what termination of parental rights means for the future and why it was necessary in the child's situation. The worker is realistic in explaining why the child's parent(s)' rights were terminated;
(C) a person's ability to love more than one person and be a part of different kinds of families;

(D) the emotional hurt, loss, and pain the child has experienced and may experience in the future;

(E) what the child would say to the birth parents now if the child could;

(F) other children and their situations and feelings as examples to explain separation, loss, and acceptance of a new family if the child will not discuss his or her specific situation or feelings;

(G) the questionnaire, "My Feelings about Adoption," if the child is age 13 or younger or "The Adoption Guidebook," if the child is older than age 13, with consideration of the child's emotional and maturity level. These are available from the State Office Adoption Section. The worker:

(i) assists the child to complete the questionnaire;

(ii) attaches the completed questionnaire to Form 04AN022E, Child Profile Assessment for Adoption so it is available to the Adoption Selection Committee when the child's case is staffed;

(iii) asks the resource parent or caregiver to complete Form 04AN026E, Assessment of Child by Caregiver, when possible, and attaches it to Form 04AN022E; and

(iv) solicits assistance and information, as needed, from other professionals, including psychologists, therapists, and others who have seen the child or to whom the child needs to be referred prior to placement;

(H) the child's concerns and fears of the unknown and explains that the new family has fears and concerns too;

(I) that if everything goes well and if this is the right family, the child will not have to move again. The worker gives the child reasons to hope for success, but does not use terms like "forever home" and "forever placement";

(J) that there are things the worker cannot personally guarantee, such
as visits or contacts with former friends, relatives, resource parents, or siblings, because only the adoptive parent can make those decisions; and

(K) the new family and the transition that will take place. The worker explains the plan for placement, including visits with the adoptive family.

(7) After notification of authorization of the prospective adoptive placement, the CW worker and adoption specialist begin the steps to transition the child to the trial adoptive placement, per OAC 340:75-15-59.

(8) Within five working days after a child has been placed in the authorized trial adoptive placement, the supervisor of the primary county worker completes the appropriate assignment of the biological case, per OAC 340:75-15-103. The CW worker in the county of jurisdiction:

(A) maintains monthly contact with the assigned adoption specialist by phone, e-mail, or in person;

(B) prepares the appropriate court or progress report(s);

(C) attends the juvenile court hearing(s);

(D) advises the adoption specialist by phone or e-mail of the date of the juvenile court hearing at least ten working days prior so the adoption specialist can give notice of the hearing to the adoptive family, per OAC 340:75-6-85, Instructions to Staff 3;

(E) obtains court consent to the adoption, if the court has retained the right to consent, and provides the original to the adoption specialist no later than five working days after notification of the need for the consent by the adoption specialist;

(F) advises the court of jurisdiction and requests dismissal of the court case within five working days of notification by the adoption specialist of the adoption finalization; and

(G) notifies the Child Support Enforcement Division of the adoption finalization within five working days, in cases where child support has been ordered by the court.
340:75-6-85.5. CW worker responsibilities for supervision only cases

In a supervision only case the court awards custody to the parent(s) or another person, such as a relative, and orders Oklahoma Department of Human Services to supervise the placement and report the findings to the court.

(1) The court may issue a written order specifying conduct to be followed by the custodian and order the child to receive counseling or other community-based services.

(2) The court order may remain in effect for one year and be extended for good cause. [10 O.S. § 7003-5.5(C)(1) - (2)]

INSTRUCTIONS TO STAFF 340:75-6-85.5

1. (a) Case documentation. For supervision only cases, the Child Welfare (CW) worker updates the appropriate KIDS screens and documents, including:

(1) Form 04KI006E, Family/Child Strengths and Needs Assessment;

(2) Form 04KI008E, Treatment Plan, or 04KI012E, Individualized Service Plan; and

(3) Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan Progress Report.

(b) Contact requirements. The type of placement determines the amount of the CW worker's contact with the child. Refer to OAC 340:75-6-48(a)(8), 340:75-6-48(b)(4), and 340:75-6-48(c)(1) for contact requirements. Visits are made more frequently when case circumstances indicate.

(c) Protocol when contacts cannot be made with the family. If the CW worker's attempted contact is not successful, every effort is made to locate the family and to ensure the child's safety. If the CW worker's attempts to locate the family are unsuccessful, refer to OAC 340:75-6-48.3.

(d) Protocol when the family is located. Refer to OAC 340:75-6-48.3.

(e) Protocol when the CW worker is unable to locate the family. Refer to OAC 340:75-6-48.3.
(f) Protocol for case closure. Following the one year of supervision, if child abuse or neglect is not an issue and neither the child nor the child's custodial parent(s) needs intervention by CW, the CW worker recommends to the court that the Oklahoma Department of Human Services (OKDHS) be relieved of supervision responsibilities.

(g) Protocol for emergency or when risk is determined. At any time during CW involvement, if the CW worker determines the child is at risk, the CW worker initiates a referral, per OAC 340:75-3-6.

(h) Permanency planning. When a child is under the supervision of OKDHS but is placed in the custody of a person other than the parent(s), legal guardian, or custodian, the CW worker advocates for permanency for the child. Permanency planning reviews are held in accordance with OAC 340:75-6-31.1.
340:75-6-85.6. Voluntary placement for a child born to a youth in custody

When a youth in Oklahoma Department of Human Services (OKDHS) custody gives birth to a child, the youth is allowed to make the decision regarding placement of the child. Voluntary placement is available for a child born to a youth in OKDHS custody if the child’s safety can be ensured.

(1) If the plan is approved, the youth who is the parent signs Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Family Home Placement and Medical Care of Child.

(2) If the youth in custody who is the parent is unable or unwilling to participate in appropriate planning for the child, legal custody of the child is sought through the district attorney’s office to give OKDHS authority to care and plan for the child.

INSTRUCTIONS TO STAFF 340:75-6-85.6

1. Voluntary placement by youth in custody.

   (1) Decision-making. If a youth in custody requests voluntary placement of her child, the Child Welfare (CW) worker considers (A) through (D) to assess the appropriateness of voluntary long-term placement.

      (A) Do issues of safety, protection, and well-being exist?

      (B) Is there an available placement who will accept the mother and child?

      (C) Does the placement provider agree to assist the mother by teaching and modeling parenting skills and assist the mother with independent living skills?

      (D) Is the mother willing to work on a treatment plan that outlines the steps to assist the mother in caring for the child?

   (2) Procedures. If voluntary placement has been determined to be appropriate, the CW worker:

      (A) sends a written request to the CW supervisor setting out the plan and length of care. The CW supervisor approves or denies the request in writing. These documents are filed in the paper case record;
(B) opens a voluntary foster care case in KIDS. The youth in custody is designated the parent. The placement episode for the child is entered in the voluntary foster care case, not the permanency planning case of the youth in custody; and

(C) develops a treatment and service plan that addresses:

(i) safety and protection of the child without court intervention;

(ii) the role and responsibility of the placement provider;

(iii) appropriate child care plans while the mother is attending school, working, or involved in extracurricular activities; and

(iv) measures for ensuring the child's basic needs are met.
340:75-6-86. Changes in child's living arrangements

(a) Notification requirement. Section 7003-5.4a of Title 10 of the Oklahoma Statutes requires that when a child in Oklahoma Department of Human Services (OKDHS) custody is moved from one location to another, OKDHS must notify the:

1. court of jurisdiction;
2. child's attorney;
3. district attorney;
4. Post Adjudication Review Board (PARB); and
5. court-appointed special advocate (CASA).  ■ 1

(b) Notification to parents. The parent(s), legal guardian, or custodian involved with the child and court case is informed of:

1. all changes in the child's living arrangements;
2. the address of the child's placement when case circumstances allow; and
3. the child's location when needed for scheduled family visits or correspondence.

(c) Prior court approval required to change placement after a hearing. Child Welfare may not move a child from one placement to another without court approval if the child has already moved once since the last court hearing. A child may be moved due to an emergency, but a hearing may be conducted if requested in writing within ten days after moving the child. Court approval is not required for movement to or from a shelter due to an emergency, including a placement failure, placement disruption, or other similar cause. [10 O.S. § 7003-5.4a(B)(1) through (3)] ■ 2

(d) Removal from foster care and required notification. Except in an emergency, when a child has been in a foster home three months or more, written notice is provided to the foster parent, including tribal, emergency, therapeutic, Developmental Disabilities Services Division (DDSD), regular, and kinship care, and to the court five judicial days prior to removal of the child from the placement. The length of time applies to placement in each individual therapeutic or emergency foster care home and not placement with the therapeutic or emergency foster care agency. OKDHS does not remove the child from the foster home solely on the grounds that a foster parent exercised substitute parental authority. ■ 3
(1) **Foster parent's objection to removal of child.** When a child has been in the same foster home for more than six months, the foster parent has the legal right to file a written objection to the child's removal from the foster home. [10 O.S. § 7208(D)] This objection must be filed with the court and served on OKDHS within five judicial days after receipt of the notice to remove the child. Timely filing and service of the objection shall stay removal of the child pending review by the court, unless the reason OKDHS stated for removal is:

(A) reunification with a parent(s) with prior approval of the court; or

(B) based upon an emergency situation, that includes:

   (i) the child's need for emergency medical or mental health treatment;

   (ii) substantial noncompliance by the foster parent with applicable contract requirements and agreements; or

   (iii) a pending investigation of allegations of abuse or neglect of a child by a foster parent or other person residing in the foster family home.

(2) **Hearing on foster parent's objection to removal of child.** When a child is being removed from a foster home and the foster parent has filed an objection, an informal hearing on the objection is held. At the hearing the worker informs the court of the reason(s) for removing the child and the number of times the child has been moved.

(A) If the court finds the OKDHS decision to remove the child was arbitrary or inconsistent with the child's treatment and service plan, the court may order the child to remain in or be returned to the objecting foster parent's home.

(B) If the court upholds the OKDHS decision, the court explains, in the court record, why removal of the child from the foster home is in the best interests of the child.

**INSTRUCTIONS TO STAFF 340:75-6-86**

1. **Notification of change in placement.** The Child Welfare (CW) worker in the county of jurisdiction immediately completes Forms 04KI025E and 04KI026E, Change in Placement Notification, for any change in placement, including the initial placement, for any child in the custody of Oklahoma Department of Human Services (OKDHS). If the change is due to an emergency, the CW worker has one business day to give this notification. An emergency is when:
(1) movement of the child is requested by the foster parent if the request to move the child is made when the court or offices of the parties are closed;

(2) movement of the child is for emergency medical or mental health treatment;

(3) the foster parent is in substantial non-compliance with applicable placement standards and agreements such that the health, safety, or welfare of the child is endangered; or

(4) there is a pending investigation of an allegation of abuse or neglect of a child by the foster parent or any other person residing in the home of the foster parent, if applicable.

2. Court approval of change in placement.

(1) A request for a hearing is made on Form 04PP004E, Application for Placement Change Hearing, and submitted to the court. A copy is filed in the child's paper case record.

(2) Form 04PP005E, Withdrawal of Application for Placement Change Hearing, is submitted when a hearing request must be canceled. A copy is filed in the child's paper case record.

3. Removal from placement.

(1) Assessment of emergency removal from placement. Before emergency removal of a child from a foster parent, an assessment is made by the child's CW worker, supervisor, foster resource specialist, and CW field liaison (CWFL) regarding whether a safety plan can be put in place to avoid disruption of the child's placement, per OAC 340:75-3-8.1. When multiple counties are involved, the assessment includes the CW county of jurisdiction worker, supervisor, and CWFL.

(2) Notification of removal from placement. The child's CW worker:

   (A) prepares two originals of Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement;

   (B) obtains the supervisor's approval;
(C) hand delivers to the foster parent at least five judicial days before the change of placement is to occur unless an emergency exists and advance notice is not required.

    (i) In the event of an emergency, Form 04MP014E is provided at the time of the child's removal, if possible.

    (ii) If not provided at the time of the child's removal, Form 04MP014E is provided no later than one business day after the removal;

(D) documents in KIDS Contacts screen, all communications with the foster parent regarding the child's removal; and

(E) advises the foster parent to seek legal counsel, if a foster parent has questions about filing an objection.

(3) Documenting foster parent's notification of removal.

    (A) The child's CW worker obtains the signature of the foster parent on one original of Form 04MP014E at the time the form is given to the foster parent. This original is retained by OKDHS. If the foster parent refuses to sign the form, CW staff documents the refusal on the original retained by OKDHS and in KIDS Contacts screen.

    (B) One of the original forms is given to the foster parent. The other original signed by the foster parent is filed in the child's paper case record. One copy is filed in the resource record, and a copy is sent to the court and the therapeutic or emergency foster care agency or tribe, if applicable.

(4) Emergency removal from placement.

    (A) When the decision to remove a child is based on an emergency and the child's removal will occur from a location other than the child's placement, the child's CW worker:

        (i) immediately makes every effort to notify the foster parent; and

        (ii) continues these efforts until contact, in person or by phone, is made with the foster parent.
(B) Notification attempts are made in the manner and order described in (i) through (iii).

(i) The child's CW worker makes a home visit to the foster parent immediately after placement of the child in the new location.

(ii) If the foster parent is not at home, the child's CW worker leaves a note instructing the foster parent to immediately contact the child's CW worker.

(iii) The child's CW worker immediately phones the foster parent's residence and leaves a phone message with contact instructions if the foster parent has an answering machine or call notes.

(5) Placement disruptions when multiple counties are involved.

(A) When the child's placement disrupts, the child's CW county of placement worker:

(i) immediately phones the CW county of jurisdiction worker to determine other placement options, including finding another placement in the county of placement that meets the child's needs. Prior to placing the child in a county other than the county of placement, the CW workers involved consider:

   (I) whether the child has family or other established connections in the community, such as friends and place of worship;

   (II) the need for further diligent search efforts for relatives;

   (III) the length of time the child has resided in the current placement;

   (IV) the need to maintain the child's education in the same school district; and

   (V) the need for continuation of counseling and therapy with the same provider; and

(ii) in an emergency situation, such as a placement disruption after working hours, weekends, and holidays, makes every attempt to
maintain the child in the county of placement before contacting the county of jurisdiction worker until further assessment of the child's needs the next working day.

(I) For example, the CW county of placement worker places the child in another foster home or youth services shelter in that county.

(II) If the CW county of placement worker is unable to locate an emergency placement, the CW county of placement worker immediately contacts the CW county of jurisdiction worker.

(B) Responsibilities of both counties do not end until the child is placed. Transportation responsibilities from the county of placement are contingent upon the distance required to facilitate another placement. If the new placement is located in a county that is:

(i) closer to the county where the placement disrupted, the CW county of placement worker transports the child to the new placement; or

(ii) between the county of placement and jurisdiction, CW staff share or split the time involved in transporting the child by the CW staff in the county of the disrupted placement meeting CW county of jurisdiction staff at an agreed upon location between the county where the placement disrupted and the county in which the child will be placed.
340:75-6-88. Medical services to children in custody

(a) Medical services for child in custody in out-of-home care. The Child Welfare worker is responsible for ensuring, in coordination with the parent(s), when applicable, and placement provider, that a child in out-of-home care timely receives all needed routine and specialized medical care, including medical, dental, visual, and counseling needs.

(1) The worker's and placement provider's responsibilities for the child's services include:

(A) Early Periodic, Screening, Diagnosis and Treatment (EPSDT) screening according to the schedule of frequency or at a minimum an annual physical exam. In addition, the Oklahoma Department of Human Services (OKDHS) provides as soon as practicable after the filing of the petition an initial health screening for each child placed in OKDHS emergency custody, to identify any health problems that require immediate treatment, diagnose infections and communicable diseases, and evaluate injuries or other signs of abuse or neglect. The law requires OKDHS to provide medical care as necessary to preserve the child's health and protect the health of others in contact with the child; [10 O.S. § 7004-1.1]

(B) yearly mental health or developmental screening. The first screening is conducted no later than 90 days after the child's removal from the home;

(C) yearly dental exam for children over three years of age. Children under the age of three years receive dental services as needed;

(D) immunizations initiated and kept current;

(E) visual and hearing evaluation exams and corrective lenses or hearing aides, if indicated;

(F) outpatient or inpatient behavioral mental health treatment, when appropriate;

(G) physician's services, if the child is sick. This service is not considered a physical exam; and

(H) follow-up and referral services as recommended by a qualified professional.

(2) If requested by a placement provider, OKDHS provides examinations or tests regarding HIV on the child based on the Centers for Disease Control guidelines for
(b) Medical services for child in custody in parent(s)’ home. A child in OKDHS custody and living in the parent(s)’ home may continue to be eligible to receive financial assistance from the Oklahoma Health Care Authority for necessary medical services. The parent(s) of a child in temporary OKDHS custody who is living in his or her own home has the primary responsibility to provide and arrange for the medical needs of the child.  ■ 2

(c) Notification of injury to the child that requires medical examination or treatment. When medical attention for accidental or non-accidental injury is sought or required for a child in the legal custody of OKDHS in out-of-home placement, OKDHS notifies the:

(1) court of jurisdiction;

(2) child’s parent(s);

(3) parent(s)’ attorney;

(4) child’s attorney;

(5) district attorney; and

(6) court-appointed special advocate.  ■ 3

INSTRUCTIONS TO STAFF 340:75-6-88

1. Initial health and developmental screening. The Child Welfare (CW) worker ensures the child’s initial health and developmental screening is completed no later than 30 days after the child’s placement in Oklahoma Department of Human Services (OKDHS) custody. When a child is placed in foster care, the medical examination is scheduled within ten days after placement. If the child is younger than three years of age, the CW worker:

(1) refers the child to SoonerStart via Form 04MP021E, Child Welfare SoonerStart Referral, no later than 15 working days after the child’s initial placement in out-of-home care, excluding shelter and emergency foster care;

(2) notifies the parent(s) and placement provider of the referral to SoonerStart;
(3) informs the placement provider that cooperation is required with SoonerStart in the provision of any service recommended for the child;

(4) updates KIDS Contacts screen with purpose type – SoonerStart Referral;

(5) notifies SoonerStart of any change in placement of the child by providing copy of Form 04KI025E, Change in Placement Notification, within two working days if the screening, evaluation, or both, has not been completed by SoonerStart;

(6) discusses with the parent(s), within 15 working days of receipt, the information provided by SoonerStart;

(7) documents SoonerStart information in KIDS Medical screen;

(8) includes SoonerStart information in KIDS Family and Child Strengths and Needs Assessment screens;

(9) files SoonerStart information in the child’s paper case record; and

(10) when notified by SoonerStart of the placement provider’s lack of cooperation or follow through with recommendations, completes Form 04AF022E, Report of Violation of Rules in an OKDHS Resource Home.

2. (a) Early Periodic, Screening, Diagnosis and Treatment (EPSDT) schedule.

(1) The schedule of frequency for EPSDT provides for:

   (A) six health screenings during the child’s first year of life;

   (B) two screenings in the child’s second year of life;

   (C) one screening yearly for the child age two through five years; and

   (D) one screening every other year for the child age six through 20 years.

(2) Eligible children may receive dental screening services once every 12 months.
(3) More frequent screening services are allowed when a medical condition is suspected.

(b) Documentation of medical services. The CW worker and placement provider ensure the continuity of medical services and records while a child is in out-of-home care.

(1) These records are made:

(A) part of the child's paper case record and Life Book; and

(B) available to the parent(s), any subsequent provider, and youth leaving care for independent living.

(2) The CW worker updates the:

(A) appropriate KIDS screens no later than 30 days after each child's appointment for medical, dental, or psychological services;

(B) child's immunization and prescriptions records and KIDS Service Log; and

(C) KIDS AFCARS screens when the child receives a specific diagnosis by the physician or therapist.

(c) Medical consent. Refer to OAC 340:75-13-65 regarding consent for medical services.

(d) HIV-related services. Refer to OAC 340:75-1-115 for testing related to Human Immunodeficiency Virus (HIV).

(e) Healthcare for child in parent(s)' home. Refer to OAC 340:75-13-62 for medical coverage when the child resides with the parent(s).


(1) Form 04MP027E, Notice of Injury to Child Requiring Medical Examination or Treatment, is completed by the CW county of placement worker when a child in OKDHS custody requires medical treatment as a result of an accidental or non-accidental injury and to advise the parties of the:
(A) nature of the injury;

(B) date of occurrence; and

(C) medical care provided or planned to meet the child's needs.

(2) All injuries, other than normal minor childhood scrapes and bruises, such as small bruises to the knee or shin, are made known to CW staff.

(3) Any injury to the child, even when accidental, is immediately reported per OAC 340:75-3-6, when the injury involves the face, head, neck, stomach, or genitals, burns, broken bones, deep bruises or wounds, or any type of injury requiring medical attention.
340:75-6-89. Travel outside the county, state, or country

A child in Oklahoma Department of Human Services (OKDHS) custody may travel out of the county or state with the placement provider or a person approved by the Child Welfare (CW) worker. If travel is outside the country, judicial approval is also required. Prior approval is not required for a child in OKDHS custody to accompany the placement provider or approved person on travel not involving overnight stays. When the travel involves an overnight stay, the placement provider contacts the CW worker for approval.  ■ 1

INSTRUCTIONS TO STAFF 340:75-6-89

1. Prior to approval of the overnight stay, the procedures in (1) through (3) are followed. The CW worker:

   (1) determines that travel will not interfere with family visitation, court dates, or other essential case situations;

   (2) obtains the destination address and telephone number, and the return date; and

   (3) if the travel is out-of-state or country, completes Form 04FC006E, Travel and Medical Authorization, and provides the form to the placement provider, approved individual, or child. This form is in the possession of the placement provider, approved individual, or child during the travel.

(A) If the child is in emergency or temporary custody, the signature of the parent(s) is obtained on Form 04FC006E. If the signature of the parent(s) cannot be obtained and the court of jurisdiction does not require notification, the signature of the county director or designee is acceptable. Efforts to obtain the signature of the parent(s) are documented in the KIDS Contacts screen.

(B) If the child is in permanent custody and the court of jurisdiction does not require notification, the signature of the county director or designee is obtained.
SUBCHAPTER 8. THERAPEUTIC FOSTER CARE AND DEVELOPMENTAL DISABILITIES 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
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340:75-8-12. Responsibilities of area resource coordinators
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PART 3. DDSD SERVICES FOR CHILDREN IN CUSTODY

340:75-8-35. Purpose
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340:75-8-40. Accessing DDSD services for a child with a developmental disability
PART 1. THERAPEUTIC FOSTER CARE

340:75-8-1. Purpose, legal base, and definitions

(a) Purpose. Therapeutic foster care (TFC) serves children, three through 18 years of age, in Oklahoma Department of Human Services (OKDHS) custody who:

(1) respond to close relationships within a family setting;

(2) require more intensive behavioral health services than available in traditional foster family settings; and

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

(b) Legal base.

(1) Section 7004-1.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 7004-1.1) mandates that 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 mandates that OKDHS 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 Part 1 of this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

(1) "APS Healthcare Service (APS)" means the agency under contract with OHCA responsible for prior authorization for:
(A) the admission and extension of Medicaid or Title XIX reimbursed inpatient psychiatric treatment and TFC services; and

(B) Medicaid or Title XIX reimbursed outpatient behavioral healthcare services.

(2) "Oklahoma Health Care Authority (OHCA)" means the entity designated for administering Title XIX Medicaid reimbursement and responsible for the establishment of medical necessity criteria for children receiving TFC services.

(3) "Therapeutic foster care (TFC)" means residential behavioral management services provided in a specialized foster care setting for a child who:

   (A) meets medical necessity criteria, per OAC 317:30-5-741;

   (B) has special psychological, behavioral, social, and emotional needs;

   (C) accepts and responds to close relationships within a family setting; and

   (D) requires more intensive or therapeutic services than are found in traditional foster care.

(4) "TFC contractor" means a licensed child care agency that meets OKDHS and OHCA requirements to provide residential behavioral management services in a foster care setting. A TFC contract agency:

   (A) provides direct clinical treatment services to the child placed; and

   (B) recruits, trains, certifies, reimburses, and provides supportive services to the TFC foster parent.
340:75-8-6. General requirements for contracted therapeutic foster care placement providers

Contracted therapeutic foster care (TFC) placement 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 and county of placement worker, when different, according to the requirements set forth in the Oklahoma Department of Human Services (OKDHS) contract. The TFC contractor notifies the CW county of jurisdiction worker of the initial treatment plan meeting within five days of the child's placement;

(3) assume responsibility for maintenance of basic needs 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 TFC contractors notify by phone the:

       (I) CW county of jurisdiction and county of placement workers;

       (II) contract liaison; and

       (III) police.

(B) The contractor submits a written incident report to the child's CW county of jurisdiction worker describing the circumstances and files a copy in the child's case record;
(5) ensure the child receives all needed routine, specialized, and emergency medical care in a timely manner provided by a medical provider who accepts Medicaid payment.

(A) Prior consultation and consent from OKDHS and the child's parent(s) are required for emergency medical care. If the appropriate OKDHS authority cannot be contacted and the situation is life-threatening, the contractor has the authority to obtain emergency care and treatment, and notifies OKDHS at the earliest possible time.

(B) Prior consultation and consent from OKDHS and the child's parent(s) are required for any extraordinary medical procedure, such as surgery and invasive procedures.

(C) Prior consultation and consent from OKDHS and the child's parent(s) are not required for ordinary medical care. Provision of all medical or dental care is documented in the contractor's case record, including notification and attempts of notification in emergency situations, per OAC 340:75-13-65;

(6) notify the CW county of jurisdiction and county of placement workers and the contract liaison of any accidental or non-accidental injuries sustained by the child, per OAC 340:75-3-6.1 and 340:75-6-88;

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

(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 340:75-6-30 and 340:75-11-237;

(9) develop and implement written policy and procedures regarding the maintenance and safeguarding of each child's clothing, personal items, property, and funds while placed;

(10) ensure the completion of a clothing and personal item inventory for each child entering and leaving placement and ensure each child leaves the placement with all of his or her clothing and personal items;

(11) obtain prior approval from the CW county of jurisdiction worker any time the child travels overnight outside of the county of placement or Oklahoma, 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 placement provider.

(A) The contractor does not allow a child any overnight visitation without the prior planning and documented written approval of the child's CW county of jurisdiction and county of placement workers. Overnight visitation with peers is considered time outside of the direct supervision of the TFC parent.

(i) The contractor is responsible for:

(I) completing an evaluation of the appropriateness of the overnight plan;

(II) submitting the overnight plan to the CW county of placement and county of jurisdiction workers and supervisors;

(III) securing written confirmation of the plan from the CW county of placement and county of jurisdiction workers and supervisors; and

(IV) documenting the results in the child's case.

(ii) CW county of placement and county of jurisdiction workers and supervisors are responsible for reviewing the overnight plan developed and submitted by the TFC contractor.

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

(C) If the contractor utilizes volunteers, the contractor's policy for approval and utilization of volunteers must, at a minimum, require criminal history and sex offender registry checks;

(13) develop and implement written policy and procedures that prohibit the utilization of any child in OKDHS custody for commercial purposes;

(14) submit written reports to the child's CW county of jurisdiction and county of placement workers describing the child's stay in placement, progress toward meeting the identified treatment plan, education, and medical care as 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);

(16) ensure each employee and TFC parent is trained in an approved passive physical restraint curriculum defined in OAC 340:75-11-237;

(17) develop and implement written policy and procedures requiring the contractor, and all employees of the contractor, having reason to believe any child in placement has been subject to abuse or neglect to report the matter to the local OKDHS office or the child abuse hotline the same day of the incident. Failure to report is a misdemeanor pursuant to 10 O.S. § 7103;

(18) develop and implement written policy that prohibits possession or use of tobacco and tobacco products by any child in placement, and prohibits the use of tobacco or tobacco products by employees of the contractor in the presence of any child in placement;

(19) develop and implement written policy and a system for resolution of grievances by any child placed and by the TFC parent regarding the substance or application of any written or unwritten policy or rule, decision, act, or omission of the contractor, or employees or agents of the contractor, per OAC 340:2-3-49 and 340:2-3-50;

(20) afford the TFC parent the same rights as all foster parents in Oklahoma, per 10 O.S. § 7206.1;

(21) develop and implement written policy and procedures regarding communicable disease, per OAC 340:75-1, Part 9;

(22) 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;

(23) develop and implement written policy and procedures to maintain confidentiality with regard to children in placement in order to comply with OKDHS rules regarding the protection, use, and release of client information, per 10 O.S. § 7005-1.2 and Part 3 of OAC 340:75-1;

(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. On-site crises intervention must be provided prior to any emergency discharge. Contractor's recommendation for
discharge is approved by the child's CW county of jurisdiction worker prior to the contractor'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 the child's discharge and file a copy in the child's case record. The discharge summary includes:

(A) a summary of treatment services;

(B) child's progress on the treatment plan;

(C) reason for discharge; and

(D) recommendations for future placements and services for the child's treatment needs;

(26) ensure that all staff comply with the:

(A) minimum licensing standards defined in the Division of Child Care (DCC) licensing standards for child-placing agencies; and

(B) staffing requirements per OKDHS Placement Agreement for TFC;

(27) develop and implement written policy and operating procedures regarding corrective discipline procedures for employees;

(28) ensure that the foster parent maintains a current Life Book for each child, 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;

(29) develop and implement written policy and operating procedures to govern the foster parent's maintenance and administration of prescription and non-prescription medication to each child in placement, including transporting prescription and non-prescription medication when the child receives medication any place other than the TFC home, such as respite placements, family visits, and medication administered during school hours;  ■ 2

(30) develop written policy and operating procedures regarding the use of physical force for behavior management of any child placed.
(A) The use of mechanical restraints and the use of medication for behavior management are prohibited in the care and treatment of the child in OKDHS custody.

(B) 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, such as when the child's behavior poses an immediate danger or threat of danger to self or others and other methods have been exhausted; and

(31) develop and implement written policy and operating procedures and supervision guidelines regarding use of solitary confinement and separation programs, such as restricting the child to his or her own room for a cooling off period. The duration of room restriction is specified at the time of assignment and is consistent with the child's chronological age, developmental level, behavioral, emotional, and medical needs, and availability of supervision.

INSTRUCTIONS TO STAFF 340:75-8-6

1. TFC records review. Child Welfare (CW) workers, supervisors, CW field liaisons, and Children and Family Services Division (CFSD) staff may review therapeutic foster care (TFC) case documentation any time there are questions regarding the care or treatment for a child in Oklahoma Department of Human Services (OKDHS) custody. Review of the TFC case documentation occurs in the TFC contractor’s office.

2. Transportation of medication. CW workers transport medication for the child in OKDHS custody per OAC 340:75-6-85.1 Instructions to Staff.
340:75-8-7. Contracted therapeutic foster care services

(a) Contractor rules. Therapeutic foster care (TFC) contractors meet Oklahoma Health Care Authority (OHCA) rules as described in Parts 1, 3, and 5 of OAC 317:30-3 and Part 83 of OAC 317:30-5. ■ 1

(b) TFC services. Contracted TFC services in accordance with OAC 317:30-5-742.2 include:

(1) individual therapy, a minimum of four 30-minute sessions per month for each child;

(2) family therapy, a minimum of four 30-minute sessions per month for each child. The TFC contractor:

   (A) works with the parent(s) or placement provider to whom a child in TFC will be discharged;

   (B) seeks to support and enhance the child's relationship with family members, including siblings;

   (C) arranges for and encourages regular contact and visitation between the child and parent(s) and other family members; and

   (D) engages the child's parent(s) and siblings in visitation and family therapy with the child, when the case plan is reunification. The TFC contractor provides consultation, support, and technical assistance to the TFC parent in the implementation of the child's treatment plan;

(3) group rehabilitative treatment, a minimum of two 30-minute sessions per month for each child. Group rehabilitative treatment services include education and supportive services, such as basic living skills, social skills redevelopment, interdependent living, self-care, lifestyle change, and recovery principles. Thirty minutes of individual therapy, family therapy, or both may be provided in lieu of one hour of group rehabilitative treatment;

(4) substance abuse or chemical dependency therapy, as needed, by a child with behavioral or emotional problems directly related to substance abuse, a minimum of two one-hour sessions per month. A minimum of two hours of education and prevention therapy per 90-day period is required for a child who does not have behavioral or emotional problems directly related to substance abuse;
(5) basic living skills redevelopment, a minimum of 30 minutes per day per child;

(6) social skills redevelopment, a minimum of two 30-minute sessions per day per child;

(7) crisis behavior management and redirection services to ensure contract staff availability 24 hours a day, seven days a week for response to the residential placement provider during a placement crisis to stabilize the child's behavior and prevent placement disruption. Crisis behavior management and redirection services are consistent with the goals and objectives of the child's treatment plan;

(8) independent living (IL) services consistent with the IL program administered by Oklahoma Department of Human services (OKDHS), per Part 13 of OAC 340:75-6; and

(9) TFC agency developed policy and operating procedures that support collaboration with Child Welfare (CW) workers in the completion of the child's basic life skills assessment and the development of the child's IL plan.

(c) Contractor requirements. TFC contractors are required to provide services and meet requirements as identified in OAC 340:75 and the TFC contract. The contractor:

(1) seeks to ensure services provided to the youth age 16 to 21 assist in planning for the youth's future and enhancing individual strengths and abilities;

(2) ensures the youth in OKDHS custody 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;

(3) ensures TFC staff comply with the qualifications in OHCA rules, per OAC 317:30-5-740 and 317:30-5-740.1;

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

(5) ensures recreation, other than school and church attendance, is available through a wide range of activities to provide the child opportunities to pursue his or her talents, hobbies, or interests;

(6) supports all permanency planning efforts as identified in the child's Form 04KI008E, Treatment Plan, or Form 04KI012E, Individualized Service Plan (ISP);
(7) advocates for educational services in the community that best meet the needs of each child in compliance with Section 1-113 of Title 70 of the Oklahoma Statutes.

(A) The contractor:

(i) ensures timely school enrollment and provides the child's school with the information defined in the TFC contract at the time of enrollment; and

(ii) provides or arranges tutoring services in conjunction with the CW county of jurisdiction or county of placement worker.

(B) A child in TFC may:

(i) attend a private school accredited by Oklahoma. OKDHS does not pay the cost or related cost of private school education; and

(ii) be home schooled consistent with OAC 340:75-6-50. The TFC contractor consults with the Children and Family Services Division (CFSD) TFC programs manager and the involved CW field liaison in the decision to home school;

(8) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response. The contractor provides a copy to the child's CW county of jurisdiction and placement workers and contract liaison, and files in the TFC record per contract specifications;

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

(10) complies with all general requirements per OAC 340:75-8-6;

(11) complies with all other requirements specified in the OKDHS contract;

(12) maintains documentation of the child's absent without leave (AWOL) and leave days defined in the contract and reports leave days on Form 04CB002E, CFSD Claim for Purchase of Residential Care; and

(13) submits Form 04CB002E for reimbursement to CFSD Administrative Services Unit. TFC contractors are reimbursed by:

(A) OHCA at a fixed daily rate for the provision of Medicaid services per OAC 317:30-5-743 and 317:30-5-744; and
(B) OKDHS at a fixed daily rate. The fixed daily rate is a blend of Title IV-E federal funds, per eligibility of each child served, and state funds.

INSTRUCTIONS TO STAFF 340:75-8-7

1. Additional services available to children in TFC. Specialized treatment services to augment the required services provided by the therapeutic foster care (TFC) contractor may be obtained when a child experiences severe functional impairment, exhibiting the need for additional treatment beyond the required TFC services. The specialized treatment services are provided by a Medicaid behavioral health contractor other than the TFC contractor and require prior authorization by the APS Healthcare reviewer for Medicaid reimbursement.

   (1) Services provided to a child in TFC by a psychiatrist or licensed PhD psychologist in private practice require prior authorization by APS Healthcare for Medicaid reimbursement.

   (2) The Child Welfare (CW) county of jurisdiction and county of placement workers coordinate all requests for additional treatment services for a child in a TFC placement with the TFC contractor. In requesting additional services from a licensed PhD psychologist in private practice, the CW county of jurisdiction and county of placement workers consider the:

      (A) duration, intensity, and frequency of the child's behaviors;
      
      (B) child's specialized treatment needs including, but not limited to, sexual perpetration, long-term substance abuse, and highly sexualized behaviors;
      
      (C) number of crises requiring on-site response; and
      
      (D) child's progress on his or her TFC treatment plan.

2. Independent living (IL). Per Part 13 of OAC 340:75-6, the CW county of placement 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.
340:75-8-8. Therapeutic foster care contractor requirements

(a) Therapeutic foster care (TFC) contractors:

(1) certify TFC homes according to rules established by Division of Child Care (DCC), Children and Family Services Division (CFSD), OAC 340:75-7-10 through 340:75-7-19, Oklahoma Health Care Authority (OHCA), and the requirements outlined in Oklahoma Department of Human Services (OKDHS) Placement Agreement for Residential Behavioral Management Services (RBMS) in TFC Settings;

(2) ensure the TFC home meets all certification requirements prior to the placement of a child in the home;

(3) engage in active recruitment of potential TFC parents who reflect the racial and ethnic diversity of children requiring placement, in compliance with the Multiethnic Placement Act of 1994 per OAC 340:75-7-10;

(4) continually evaluate the TFC parent's ability to provide TFC services and meet the needs of children receiving residential behavior management services in a foster care setting per OAC 340:75-7-94;

(5) ensure each TFC parent:

(A) is trained according to DCC rules, OHCA rules per OAC 317:30-5-740.1, and the requirements outlined in OKDHS Placement Agreement for RBMS in TFC Settings, prior to the placement of a child in the home;

(B) meets the requirements for in-service training as defined in the OKDHS contract; and

(C) has access to respite care per OAC 340:75-8-11;

(6) requests approval from the CFSD programs manager for TFC prior to accessing day care for a child. OKDHS does not reimburse for child care for a child in TFC placement. The written request includes the:

(A) therapeutic justification in the child's treatment plan of daily child care outside of the child's TFC home;

(B) ability of child care staff or child care provider to meet the child's emotional and behavioral problems;
(C) availability of the TFC parent and TFC contractor staff to respond to problems at the child care environment;

(D) child care center's licensing status, ratings, and adult:child ratio;

(E) planned length of use of child care as a service component of the child's treatment plan; and

(F) verification of child care licensing status or TFC approval as a respite provider when an individual is providing day care;

(7) do not accept applications from any foster parent certified by any other agency, including all licensed child-placing agencies and OKDHS, without prior written approval of the current certifying TFC contractor and written approval of the CFSD programs manager for TFC;  

(8) do not certify the TFC home unless at least one TFC parent is available to provide care for the child any time the child is not in school;

(9) do not certify an OKDHS employee as a TFC parent without prior written approval from the CFSD director or designee. The TFC contractor submits the written request to the CFSD programs manager for TFC. The review of the request is consistent with OAC 340:75-7-12;

(10) do not certify a TFC agency employee assigned to the TFC program without prior written approval from the CFSD programs manager for TFC. The request includes a copy of TFC agency policy regarding certification of employees of the TFC agency; and

(11) do not accept a foster parent application from a person licensed to provide child care services. Families are not approved as licensed family child care homes or TFC homes at their home or in any other location.

(b) TFC homes may be jointly approved per OAC 340:75-7-19.

(1) Joint approval of a TFC home occurs following written approval between the TFC contractor and the other certifying agency.

(2) A TFC home certified by more than one agency may not accept new placements from either certifying agency without prior written agreement of all certifying agencies.  

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INSTRUCTIONS TO STAFF 340:75-8-8

1. Joint approval. Child Welfare (CW) staff:

   (1) refers all requests for joint approval of therapeutic foster care (TFC) homes in writing to the Children and Family Services Division programs manager for TFC, per OAC 340:75-7-19;

   (2) does not encourage or recommend that the TFC parent seek approval with another TFC agency prior to the resolution of any issues with the current certifying TFC contractor; and

   (3) encourages the TFC parent to address the issues with the director of the contractor's TFC program or through the TFC contractor's grievance process.
340:75-8-9. Placement procedures in therapeutic foster care homes

(a) Therapeutic foster care (TFC) is the least restrictive community-based residential care placement setting. Children in Oklahoma Department of Human Services (OKDHS) custody served in TFC placements are ages three through 18, male or female, and determined by the Oklahoma Health Care Authority (OHCA) authorized reviewer to meet the medical necessity criteria for TFC services, per OAC 317:30-5-741.

(1) The child has been diagnosed with any DSM-IV AXIS I primary diagnosis, with the exception of V codes and adjustment disorders, accompanied by a detailed description of the symptoms supporting the diagnosis.

(2) The child's conditions are directly attributed to a mental illness or serious emotional disturbance as the primary need for professional attention.

(3) It has been determined by the reviewer that the child's current disabling symptoms cannot be or have not been managed in a less intensive treatment program.

(4) There is evidence that the child's presenting emotional or behavioral problems prohibit full integration in a family or home setting without the availability of 24-hour crisis response, behavior management, and intensive clinical interventions from professional staff, preventing the child from living in a traditional family home.

(5) The child is medically stable and not actively suicidal or homicidal and not in need of substance abuse detoxification services. □ 1

(b) The Child Welfare (CW) county of jurisdiction worker and supervisor assess each child's treatment needs per OAC 340:75-6-40 and 340:75-6-85. The CW worker seeks TFC placement when the:

(1) child's treatment needs can no longer be met in the child's own home, relative home, or traditional foster family setting;

(2) child does not require a group home placement; and

(3) child does not meet the medical necessity criteria for psychiatric treatment.

(c) A child whose behavior requires 24-hour awake supervision or who poses a danger in a family setting is not appropriate for TFC placement.
(d) The TFC contractor receives referrals for the placement of children from the area resource coordinator (ARC), per OAC 340:75-8-12.  ■ 2

(e) The TFC contractor requests a TFC authorization extension 30 days prior to the expiration of the authorized length of stay. If the OHCA authorized reviewer denies the extension of services, the TFC contractor provides written notification within one working day of the denial to the CW county of jurisdiction and county of placement workers, if different. ■ 3

(f) TFC contractors request written approval from the Children and Family Services (CFSD) programs manager for TFC prior to the placement of a child five years of age or younger. The written request includes:

(1) the assessed diagnosis and proposed treatment plan for the child;

(2) the credentials, experience, and training of the TFC contractor's staff documenting the staff's ability to develop an age appropriate treatment plan and deliver clinical services to children, five years of age or younger, with emotional disturbances or behavioral disorders;

(3) other information as requested by the CFSD programs manager for TFC; and

(4) a description of the proposed TFC parent's:

(A) age, availability, experience, and skills;

(B) family structure;

(C) ability to meet the needs of a child, including a child age five or younger; and

(D) parenting responsibilities to other children in the home, children in foster care or therapeutic foster care placement, any adopted children, and any birth children.

(g) The TFC contractor does not place more than two children in a TFC home without prior written approval from the CFSD programs manager for TFC. The TFC contractor submits the written request that includes:

(1) primary treatment needs for the proposed placement of a third child and any subsequent children in the TFC home;
(2) availability, placement history, skills, completed or planned corrective action, and additional contractor supports of the TFC parent identified for proposed placement of a third child;

(3) risk factors considered and compelling reasons for proposed placement of a third child;

(4) documentation of TFC contractor contact with CW workers or supervisors for each child in the home, involved professionals, and each TFC family member, regarding the impact of the proposed placement of a third child;

(5) documentation of TFC contractor's review of any separated siblings placed in the proposed third placement; and

(6) other information as requested by the CFSD programs manager for TFC.

(h) Title XIX payments for TFC services are not made for TFC parents who move out of Oklahoma. TFC placements are made only in Oklahoma. ■ 4

(i) A child may remain in TFC placement on a voluntary basis after age 18, per OAC 340:75-6-115.9. ■ 5

INSTRUCTIONS TO STAFF 340:75-8-9

1. Authorization for TFC.

   (1) APS Healthcare. A child in Oklahoma Department of Human Services (OKDHS) custody is authorized for TFC placement by inpatient authorization reviewers of APS Healthcare. Reviewers initially evaluate the child's current treatment needs to determine whether the child likely meets the criteria for TFC services.

   (A) The CW county of jurisdiction worker requests APS evaluation for admission to TFC by calling 1-800-762-1560, selecting the Inpatient Prior Authorization option, and requesting a TFC evaluation.

   (B) The CW county of jurisdiction worker provides to the APS reviewer accurate and complete information regarding the child's behavior. The information provided is documented in Form 04KI010E, Placement Worksheet.
(C) When the reviewer determines the child likely meets criteria for TFC, the reviewer faxes the "sounds like" designation to the area resource coordinator (ARC).

(D) The CW county of jurisdiction worker makes the placement request on the child’s KIDS Placement Recommendation screen, and the supervisor approves the placement request immediately following the TFC approval by the reviewer. The CW supervisor's approval of the placement request indicates that Form 04KI010E has been reviewed for completion and accuracy.

(E) To appeal a TFC denial, the child’s CW county of jurisdiction or county of placement worker contacts the CFSD programs manager for TFC.

2. Contractor listing. TFC contractors are found in the KIDS Resource Directory, resource category - Residential-State Office Authorized, resource type - Therapeutic Foster Care Contractor.

2. ARC assignment. The CW supervisor’s approval of the recommendation for TFC placement initiates the secondary case assignment to the ARC. Refer to OAC 340:75-8-12 ITS for the ARC’s role and responsibilities.

3. Lower level placement options. When the child no longer meets criteria for TFC placement and can be placed in a lower level of care, the CW county of jurisdiction worker immediately makes plans for the next appropriate placement. Placement options for a child who no longer meets criteria are:

   (1) own home;
   (2) relative home;
   (3) adoptive home;
   (4) foster family care, including joint approval of the TFC home per OAC 340:75-8-8; or
   (5) independent living.

4. Out-of-state placements. CW staff are not authorized to approve TFC placement of a child in OKDHS custody with a TFC parent who is moving out-of-state.
5. Extended placement services. The CW county of jurisdiction worker and supervisor determine whether the child in TFC placement is eligible for voluntary services after age 18. If the child is eligible and requests voluntary care, the CW county of jurisdiction worker completes requirements per OAC 340:75-6-115.9.
340:75-8-10. TFC placement in close proximity to child's home community

(a) **Placement within 40-mile radius.** The therapeutic foster care (TFC) contractor places the child in custody:

(1) in a therapeutic foster home within 40 miles of the county of residence of the child’s parent(s); or

(2) if the child is in Oklahoma Department of Human Services (OKDHS) permanent custody, within 40 miles of the child’s county of jurisdiction.

(b) **Proximity of siblings.** The TFC contractor considers the placement and accessibility of the placed child’s sibling(s), if the sibling(s) is in OKDHS custody.

(c) **Placement outside 40-mile radius.** The TFC contractor may make initial TFC placement outside the 40-mile radius if a local placement is unavailable, inappropriate, or another good cause determined not to be in the child’s best interest.

(1) **Approval.** Approval for placement outside the 40-mile radius requires a signed agreement between the TFC contractor accepting the child for placement and Child Welfare (CW) staff. The TFC contractor initiates the signed agreement with approval granted by the CW county of jurisdiction worker and supervisor and the sending and receiving area resource coordinators (ARCs).

(2) **Disruption.** If disruption occurs in the TFC placement and the custody child’s disrupted placement is outside the 40-mile radius, the TFC contractor serving the child seeks placement in accordance with (a) and (b) of this Section, in one of the TFC contractor’s homes.

(A) If the TFC contractor cannot place the child, whose TFC placement disrupted, in accordance with (a) and (b) of this Section, the TFC contractor contacts other TFC contractors serving the identified close proximity area of the child for availability of an appropriate TFC placement.

(B) If another TFC contractor can appropriately place the child within the 40-mile radius, OKDHS transfers the child to that TFC contractor for placement.

(C) The CW county of jurisdiction worker is responsible for transporting the child immediately following the identification of the need for TFC placement.
(d) **Exception to placement within 40-mile radius.** If all reasonable efforts to place a child within the 40-mile radius fail and the TFC contractor has an appropriate TFC home outside the 40-mile radius, an exception is made to place the child.

(1) The exception is approved with a signed agreement initiated by the TFC contractor and signed by the CW county of jurisdiction worker and supervisor, the CW county of placement worker and supervisor, and the sending and receiving ARCs.

(2) An exception allowing placement outside the 40-mile radius is justified, in accordance with Section 7003-5.3 of Title 10 of Oklahoma Statutes, when a local TFC placement is unavailable, inappropriate, or, for other good cause, determined not to be in the child’s best interest.
340:75-8-11. Therapeutic foster care placement stability

(a) Notification of respite placement. The therapeutic foster care (TFC) contractor notifies the Child Welfare (CW) county of jurisdiction and county of placement workers, area resource coordinators (ARCs) involved in the placement, and the contract liaison of all placement changes, including all types of respite, for each child in TFC placement.

(b) Respite care. Respite care is a planned reprieve for the TFC parent with whom a child is placed and includes a defined time frame for the length of stay and an identified date for the child's return to the TFC parent with whom the child is placed.

(1) Respite location. Respite care is provided in the home of a TFC parent, certified and trained by the TFC contractor. Respite care does not occur in emergency shelters.

(2) Planned respite. Planned respite is a planned reprieve for the TFC parent with whom a child is placed.

(3) Unplanned respite. Unplanned respite is an unplanned or crisis reprieve, not to exceed three working days, for the TFC parent with whom the child is placed.

   (A) The TFC contractor submits a written request for an extension of time, if needed, to the CW county of placement supervisor.

   (B) A copy of the county approved respite extension is sent by the TFC contractor to the CW county of jurisdiction supervisor, when different from the county of placement, and Children and Family Services Division (CFSD) programs manager for TFC for information purposes.

(4) Transitional respite. Transitional respite is a stabilization and assessment period, not to exceed five working days, utilized following a TFC home placement disruption, that allows the TFC contractor and CW county of jurisdiction worker time to develop an appropriate plan for the child's next placement.

   (A) The TFC contractor submits a written request for an extension of time to the CW county of jurisdiction supervisors for approval.

   (B) A copy of the approved extension is maintained in the child's case and sent to the CFSD programs manager for TFC for information purposes.

(c) TFC contractor. The TFC contractor:
(1) ensures the respite TFC parent is informed of the child's current treatment issues, behavioral, medical, and physical needs; 

(2) supervises the respite TFC parent in the implementation of the in-home treatment strategies identified in the TFC contractor's individualized treatment plan for the child; and 

(3) provides behavior redirection and crisis management services to prevent disruption of TFC placements, per OAC 340:75-8-7.  

(d) **TFC parent.** The TFC parent provides 14 days notice to the TFC contractor when requesting a child's removal from the TFC home, unless the removal is required to protect the health or safety of the child or TFC family member.

**INSTRUCTIONS TO STAFF 340:75-8-11**

1. **Placement reviews.**

   (1) The Child Welfare (CW) county of jurisdiction and county of placement workers review all notices of the child's placement changes, including respite, to ensure the child's placement stability.

   (2) If the therapeutic foster care (TFC) contractor, TFC parent, and CW county of jurisdiction and county of placement workers agree that the crisis management services:

      (A) are successful in stabilizing the child, the child returns to the TFC placement; or 

      (B) are not successful in stabilizing the child and the TFC placement is disrupted, the CW county of jurisdiction worker immediately plans for the next appropriate placement.
340:75-8-12. Responsibilities of area resource coordinators

Therapeutic foster care (TFC) contractors receive referrals for the placement of children in Oklahoma Department of Human Services custody in TFC homes from the area resource coordinator (ARC). 1 Child Welfare workers assigned as ARCs have responsibilities for the referral of children to TFC contractors. 2

INSTRUCTIONS TO STAFF 340:75-8-12

1. ARC assignments. The area director:

   (1) assigns a Child Welfare (CW) worker in the respective Field Operations Division (FOD) service area as the area resource coordinator (ARC); and

   (2) determines the number of ARC assignments and the counties assigned to each ARC in the respective area.

2. ARC responsibilities. The ARC:

   (1) manages the placement referral process for a child requiring therapeutic foster care (TFC) placement in the respective FOD area;

   (2) coordinates placement referrals in the area by maintaining frequent contact with TFC contractors through regularly scheduled area placement meetings as determined by the number of TFC placement requests in the area;

   (3) receives the Bed Vacancy Report from TFC vendors at a frequency determined in the area but no less than once per week;

   (4) receives secondary case assignment for placement automatically through KIDS;

   (5) receives the "sounds like" designation from APS Healthcare authorizing TFC assessment;

   (6) prints Form 04KI010E, Placement Worksheet, and KIDS Placement Recommendation screen and reviews for completeness. If the information is not complete, the ARC notifies the CW county of jurisdiction supervisor that Form 04KI010E is inadequate for referral;
(7) submits Form 04KI010E and KIDS Placement Recommendation screen print to TFC contractors as soon as possible;

(8) submits Form 04KI010E to TFC contractors who report vacant beds matching the needs of the child referred. The ARC ensures, as first priority, all TFC placements are within 40 miles of the child's home or community;

(9) tracks placement referrals until the child is placed and keeps the CW county of jurisdiction worker informed of the status of the placement referral by e-mail;

(10) maintains a TFC placement file for each child referred for TFC from the area that includes the printed Form 04KI010E and Placement Recommendation screen, "sounds like" designation authorizing TFC assessment, and any letters from TFC contractors declining to place;

(11) consults with and refers to the ARCs in adjoining areas to verify TFC home availability, if placement is not available within 40 miles of the child's home or community;

(12) upon notification from the TFC contractor and CW county of jurisdiction worker of the child's placement:

   (A) authorizes the placement;

   (B) enters the name of the TFC contractor who accepted the child for placement;

   (C) documents placement justification on KIDS Placement Authorization screen; and

   (D) end dates his or her secondary case assignment for placement in KIDS;

(13) immediately e-mails Children and Family Services Division (CFSD) Placement Section if all TFC contractors decline placement and sends the TFC placement file to Placement Section if placement in a higher level of care is appropriate; and
(14) completes a monthly report of TFC placement referrals and the number of placements declined by TFC contractors and submits the report to the CFSD programs manager for TFC by the fifth working day of the month.

Children in Oklahoma Department of Human Services (OKDHS) custody and therapeutic foster care (TFC) placements receive Child Welfare (CW) services consistent with OAC 340:75-6-47 and 340:75-6-85.

(1) A child placed in OKDHS custody and a TFC home:

(A) in the child's county of jurisdiction receives CW services from a CW worker in the county of jurisdiction; and

(B) outside of the child's county of jurisdiction receives CW services from a CW worker in the county of jurisdiction and a CW worker in the county of placement.

(2) CW county of jurisdiction and county of placement workers have responsibilities for children in OKDHS custody and TFC placements.

INSTRUCTIONS TO STAFF 340:75-8-13

1. CW worker's role and responsibilities. The Child Welfare (CW) county of jurisdiction worker's role and responsibilities for a custody child in out-of-home placement are defined in OAC 340:75-6-47 and 340:75-6-85. The assignment of a CW county of placement worker or a therapeutic foster care (TFC) contract liaison does not diminish the CW county of jurisdiction worker's roles and responsibilities for a child in Oklahoma Department of Human Services (OKDHS) custody and TFC placement.

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

   (1) developing and implementing the child's permanency plan. The permanency plan is an integral part of the case plan for a child who is in OKDHS custody and TFC placement, per OAC 340:75-6-31 and 340:75-6-85;

   (2) ensuring communication and coordination of all CW workers in all involved counties and all service providers;

   (3) immediately transporting the child for a pre-placement visit or placement, upon receiving notice that a TFC contractor has identified an appropriate TFC home. The county of jurisdiction worker may refuse to place a child in the custody of OKDHS in a TFC home;
(4) completing, and, at the time of placement, providing to the TFC contractor copies of Form 04FC011E, Placement Agreement for Out-of-Home Care, Form 04KI005E, Placement Plan, Form 04KI005E, Placement Provider Information, and Form 15GR004E, Notice of Grievance Rights - Minors in OKDHS Custody, per OAC 340:2-3-49. Failure of the CW county of jurisdiction worker to provide the information included in these forms may jeopardize the child's safety and well-being. The TFC contractor may refuse the placement of any child in OKDHS custody without this information;

(5) providing to the TFC parent a copy of the child's:

(A) birth certificate;

(B) immunization records;

(C) court order for OKDHS custody;

(D) court-approved Form 04KI008E, Treatment Plan, or Form CWS-KIDS-24, Individualized Service Plan (ISP), as applicable;

(E) medical card;

(F) CW county of jurisdiction worker and supervisor's phone numbers; and

(G) independent living assessment, if the child is 16 years of age or older;

(6) providing to the TFC contractor the name and address of the school the child last attended, so the TFC contractor can enroll the child in school, per OAC 340:75-8-7. The CW county of jurisdiction worker assists the TFC contractor in locating the child's school records and facilitating the transfer of school records from one school district to another;

(7) transporting the child for admission to the new placement with adequate clothing or an emergency clothing authorization per OAC 340:75-13-45;

(8) placing the child with a 30-day supply of any medication 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 04MP011E,
Receipt and Release of Prescription and Over-the-Counter Medication(s), as described in OAC 340:75-6-85.1 Instructions to Staff;

(9) updating the KIDS Placement screens;

(10) providing completed Forms 04K1025E and 04K1026E, Change in Placement Notification, in accordance with OAC 340:75-6-86, when there is a change in the child's living arrangements;

(11) maintaining on-site, face-to-face contact with the child, when placed in the county of jurisdiction, in accordance with OAC 340:75-6-48;

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

(13) 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;

(14) consulting with the TFC contractor at the time of admission and giving input into the development of the contractor's treatment plan for the child. The contractor's treatment plan is completed within 30 days of placement;

(15) maintaining involvement with the development and review of the TFC contractor's treatment plan for the child and participating on-site or by phone in the TFC contractor's 90-day reviews of the contractor's treatment plan for the child;

(16) reporting any earned income of the child to the Family Support Services worker or the assigned custody specialist on Form K-13, Information/Referral - Social Services;

(17) arranging family visitation, including transportation and supervision per OAC 340:75-6-30;

(18) completing reports to the court.
(A) The county of jurisdiction worker informs the child, the TFC contractor, and the TFC parent of the CW case progress and ongoing court status.

(B) When the child is placed in a TFC home outside of the county of jurisdiction, the CW county of jurisdiction worker informs the CW county of placement worker of the CW case progress and ongoing court status;

(19) advising the TFC contractor and the TFC parent of the local post adjudication review board (PARB) meetings, permanency planning review meetings, dates and times of court hearings, and any case staffing that requires the input of the TFC contractor and TFC parent;

(20) entering the end date of the placement in KIDS Placement screens when the child in TFC placement is ready for discharge or if a disruption occurs; and

(21) obtaining the child's next placement and transporting the child to that placement in compliance with OAC 340:75-8-1 through 340:75-8-14.

3. CW county of placement worker's responsibilities. When the child is placed in a TFC home 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 child's TFC placement;

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

(3) may participate on-site or by phone in the TFC contractor's 90-day reviews of the contractor's treatment plan for the child.
340:75-8-14. Responsibilities of the contract liaison

A Child Welfare (CW) worker, in the county where the Therapeutic Foster Care (TFC) contractor's office is located, is assigned to each TFC contractor as the contract liaison.

The CW worker assigned as contract liaison has responsibilities to the TFC contractor.

INSTRUCTIONS TO STAFF 340:75-8-14

1. The county director and the Child Welfare (CW) supervisor, in the county where the therapeutic foster care (TFC) contractor's office is located, assign a CW worker as the liaison to the TFC contractor.

2. The liaison to the TFC contract is responsible for:

   (1) assisting the TFC contractor in maintaining effective working relationships with CW field staff and assists in problem resolution;

   (2) providing consultation to the TFC contractor about Oklahoma Department of Human Services policy and TFC contract requirements;

   (3) tracking the use of absent without leave (AWOL) and leave days and reviewing Form, Claim Form, and Form 04CB002E, Claim for Purchase of Residential Care, submitted monthly by the contractor for accuracy;

   (4) providing the TFC contractor with the Dear Provider Letter upon admission;

   (5) completing the monthly Liaison Report and submitting the report to the Children and Family Services Division (CFSD) TFC programs manager by the fifth working day of the month;

   (6) reviewing the TFC contractor's informational memo notifying the CW supervisor of the name, address, and phone number of any therapeutic foster home certified by the TFC contractor in the contractor's county;

   (7) entering the specific therapeutic foster homes certified by the TFC contractor in the KIDS Resource Directory;
(8) assisting in contract monitoring by participating as a member of the assessment team in the annual on-site contract assessment and in the ongoing assessment of the TFC contract;

(9) performing the quarterly on-site monitoring of the TFC contract; and

(10) knowing the TFC contract requirements and reporting contract violations to the CFSD TFC programs manager.
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.

(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.

   (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 06MR001E, Application for Developmental Disabilities Services, and all required attachments provided by the CW worker.

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

INSTRUCTIONS TO STAFF 340:75-8-36

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 04MP013E, 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 06MR001E, Application for Developmental Disabilities Services; and

(C) completes Form 06MR001E and attaches Form 04MP028E, CW Request for DDSD Needs Assessment.

(2) When the child is in:

(A) permanent OKDHS custody, the CW supervisor signs completed Form 06MR001E; and

(B) emergency or temporary OKDHS custody, the child's parent(s) signs Form 06MR001E. If the child's parent(s) is unwilling or unable to sign Form 06MR001E, the CW county of jurisdiction worker requests the court sign Form 06MR001E.

(3) The CW county of jurisdiction worker submits the completed and signed Form 06MR001E 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 written needs assessment for each Form 04MP028E 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) DDSD area staff provides a copy of the written needs assessment to CW staff and works with CW staff on identifying referrals and needed resources.

(4) 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) 06MR001E; and

(2) 04MP028E 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 08MA080E, 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 06MP003E, 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 04MP035E, Request for CFSD/DDSD Grand Staffing.
340:75-8-37. **CW worker responsibilities for a child receiving HCBWS**

The role and responsibilities of the Child Welfare (CW) worker for a child in Oklahoma Department of Human Services (OKDHS) 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.

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

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

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

(C) visiting the child in OKDHS custody in DDSD placement, when placed in the county of jurisdiction, per OAC 340:75-6-48;

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

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

(F) arranging for the child's transportation, in collaboration with the DDSD case manager, when the child must attend court;

(G) 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

(H) 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) When the child is placed outside of the county of jurisdiction, the CW county of placement worker:
(A) provides information to the CW county of jurisdiction worker regarding the child's progress and any problems in the DDSD placement;

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

(C) may attend case staffing and meetings related to the development and subsequent reviews of the child's DDSD Individual Plan.
340:75-8-38. **DDSD case manager responsibilities for a child receiving HCBWS**

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. **CW worker and DDSD staff shared responsibilities for a child receiving HCBWS**

(a) **Long-term plan.** 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 permanency plan is achieved. ①

(b) **Guardianship.** 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 340:100-3-5. Guardianship is generally not established prior to age 18.

   (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

   (2) The CW worker, DDSD area guardianship coordinator, and, when applicable, DDSD volunteer recruiter, assist the potential guardian to petition for guardianship 30 days prior to the child's 18th birthday in preparation for a hearing on or immediately following the child's 18th birthday.

**INSTRUCTIONS TO STAFF 340:75-8-39**

1. **Initiation of guardianship identification.**

   (1) By the child's 16th birthday or if the child is age 16 or older 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 guardianship assessment is scheduled during the team meeting closest to the child's 16th birthday.

   (3) The DDSD case manager, DDSD area guardianship coordinator (GC), CW worker, CW supervisor, and any placement and service providers most familiar with the child attend the team meeting that initiates the guardianship assessment process. The GC chairs this meeting.

   (4) 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.

(5) If the CW worker, DDSD case manager, and CFSD liaison to DDSD are unable to identify a potential guardian for a child who receives DDSD Home and Community-Based Waiver Services, the DDSD case manager notifies the DDSD area GC who makes a referral to the contracted agency that recruits and trains volunteer guardians for DDSD.

(6) When a person is identified to serve as guardian, the CW worker and DDSD case manager assist the person and child to build a relationship, if one does not already exist.

(7) The CW county of jurisdiction worker and DDSD case manager request, when possible, that the guardianship hearing be scheduled on the same day as the CW hearing ending OKDHS custody.
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 340:75-8-40

1. Grand staffing.

(1) Following supervisory staffing, Form 04MP035E, 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 submits Form 04MP035E to the DDSD programs manager or designee for Residential Services; or

(C) CW field liaison (CWFL). CW staff submits Form 04MP035E to the Children and Family Services Division (CFSD) programs manager or liaison to DDSD.

(2) Following receipt of Form 04MP035E, the DDSD or CFSD programs manager reviews Form 04MP035E completed by DDSD or CW staff. Staff with the most knowledge about the child referred completes Form 04MP035E.
(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 04MP035E and submits to the CFSD liaison; and

(B) known to DDSD, DDSD area staff completes Form 04MP035E 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 request 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.
340:75-15-128.1. Adoption assistance benefits

(a) Adoption assistance benefits may include Medicaid coverage, a monthly assistance payment, special services, reimbursement of non-recurring adoption expenses, or any combination of these. Children eligible for Title IV-E (IV-E) assistance are also eligible for available Title XX services.

(1) Medicaid. The child is eligible for the Oklahoma Medicaid program or the Medicaid program in the state of residence, if IV-E eligible. All necessary medical and dental care under the scope of that program is compensable at usual and customary charges, per OAC 340:75-15-129.

(2) Monthly assistance payments. A child may be eligible for a monthly assistance payment to provide financial support to families who adopt children considered difficult to place. Payments are made to eligible families as long as Oklahoma Department of Human Services (OKDHS) has sufficient funds available and is authorized to make payments under Form 04AN002E, Adoption Assistance Agreement, as allowable within the OKDHS budget.

(A) Payments. The standard monthly adoption assistance payments correspond to the child's age set out in OKDHS Appendix C-20, Children and Family Services Division Rates Schedule.

(B) DOC rate descriptions. The difficulty of care (DOC) descriptions are guidelines from which the most appropriate DOC rate is determined for the eligible child. Not every situation will clearly fit into one DOC rate category. DOC descriptions are set out in OKDHS Appendix C-20.

(i) Consideration of the child's age is part of determining the appropriate rate category.

(ii) Documentation that the child's needs, conditions, or behaviors fit the rate category is required from the adoptive family and professional sources outside the adoptive family.

(iii) Updated documentation may be required by OKDHS from time to time to establish a child's ongoing eligibility for a particular DOC rate.

(3) Special services. Special services are used to meet the child's needs that cannot be met by the adoptive parent(s) and that are not covered under any other program for which the child would qualify.
(A) These services include corrective appliances, such as leg braces, prostheses, and walkers.

(B) Tutoring and private school tuition are not covered as special services, as the public school systems are mandated to provide all children with special needs with an appropriate public education.

(C) The child's needs are reviewed at least annually and special services may be approved for a limited time.

(D) The amount paid does not exceed the reasonable fee for the service rendered.

(E) The special service is negotiated with the adoptive parent(s), approved by Children and Family Services Division (CFSD) Adoption Assistance Section, and included in Form 04AN002E.

(4) **Reimbursement of non-recurring adoption expenses.** Certain non-recurring expenses incurred by or on behalf of the adoptive parent(s) in connection with the adoption of a child with special needs may be reimbursed.

(A) **Reimbursable expenses.** Non-recurring adoption expenses are the reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs, are not incurred in violation of state or federal law, and have not been reimbursed from other sources or funds. Financial reimbursement is available to the adoptive parent(s) of an eligible child for:

(i) adoption fees;

(ii) court costs;

(iii) attorney fees;

(iv) adoptive home study fee;

(v) costs incurred to obtain health and psychological reports on family members;

(vi) supervision of the adoptive placement by another agency;

(vii) transportation, food, and lodging for the adoptive parent(s) and child
during the placement process; and

(viii) cost of fingerprinting paid by the adoptive parent(s).

(B) Eligibility. The child must meet all eligibility criteria for a child with special needs, per OAC 340:75-15-128.4, and have been placed for adoption in accordance with applicable state and local laws. It is not required that the child:

(i) be in the custody of OKDHS or a federally recognized tribe at the time of finalization of the adoption; or

(ii) meet the IV-E categorical eligibility requirements for adoption assistance, per OAC 340:75-15-128.2.

(C) Amount of reimbursement. Reimbursement of non-recurring adoption expenses, as defined in OAC 340:75-15-128.1(a)(4)(A), may be approved on behalf of the eligible child as described in (i) and (ii).

(i) Finalized adoption. Assistance is limited to documented actual expenses incurred up to a maximum of $1,200 per child if the adoption is finalized. If an Order Terminating Parental Rights or Order Determining the Child Eligible for Adoption Without the Consent of a Biological Parent had to be obtained in the adoption case, a request for reimbursement up to a maximum of $2,000 per child is considered by OKDHS on a case-by-case basis. In cases where siblings are placed together with the same adoptive family, each child is treated as an individual with separate reimbursement for non-recurring expenses.

(ii) Non-finalized adoption. A potential adoptive parent(s) whose trial adoption disrupts prior to finalization may be eligible for up to a maximum reimbursement of $500 per child.

(D) Approval and payment. The request for reimbursement of non-recurring adoption expenses must be approved and Form 04AN002E signed by the adoptive parent(s) and OKDHS designee prior to finalization of the adoption. Payment is made directly to the adoptive parent(s) for approved amounts shown on the itemized statement as paid in full. Payment is made directly to a vendor, such as an attorney and private adoption agency, for the fee that the itemized statement indicates has not been paid in full by the adoptive parent(s).  ■ 1

(E) Interstate placement. The provisions of OAC 340:75-15-128.5(b) apply to reimbursement of non-recurring adoption expenses in interstate adoptions.
(b) **Overpayments.** CFSD Adoption Assistance Section staff immediately verbally notifies the adoptive parent(s) when it is discovered that an overpayment has occurred. OKDHS researches, analyzes, and verifies the overpayment amount within 60 days of the verbal notification to the adoptive parent(s). The adoptive parent(s) is responsible for repayment, even if he or she is not responsible for causing the overpayment.

1. Adoption Assistance Section staff contacts the adoptive parent(s) regarding an adoption assistance overpayment and discusses the amount to be automatically deducted, when possible, from the monthly adoption assistance payment.

   A. The adoptive parent(s) is notified in writing by certified mail of the overpayment agreement plan. Upon receipt of the overpayment agreement plan, the adoptive parent(s) signs and returns the plan to OKDHS with original signatures.

   B. The overpayment agreement plan must not exceed 36 months from the date of receipt of written notification of the plan.

   C. The minimum monthly payment toward the overpayment must not be less than $150, with the exception of the final payment.

2. Adoption Assistance Section staff notifies OKDHS Legal Division when the adoptive parent(s) does not respond to the written notification of or fails to comply with the overpayment agreement plan.

3. A referral is made to Office of Inspector General (OIG) if fraud is suspected.

(c) **Modification.** Form 04AN002E may be modified and the adoption assistance payment amount may be readjusted periodically when warranted by a change in circumstances and with the concurrence of the adoptive parent(s). A change in the child's eligibility for the DOC rate paid constitutes a change in circumstance.

1. The adoption assistance payment amount may not be automatically adjusted without agreement of the adoptive parent(s) except for an across-the-board reduction or increase in OKDHS foster care reimbursement rates or DOC rates.

2. Modification of Form 04AN002E is prospective only and may not be retroactive.

3. If the parties cannot come to an agreement, OKDHS establishes the payment amount.

4. The adoptive parent(s) must inform OKDHS of circumstances that would make
the child ineligible for adoption assistance payments or eligible for payments of a different amount. OKDHS may require:

(A) the adoptive parent(s) to provide updated documentation of a child's ongoing eligibility for the payment amount received; and

(B) evaluation of a child by a suitably licensed or certified examiner selected by OKDHS if the child's eligibility is in question.

(d) **Termination.** When Form 04AN002E is signed and in effect, it is only terminated if one of the conditions described in (1) through (5) is met.

(1) The child has attained the age of 18 years, except the child may continue to receive assistance until the day of the child's 19th birthday if the child:

(3) OKDHS determines that the adoptive parent(s) is no longer legally responsible for support of the child.

(4) OKDHS determines that the adoptive parent(s) is no longer providing financial support to the child. If a child is placed in out-of-home care, including psychiatric, residential, therapeutic, or foster family care, and the adoptive parent(s) continues to provide financial support to the child, adoption assistance may continue. The rate of payment may be renegotiated, as appropriate.

(5) All of the child's adoptive parents are deceased.

(e) **Death of adoptive parents or dissolution of the adoption.** A child who was receiving IV-E adoption assistance at the time of the death of all of the child's adoptive parents or at the time the adoption dissolves may be eligible for adoption assistance if the child is adopted again after October 1, 1997. A child receiving state funded adoption assistance is eligible if adopted after May 29, 1998. To be eligible, the child must continue to meet the special needs criteria and all of the requirements in (1) through (4).

(1) The prospective adoptive parent(s) must make application on Form 04AN001E, Adoption Assistance Application.

(2) The prospective adoptive parent(s) must provide from a district or tribal court a copy of a file-stamped Petition for Adoption if requesting prefinalization adoption assistance or a Final Decree of Adoption if requesting adoption assistance to begin after adoption.
(3) OKDHS must be able to document the child was receiving IV-E or state funded assistance at the time of the death of the adoptive parent(s) or at the time the adoption dissolved.

(4) OKDHS must be provided documentation that the new adoptive parent(s) is not the biological parent(s).

(f) Relocation by adoptive family to another state. An Adoption Assistance Agreement with OKDHS signed on or after October 1, 1983 remains in effect regardless of the state in which the adoptive parent(s) is a resident at any given time.

INSTRUCTIONS TO STAFF 340:75-15-128.1

1. Approval and payment for non-recurring adoption expenses.

   (1) Designated Children and Family Services Division Adoption Assistance Section staff completes Adoption Fees Authorization to Purchase screen in the Finance system and mails the authorization form to the vendor.

   (2) The authorization is signed by both the vendor and an adoptive parent and is returned to Oklahoma Department of Human Services (OKDHS) Finance Division as shown on the form.

   (3) OKDHS Finance Division issues payment to the vendor within ten business days of receipt of the authorization form.
340:75-15-128.2. Eligibility requirements for Title IV-E adoption assistance

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

(1) The child is Aid to Families with Dependent Children (AFDC) eligible and meets the definition of a child with special needs.

   (A) This eligibility requirement includes a determination on the method of removal from the child's home. If the child was removed from the home pursuant to:

      (i) judicial removal, such determination must be made in the first hearing that sanctions the removal and must indicate that it was contrary to the child's welfare to remain in the home;

      (ii) voluntary relinquishment, the relinquishment may be considered a judicial removal only if the child is voluntarily relinquished to the Oklahoma Department of Human Services (OKDHS), a tribe with whom OKDHS has a Title IV-E agreement, or a private, nonprofit agency, and there is a petition to the court to remove the child from the home within six months of the time the child lived with a specified relative, and there is a subsequent judicial determination to the effect that remaining in the home would be contrary to the child's welfare; or

      (iii) voluntary placement agreement, the child must have actually received Title IV-E foster care payments, and OKDHS or a tribe with whom OKDHS has a Title IV-E agreement must have responsibility for placement and care of the child in order for the child to be eligible for Title IV-E adoption assistance.

   (B) The child must meet the AFDC eligibility criteria at the time of removal.

   (C) The special needs determination must be made prior to the finalization of the adoption.

(2) The child is eligible for Supplemental Security Income (SSI) benefits at the time the adoption petition is filed and meets the definition of a child with special needs prior to finalization of the adoption. How the child was removed from his or her home or whether the state has responsibility for the child's placement and care is not considered.
(3) The child is eligible as a child of a minor parent and meets the definition of a child with special needs.

(A) This eligibility requirement is met if:

(i) the child's parent is in foster care and receiving Title IV-E foster care maintenance payments that cover both the minor parent and the child at the time the adoption petition is initiated; and

(ii) the special needs determination is made prior to finalization of the adoption.

(B) There is no requirement that the child must have been removed from home as a result of a judicial determination or pursuant to a voluntary placement agreement.

(C) If the child and minor parent have been separated in foster care prior to the time of the adoption petition, the child's eligibility for Title IV-E adoption assistance must be determined based on the child's current and individual circumstances.

(4) The child is eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs.

(A) When a child is adopted and receives Title IV-E adoption assistance, but the adoption later dissolves or all of the child's adoptive parents are dead, the child may continue eligibility for Title IV-E adoption assistance in a subsequent adoption.

(B) The manner of a child's removal from the adoptive home is not considered.

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

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

(2) in the past five years for physical assault, battery, or a drug related offense.
340:75-15-128.3. Eligibility requirements for state funded adoption assistance

(a) A child may be determined by the Oklahoma Department of Human Services (OKDHS) eligible for state funded adoption assistance if the child does not meet the eligibility requirements for Title IV-E adoption assistance and at the time of adoptive placement:

(1) has not attained the age of 18 years;

(2) was in court-ordered OKDHS custody or a federally recognized Indian tribe as defined by the federal and Oklahoma Indian Child Welfare Acts; and

(3) met the definition of a child with special needs as set forth in OAC 340:75-15-128.4.

(b) The adoption assistance benefits an eligible child may receive are set forth in OAC 340:75-15-128.1. If OKDHS determines a child is eligible for an adoption assistance payment, the payment amount is determined by OKDHS within the range of payments set forth in Appendix C-20, Children and Family Services Division Rates Schedule, based on the needs of the child and circumstances of the adoptive parent(s). The other provisions of OAC 340:75-15-128.1 regarding overpayments, termination or modification, death of adoptive parent(s), or dissolution of the adoption, and relocation by adoptive parent(s) to another state also apply to state funded adoption assistance.

(c) The provisions of OAC 340:75-15-128.5 apply to state funded adoption assistance except as specifically indicated otherwise.

(d) Adoptive parents who have a history of conviction(s) for felony offense(s) as described in OAC 340:75-15-88(d)(4)(A) and (B) may be determined eligible for state funded adoption assistance on a case-by-case basis in consultation with Children and Family Services Division (CFSD), Adoption Assistance Section, per OAC 340:75-15-88(e).

(e) The only exception to the requirement in OAC 340:75-15-128.5(d) that Form 04AN002E, Adoption Assistance Agreement, must be signed by the adoptive parent(s) and OKDHS before finalization of the adoption is when the child is determined to have a causative pre-existing condition that was not identified or known prior to the finalization of the adoption which has resulted in a severe medical or psychiatric condition that requires extensive treatment, hospitalization, or institutionalization. The child must also meet the definition of a child with special needs per OAC 340:75-15-128.4.
(1) The application procedure is the same as for Title IV-E applications made after finalization as set forth in OAC 340:75-15-128.5(f)(4). There is no requirement that the adoptive parent(s) prevail at a fair hearing.

(2) The benefits are the same as for state funded adoption assistance approved prior to finalization of the adoption.

(3) If eligible for a monthly adoption assistance payment, the child may also be entitled to receive retroactive payments for the two months prior to the date the adoption assistance was approved, if requested and documentation is produced that shows the child was receiving treatment or assessment during those two months.
340:75-15-128.5. Adoption assistance application procedures

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

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

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

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

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

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

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

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

(c) Determination of adoption assistance benefits.

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

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

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

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

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

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

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

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

(ii) If documented symptoms of a physical or mental disease are later manifested, Form 04AN002E may be modified by agreement of the adoptive parent(s) and CFSD.
(D) For federally funded or state funded adoption assistance, if the child is eligible for a Difficulty of Care (DOC) Rate, this rate is the maximum monthly assistance payment.

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

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

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

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

(e) Annual reviews. When adoption assistance benefits are for more than one year, OKDHS annually reviews Form 04AN002E and mails to the adoptive parent(s) Form 04AN014E, Adoption Assistance Annual Review, to ensure the adoptive parent(s) is fulfilling the obligations of Form 04AN002E. The adoptive parent is required to inform OKDHS when circumstances occur that make the child ineligible for assistance payments or eligible for assistance payments in a different amount.

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

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

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

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

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

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

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

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

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

(3) **Payment.** If adoption assistance payments are approved by OKDHS, they begin effective the date of approval. OKDHS considers retroactive payments on a case-by-case basis, but in no event for a period that exceeds five years or the date the initial application for assistance was denied, whichever is less.

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

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

(i) a court order showing the child was removed from the home by a judicial determination to the effect that remaining in the home was contrary to the welfare of the child;

(ii) Form 04AN001E, Adoption Assistance Application;

(iii) Form 08MA002E, SoonerCare Health Benefits Application;

(iv) description of child's special needs which meet the eligibility criteria;

(v) documentation of special needs from physician(s), social worker(s),
adoptive parent(s), or other professionals, as required; and

(vi) criminal background check.

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

INSTRUCTIONS TO STAFF 340:75-15-128.5

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

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

(2) Form 04AN001E, Adoption Assistance Application, signed by the applicant(s);

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

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

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

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

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

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

(A) the adoptive parent(s)' felony conviction status; and
(B) the efforts made to place the child without adoption assistance;

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

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

2. Adoption Assistance Agreement. Upon approval of the application, Form 04AN002E, Adoption Assistance Agreement, is sent to the adoption specialist, who assists the adoptive parent(s) by interpreting the program and getting Form 04AN002E signed.

3. Required documentation for adoption assistance and non-recurring adoption expenses. To start adoption assistance after finalization or to initiate payment for approved non-recurring adoption expenses, the adoption specialist submits to CFSD, Adoption Assistance Section within 30 working days of finalization of the adoption, copies of:

(1) Petition for Adoption;

(2) Final Decree of Adoption;

(3) itemized statement(s) of actual expense(s) for the adoption;

(4) original petition filed to remove the child from the parent(s)' home;

(5) court order removing the child from the home and assigning custody;

(6) Order of Adjudication, Order of Disposition, and Order(s) Terminating Parental Rights; and

(7) completed Form 04AN010E, Finalized Adoption Case Transmittal.
340:75-15-128.6. Denial and fair hearing

(a) **Notice of intent to deny adoption assistance.** The application for adoption assistance may be denied if the child does not meet eligibility criteria. Form 04AN003E, Notice of Intent to Deny Adoption Assistance, is sent to the adoptive parent(s) by certified mail.

(b) **Additional review.** Following issuance of Form 04AN003E, the adoptive parent(s) is given 30 days from the date on Form 04AN003E to provide additional proof of eligibility by filing Part B of Form 04AN011E, Request for Review of Denial, and attaching additional information or documentation that might affect the approval of the original application. If the adoptive parent(s) provides additional information, the application is reviewed by the Adoption Assistance Review Committee, and a final determination is delayed, pending the review. ■ 1 If the Adoption Assistance Review Committee denies the application, Form 04AN004E, Final Notice of Denial of Adoption Assistance, is sent to the adoptive parent(s) by certified mail.

(c) **Request for fair hearing.**

(1) There is an opportunity for an administrative fair hearing, per OAC 340:2-5-91, for any adoptive parent(s) whose:

(A) application for adoption assistance has been:

   (i) denied or not acted upon with reasonable promptness; or

   (ii) approved in an amount less than requested; or

(B) Form 04AN002E, Adoption Assistance Agreement, has been:

   (i) modified without the concurrence of the adoptive parent(s); or

   (ii) terminated by the Oklahoma Department of Human Services (OKDHS).

(2) The adoptive parent(s) may request a fair hearing:

(A) upon receipt of Form 04AN003E if the adoptive parent(s) does not have additional information or documentation to submit for further consideration by the Adoption Assistance Review Committee, but believes the child is eligible for adoption assistance benefits; or

(B) if the adoptive parent(s) has requested a review of denial pursuant to
subparagraph (b) of this Section and received Form 04AN004E and still believes
the child is eligible for adoption assistance benefits.

(3) The request for a fair hearing is submitted in writing to OKDHS using Form
13MP005E, Resource Family Request for a Fair Hearing, within 30 days of the date
of:

(A) Form 04AN003E; or

(B) Form 04AN004E, if a review of denial process is requested.

INSTRUCTIONS TO STAFF 340:75-15-128.6

1. Adoption Assistance Review Committee. The Adoption Assistance Review
Committee is comprised of the Adoption Assistance supervisor, the Adoption
Assistance Section programs manager, and the Adoptions, Research and
Technology Unit programs administrator.
SUBCHAPTER 16. MENTAL HEALTH TREATMENT SERVICES

PART 1. INPATIENT MENTAL HEALTH TREATMENT

Section
340:75-16-1. Child in need of treatment [REVOKED]
340:75-16-2. Referral regarding Child in Need of Treatment [REVOKED]
340:75-16-3. Pre-Conference information gathering for Child in Need of Treatment [REVOKED]
340:75-16-4. Recommendation to the district attorney regarding Child In Need of Treatment [REVOKED]
340:75-16-5. Emergency medical facility access [REVOKED]
340:75-16-6. Services to Children In Need of Treatment [REVOKED]
340:75-16-7. Central Oklahoma Juvenile Treatment Center [REVOKED]
340:75-16-8. Other inpatient facilities [REVOKED]
340:75-16-9. Return to residential treatment after formal discharge [REVOKED]
340:75-16-10. Worker responsibilities to youth on aftercare [REVOKED]
340:75-16-11. Information and services specific to In Need of Treatment/Deprived (dual adjudications) [REVOKED]
340:75-16-12. Definitions [REVOKED]
340:75-16-13. Referral regarding a child in need of mental health treatment [REVOKED]
340:75-16-13.1. Purpose [REVOKED]
340:75-16-14. Admission of a custody child [REVOKED]
340:75-16-15. Protective custody [REVOKED]
340:75-16-16. Emergency admission - DHS custody or court ordered supervision [REVOKED]
340:75-16-17. Commitment for inpatient treatment [REVOKED]
340:75-16-18. Individualized treatment and discharge plan [REVOKED]
340:75-16-19. Adjudicated children; parental support obligation; civilly committed wards from another state [REVOKED]
340:75-16-20. Court review hearings on previously adjudicated in need of treatment [REVOKED]
340:75-16-21. Substance abuse treatment [REVOKED]
340:75-16-22. Gatekeeping [REVOKED]
340:75-16-23. Admission requirements to a state operated facility [REVOKED]
340:75-16-24. Role of the county worker [REVOKED]
340:75-16-25. Role of the psychiatric facility liaison [REVOKED]
340:75-16-27. Purpose [REVOKED]
340:75-16-28. Purpose and legal base
340:75-16-29. Definitions
340:75-16-30. Admission to inpatient mental health treatment
340:75-16-31. Individualized treatment plan
340:75-16-32. Length of stay in inpatient mental health facilities and extension by APS Healthcare inpatient reviewer
340:75-16-33. Discharge plan
340:75-16-34. Responsibilities of the CW county of jurisdiction worker
340:75-16-35. Responsibilities of the inpatient mental health treatment facility liaison
340:75-16-36. Out-of-state inpatient mental health treatment
340:75-16-37. Child who no longer meets medical necessity criteria for inpatient mental health treatment
340:75-16-38. Children's rights
340:75-16-39. Victim's protection order

PART 3. OUTPATIENT BEHAVIORAL HEALTH CARE SERVICES

340:75-16-45. Outpatient mental health services
340:75-16-46. Systems of care
340:75-16-29. Definitions

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

"Acute psychiatric facility" means a facility that provides inpatient mental health treatment to patients requiring intensive treatment. The acute psychiatric facility:

(A) may be located in either a hospital or non-hospital setting;

(B) is secure; and

(C) may use:

(i) physical, mechanical, or drug restraint ordered by the physician, along with treatment modalities; and

(ii) seclusion.

"APS Healthcare" means the entity designated by Oklahoma Health Care Authority (OHCA) responsible to facilitate outpatient behavioral health care services for Title XIX Medicaid reimbursement and the inpatient psychiatric medical necessity care review for acute and residential inpatient mental health treatment.

"Inpatient review" means the process of conducting a formal evaluation by phone to determine whether a child requires acute psychiatric or residential treatment center (RTC) inpatient mental health treatment based on the medical necessity criteria established by OHCA. The inpatient review is a function of APS Healthcare and is conducted by the inpatient reviewer.

"Inpatient reviewer" means the person working for APS Healthcare who makes the determination whether a child in the custody of the Oklahoma Department of Human Services (OKDHS) meets the medical necessity criteria for acute psychiatric inpatient care or RTC treatment services.

"Medical necessity review" means an assessment of current and recent behaviors and symptoms to determine whether an admission for inpatient mental illness or drug or alcohol dependence treatment constitutes the least restrictive level of care necessary. The review is performed by a licensed mental health professional.

"Minor" means any person younger than 18 years of age.
"Minor in need of treatment" means a person younger than 18 years of age who is in need of treatment, per Section 5-502 of Title 43A of the Oklahoma Statutes, and who:

(A) has a demonstrable mental illness or who is drug or alcohol dependent and as a result of that mental illness or dependency is expected within the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person and has engaged in one or more recent overt acts or made significant recent threats that substantially support that expectation; or

(B) has a demonstrable mental illness or is drug or alcohol dependent of sufficient severity to cause substantial impairment or disability in at least two of the major areas of functioning in the minor's:

(i) family relations;

(ii) school performance;

(iii) social interactions; or

(iv) ability to perform independently the basic tasks of personal hygiene, hydration and nutrition, or self-protection. A determination regarding the ability of the minor to perform independently such tasks is based upon the age of the minor and the reasonable and appropriate expectation of the minor's ability to perform such tasks.

"Oklahoma Health Care Authority (OHCA)" means the state agency that administers medical programs reimbursed by the Title XIX Medicaid program and is responsible for the establishment of medical necessity criteria that determine whether an inpatient mental health treatment facility is reimbursed by Title XIX Medicaid.

"Residential treatment center (RTC)" means a facility that provides residential mental health treatment to residents. The RTC:

(A) may be located in either a hospital or non-hospital setting;

(B) must provide adequate supervision for residents because the RTC is not a secure facility; and

(C) may use:

(i) physical, mechanical, or drug restraint ordered by the physician, along with
treatment modalities; and

(ii) seclusion.
340:75-16-30. Admission to inpatient mental health treatment

The APS Healthcare inpatient reviewer facilitates all inpatient mental health services for children in the custody of the Oklahoma Department of Human Services (OKDHS) prior to admission.

(1) Inpatient review. An inpatient review is required for Title XIX Medicaid reimbursement of acute inpatient mental health treatment and residential mental health treatment for children in OKDHS custody.

(A) The inpatient reviewer is responsible for:

(i) determining whether the child meets medical necessity criteria for inpatient treatment; and 1

(ii) completing the medical necessity review form at APS Healthcare and submitting to the facility.

(B) The inpatient review is a phone review to determine the level of inpatient mental health treatment needed by the child, based on the medical necessity criteria developed for each level of treatment, acute and residential, per OAC 317:30-5-95.2. 2

(2) Authorization and denial. Authorization for the length of services is approved at the time of admission for treatment. If the inpatient reviewer denies inpatient mental health treatment for the child, the Child Welfare (CW) worker may request reconsideration of the decision by APS Healthcare. 3

(3) Admission. When APS Healthcare authorizes inpatient mental health treatment based on the facility assessment, the child is admitted to an inpatient mental health treatment facility on an emergency basis for up to five days from the time of admission, excluding weekends and holidays. 4

(A) The CW worker gives notification of the emergency inpatient admission to the child's attorney, court-appointed special advocate (CASA), guardian ad litem, post adjudication review board (PARB), judge, and district attorney no later than the next business day following the child's admission to the facility.

(B) A mental health evaluation, per Section 5-507 of Title 43A of the Oklahoma Statutes, is:

(i) completed by a licensed mental health professional at the inpatient facility
and a report provided to the district attorney within 48 hours of admission, excluding weekends and holidays; and

(ii) attached to the petition requesting inpatient treatment. ■ 5

(4) **Petition.** After filing the petition, the district attorney obtains a pre-hearing detention order authorizing the child to remain inpatient pending the hearing.

(A) The hearing is set within one to three judicial days from the filing of the petition.

(B) The child is detained in the mental health treatment facility for no longer than necessary for a hearing on the petition as provided by Section 5-510 of Title 43A of the Oklahoma Statutes.

(C) The inpatient facility submits a proposed individualized treatment plan to the court 24 hours in advance of the scheduled hearing.

(5) **Hearing.** At the hearing, the court determines whether by clear and convincing evidence the child is a minor in need of mental health and substance abuse treatment. When the court:

(A) finds the child is not a minor in need of mental health and substance abuse treatment, the court dismisses the commitment case;

(B) finds the child is a minor in need of mental health and substance abuse treatment, but does not require inpatient treatment, the court may order mental health and substance abuse treatment or services through a less restrictive alternative;

(C) finds the child is a minor in need of mental health and substance abuse treatment and requires inpatient treatment in an inpatient mental health treatment facility, the court orders the commitment of the child to a mental health treatment facility for not more than 30 days; or

(D) commits a child to a mental health treatment facility for inpatient treatment, the court sets the case for review every 30 days from the date of the commitment hearing provided the child receives inpatient treatment.

(6) **Individualized treatment plan.** An individualized treatment plan is submitted by the facility within ten days after the order authorizing inpatient treatment. ■ 6
(7) **Progress report.** The inpatient facility submits a report on progress and recommendations three days prior to any review hearing. 

(8) **Child's rights.** The child's rights during the commitment process include:

(A) notice of hearing;

(B) representation by an attorney;

(C) right to a private hearing unless the judge directs otherwise according to the statute;

(D) right to a jury trial; and

(E) right to cross examine.

**INSTRUCTIONS TO STAFF 340:75-16-30**

1. The Child Welfare (CW) worker contacts an inpatient reviewer with APS Healthcare at 1-800-762-1560 and provides information, relevant to the child's treatment history, concerning the child's:

   (1) current and specific behaviors, including intensity and frequency;

   (2) current mood and affect;

   (3) intellectual functioning; and

   (4) substance abuse issues, if any.

2. (a) Acute medical necessity criteria. Medical necessity criteria for admission to acute inpatient mental health treatment, as defined in OAC 317:30-5-95.2, require that a child:

   (1) 13 years of age or older meets the terms and conditions of (2)(A) through (D) and two items in (2)(E)(i) through (iv) and (2)(F)(i) through (iii); or

   (2) 12 years of age or younger meets the terms and conditions of (A) through (D), one item in (E)(i) through (iv), and one item in (F)(i) through (iii).
(A) The child has been diagnosed with any DSM-IV-R Axis I primary diagnosis from the Diagnostic and Statistical Manual of Mental Disorders, except V-Codes, adjustment disorders, and substance related disorders, accompanied by a detailed description of the symptoms supporting the diagnosis.

(B) The child's conditions are directly attributable to a mental disorder as the primary need for professional attention. This does not include placement issues, criminal behavior, or status offenses. Adjustment or substance related disorders may be a secondary Axis I diagnosis.

(C) The inpatient reviewer determines that the current disabling symptoms cannot be managed, or have not been managed, in a less intensive treatment program.

(D) The child is medically stable as determined by a physician.

(E) Within the past 48 hours, the child's behaviors present an imminent life-threatening emergency as evidenced by specifically described:

(i) suicide attempt(s), suicide intent, or serious threat;

(ii) patterns of escalating incidents of self-mutilating behaviors;

(iii) episodes of unprovoked significant physical aggression and patterns of escalating physical aggression in intensity and duration; or

(iv) episodes of incapacitating depression or psychosis that result in an inability to function or care for basic needs.

(F) The child requires secure 24-hour nursing or medical supervision as evidenced by:

(i) stabilization of acute psychiatric symptoms;

(ii) need for extensive treatment under physician direction; or

(iii) physiological evidence or expectation of withdrawal symptoms that require 24-hour medical supervision.
(b) RTC medical necessity criteria. Medical necessity criteria for admission to residential treatment centers (RTC), as defined in OAC 317:30-5-95.2, require that a child meets the terms and conditions of:

(1) (2)(A) through (D); and

(2) one item in (E)(i) through (iv) and one item in (F)(i) through (iii).

(A) The child has been diagnosed with any DSM-IV-R Axis I primary diagnosis from the Diagnostic and Statistical Manual of Mental Disorders, except V-Codes, adjustment disorders, and substance related disorders, accompanied by a detailed description of the symptoms supporting the diagnosis.

(B) The child's conditions are directly attributed to a mental disorder as the primary reason for professional attention. This does not include placement issues, criminal behavior, or status offenses.

(C) The child has either received treatment in an acute care setting, or the inpatient reviewer determines that the current disabling symptoms cannot be managed, or have not been managed in a less intensive treatment program.

(D) The child is medically stable as determined by a physician.

(E) The child demonstrates escalating pattern of self-injurious or assaultive behaviors as evidenced by:

   (i) suicidal ideation, threat, or both;

   (ii) history of or current self-injurious behavior;

   (iii) serious threats or evidence of physical aggression; or

   (iv) current incapacitating psychosis or depression.

(F) The child requires 24-hour observation and treatment as evidenced by intensive:

   (i) behavioral management;
(ii) treatment with the family or guardian, and child in a structured milieu; or

(iii) treatment in preparation for re-entry into the community.

3. Reconsideration request for inpatient treatment denial. The CW worker initiates a reconsideration request when the inpatient reviewer makes a treatment decision based on incomplete data, and the CW worker or the inpatient facility staff has additional information that may warrant an admission or continued admission to an inpatient treatment facility.

   (1) The CW worker refers to the Inpatient Procedures Manual for Children's Psychiatric Services that is located on the Internet at www.soonerpro.com and submits a request for reconsideration to APS Healthcare within ten working days of notification of denial.

   (2) Additional clinical documentation and other supporting data are attached to the reconsideration request form and a copy of the reconsideration request is faxed to the inpatient reviewer.

   (3) Within five working days of the receipt of the written reconsideration request, the materials are reviewed by APS Healthcare for approval or denial. The results of the review of the reconsideration request are sent to the person who requested the reconsideration of the decision.

   (4) When the denial is upheld, the denial may be appealed to the Oklahoma Health Care Authority (OHCA) within 20 working days of notification of the denial by APS Healthcare. OHCA has the final authority on the decision.

4. Admission to mental health treatment facility.

   (1) Locating a mental health treatment facility. The CW worker makes arrangements for admission of the child into a mental health treatment facility appropriate for the inpatient treatment needs of the child in close geographic proximity to the parent(s)' home, unless the court specifically orders placement into a certain hospital.

   (2) Parental notification. The CW worker notifies the parent(s) of the child's admission prior to the admission, if possible, when the child is in emergency or temporary Oklahoma Department of Human Services (OKDHS) custody. When the CW worker is unable to locate the parent(s)
prior to admission, the CW worker ensures the parent(s) is notified within 24 hours of the child's admission.

(3) Facility liaison contact. The CW worker contacts the CW facility liaison within 24 hours after admission to advise of the child's admission. Discharge planning begins at the time of admission. The CW county of jurisdiction worker on the deprived case has the primary case responsibility.

5. Mental health evaluation report. The CW worker ensures that the inpatient facility's licensed mental health professional's evaluation report is submitted to the district attorney within 48 hours of the child's admission, excluding weekends and holidays, along with Form 04KI010E, Court Report, to the court requesting commitment of the child for inpatient mental health treatment.

6. Notification of commitment order. The CW worker immediately notifies the inpatient facility of the date of the commitment order.

7. Notification of review hearing. The CW worker immediately notifies the inpatient facility of the date of the review hearing to allow preparation time for the facility's submission of the report three days prior to the review hearing.
340:75-16-31. Individualized treatment plan

Within ten days after the order authorizing continued inpatient mental health treatment, the facility ensures that an individualized treatment plan is submitted to the court. The child is involved in determining the treatment plan when possible. The child's parent(s) and the Child Welfare (CW) worker are involved to the maximum extent consistent with the treatment needs of the child. ■ 1

(1) The court reviews the case every 30 days as long as the child receives inpatient treatment. The CW worker ensures the court receives a written report from the facility regarding the child's progress within three days prior to any review hearing.

(2) The CW worker has on-site face-to-face interaction with the child in acute and residential mental health treatment in accordance with OAC 340:75-6-48.

INSTRUCTIONS TO STAFF 340:75-16-31

1. CW worker's role and responsibilities. The Child Welfare (CW) worker:

(1) reviews and signs the individualized treatment plan when the CW worker visits the child at the mental health inpatient facility or when the treatment plan is faxed to the CW worker for review and signature. Once the treatment plan is signed it is returned via fax to the facility;

and

(2) begins planning for discharge at the time of admission of the child by entering a placement recommendation on the KIDS Placement screen that is approved by the CW supervisor.
340:75-16-32. Length of stay in inpatient mental health facilities and extension by APS Healthcare inpatient reviewer

(a) Initial length of stay. The initial length of stay for acute inpatient mental health treatment is up to five calendar days and residential inpatient mental health treatment is up to ten calendar days. Length of stay is the decision of the inpatient reviewer of APS Healthcare based upon information provided by the inpatient facility staff at the completion of the assessment and ongoing treatment recommendations that will determine the number of days required to resolve the identified presenting problems.

(b) Extension.

(1) Inpatient. An extension for acute inpatient mental health treatment is up to five calendar days as determined by the inpatient reviewer, based upon the documented need for the extension of care. A request for extension is made by staff of the treating facility via phone on or before the last business day of the current authorization for inpatient care.

(2) Residential. An extension for residential mental health treatment is up to 30 calendar days. The number of days allowed is determined by the inpatient reviewer, based on the level of impairment, severity, and chronicity of the symptoms present that meet the medical necessity criteria. The treating facility submits the request for an extension three calendar days before the end of the current authorization.

(c) Reconsideration request. A reconsideration request for the length of stay is made to APS Healthcare by the Child Welfare (CW) worker, per OAC 340:75-16-30, when the inpatient reviewer denies an extension and the CW worker or the inpatient psychiatric facility has additional information that was not considered in the extension decision by the inpatient reviewer.
340:75-16-34. Responsibilities of the CW county of jurisdiction worker

The Child Welfare (CW) worker in the county of jurisdiction of the deprived petition has the primary case responsibility and specific responsibilities to the child who is in inpatient mental health treatment, including:

1. Ensuring the parent(s) of the child in emergency or temporary Oklahoma Department of Human Services custody is notified within 24 hours of the child's admission to the inpatient mental health treatment facility, when the CW worker is unable to locate the parent(s) prior to admission;

2. Locating an inpatient mental health treatment facility for the child that is in close geographic proximity to the parent(s)' home, if consistent with the child's treatment needs;

3. Transporting the child to and from the mental health treatment facility;

4. Ensuring the child is evaluated by a licensed mental health professional and the evaluation report is submitted to the district attorney within 48 hours of the child's admission for the inpatient evaluation, excluding weekends and holidays;

5. Ensuring the child has adequate clothing at the time of admission. When the child does not have adequate clothing, an emergency clothing voucher is obtained within 24 hours of admission, excluding weekends and holidays. Every 90 days the CW worker provides emergency clothing vouchers to the facility for the child as long as the child remains in inpatient care, per OAC 340:75-13-4;

6. Requesting the district attorney file a petition when the evaluation indicates the child requires inpatient mental health treatment. The CW worker:
   (A) participates in the development of the treatment plan that is prepared by the treating facility; and
   (B) ensures the treatment plan is submitted to the court 24 hours prior to the inpatient mental health adjudicatory hearing;

7. Ensuring the court receives a written report from the facility regarding the child's progress in inpatient mental health treatment and recommendations three days prior to any review hearing;

8. Visiting the child in acute inpatient mental health treatment in accordance with OAC 340:75-6-48;
(9) having on-site interaction with the child in residential mental health treatment in accordance with OAC 340:75-6-48;

(10) notifying the court when the facility discharges the child without a court order;

(11) transporting the child to the inpatient mental health hearing when the court requests the child to be present;

(12) ensuring appropriate outpatient services are arranged for the child upon the child’s discharge from the inpatient mental health treatment facility; and

(13) following procedures for requesting reconsideration of a decision regarding inpatient treatment as described in OAC 340:75-16-30.

INSTRUCTIONS TO STAFF 340:75-16-34

1. Worker responsibilities.

(1) CW worker. The involvement of the inpatient reviewer does not diminish the Child Welfare (CW) worker’s involvement in and responsibility for court hearings, treatment planning, discharge planning, and arrangement for placement while the child is temporarily in either acute or residential treatment center (RTC) mental health care.

(2) CW county of jurisdiction worker. The CW worker utilizes Form 04MP017E, Inpatient Mental Health Checklist, as a guide for the inpatient commitment process. Form 04MP017E is reviewed by the CW supervisor, initialed, and filed in the child’s paper case record. The CW county of jurisdiction worker is responsible for:

(A) establishing the child’s Title IV-E eligibility and Medicaid, Title XIX, eligibility when it has not been established prior to admission;

(B) reporting the child’s admission to the mental health treatment facility liaison no later than the next working day after the child’s admission. The CW worker ensures that all pertinent information is provided to the facility within 24 hours of admission, excluding weekends and holidays;

(C) ensuring the CW facility liaison is timely informed of upcoming court dates;

(D) entering the child’s admission to the inpatient mental health
treatment facility on KIDS. The inpatient mental health care treatment facility is selected from the KIDS Resource Directory - State Office Authorized – Psychiatric – Acute or RTC and the admission is documented in the KIDS Placement screens. The CW supervisor approves the placement on KIDS; and

(E) notifying programs staff of Residential, Placement, and Behavioral Health Services of out-of-state admissions or discharges. The CW worker is involved to the maximum extent consistent with the treatment needs of the child;
340:75-16-35. Responsibilities of the inpatient mental health treatment facility liaison

(a) The county director or designee designates a Child Welfare (CW) worker to be assigned to the mental health care treatment facility.

(b) The facility liaison responsibilities include: 1

(1) having on-site interaction with the child at the mental health treatment facility at least every 31 days; and

(2) notifying the child’s CW county of jurisdiction worker when the child is absent without leave (AWOL) and ensuring the appropriate authorities are notified per OAC 340:75-6-48.3.

INSTRUCTIONS TO STAFF 340:75-16-35

1. Facility liaison's role and responsibilities. The inpatient mental health treatment facility liaison:

(1) provides a supportive service role, not a supervisory function. The Child Welfare (CW) facility liaison works in conjunction with the CW county of jurisdiction worker to ensure service delivery to the child who is admitted to an inpatient mental health treatment facility; and

(2) is responsible for:

(A) documenting contacts in KIDS Contacts screen per OAC 340:75-6-48;

(B) attending staffing and conferences at the mental health treatment facility as appropriate;

(C) ensuring a copy of the child's treatment plan is provided to the CW county of jurisdiction worker;

(D) approving any leave or visitation only after coordinating with the CW county of jurisdiction worker;

(E) facilitating the assignment of an active Medicaid number if the child does not have a number assigned at the time of admission;
(F) providing updates in KIDS Contacts screen and information for Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable, and informing the CW county of jurisdiction worker regarding the child's course of stay at the facility. The liaison is timely informed of upcoming court dates by the CW county of jurisdiction worker;

(G) remaining alert to, and ensuring the reporting of, any maltreatment allegations per Title 10 of the Oklahoma Statutes;

(H) providing information about the mental health treatment facility's treatment program to the CW county of jurisdiction worker; and

(I) assisting in the arrangement of transportation of the child for court hearings and visitations when possible.
340:75-16-36. Out-of-state inpatient mental health treatment

(a) A child in Oklahoma Department of Human Services (OKDHS) custody admitted to inpatient mental health treatment facilities out-of-state must meet the same medical necessity criteria for inpatient mental health treatment required in Oklahoma.

  (1) A child in OKDHS custody is only admitted to a facility that is an Oklahoma Health Care Authority (OHCA) approved Title XIX provider under formal contract with OHCA and Children and Family Services Division (CFSD).

  (2) Admission of a child in OKDHS custody to an out-of-state inpatient mental health treatment facility requires prior approval through Interstate Compact on the Placement of Children (ICPC) and facilitation via APS Healthcare. ■ 1

(b) A child in OKDHS custody in out-of-state placement who requires inpatient mental health treatment may only be admitted to an out-of-state facility that is OHCA approved and has a formal contract with CFSD. The CW county of jurisdiction worker visits a child in an out-of-state mental health treatment facility every six months.

(c) A child who is placed in an inpatient mental health treatment facility in Oklahoma by another state does not have to meet the Oklahoma Medicaid requirements.

INSTRUCTIONS TO STAFF 340:75-16-36

1. Facility contract approval and admission procedure.

   (1) Contract approval. When the out-of-state inpatient mental health treatment facility is not approved by the Oklahoma Health Care Authority (OHCA) or does not have a formal Children and Family Services Division (CFSD) contract, Child Welfare (CW) or facility staff contacts the CFSD program staff of Residential, Placement, and Behavioral Health Services. Program staff:

      (A) refers the facility staff to OHCA for contract approval;

      (B) initiates a formal CFSD contract with the facility, once the facility is approved by OHCA to receive Title XIX Oklahoma Medicaid reimbursement;

      (C) adds the facility to the KIDS Resource directory;
(D) notifies Interstate Compact Placement on Children (ICPC) CFSD staff of the resource; and

(E) notifies CW staff to admit the child to the inpatient mental health treatment facility and to document the admission on the KIDS Placement screens.

(2) APS Healthcare admission procedure. The CW worker contacts the inpatient reviewer at APS Healthcare in order for APS Healthcare to facilitate the referral to an out-of-state inpatient facility.
340:75-16-37. Child who no longer meets medical necessity criteria for inpatient mental health treatment

(a) Discharge. When the inpatient reviewer determines that a child in Oklahoma Department of Human Services (OKDHS) custody no longer meets medical necessity criteria for inpatient mental health treatment and when the attending physician agrees to discharge, the child is discharged and placed in an appropriate placement with consideration of the inpatient mental health treatment staff’s recommendation. □ 1

(b) Reconsideration. A request for reconsideration of the decision of the inpatient reviewer is made to APS Healthcare for the child in OKDHS custody who is denied continued inpatient mental health treatment or no longer meets medical necessity criteria for inpatient treatment, but the therapist or physician does not agree to the child's discharge. □ 2

(1) Reconsideration request upheld. When APS Healthcare upholds the reconsideration request, the child remains inpatient.

(2) Reconsideration request denied. When APS Healthcare denies the reconsideration request, the CW county of jurisdiction worker requests a court order, with notice to the child's attorney, ordering the child to remain in the specific facility for continued inpatient mental health treatment.

(A) When the court agrees to continued inpatient mental health treatment, the child remains inpatient until the court rules the child no longer requires inpatient treatment. A copy of the court order is faxed to the program staff of Children and Family Services Division Residential, Placement, and Behavioral Health Services.

(B) When the court does not agree to continued inpatient mental health treatment, the CW worker arranges placement, considering the therapist's or physician's recommendation that the child remain in inpatient mental health treatment even though the child no longer meets medical necessity criteria.

INSTRUCTIONS TO STAFF 340:75-16-37

1. KIDS placement recommendation. The Child Welfare (CW) worker enters a placement recommendation on the KIDS Placement screen and obtains approval from the CW supervisor.

2. Reconsideration request for inpatient treatment procedures are outlined in OAC 340:75-16-30 Instructions to Staff 3.
PART 3. OUTPATIENT BEHAVIORAL HEALTH CARE SERVICES

340:75-16-45. Outpatient mental health services

(a) The child in Oklahoma Department of Human Services (OKDHS) custody is eligible to receive a mental health assessment once per local community mental health center services provider or other outpatient Medicaid approved provider, without prior authorization. The mental health service plan development may also be provided without prior authorization.

(b) Prior authorization from APS Healthcare is required for the child in OKDHS custody to receive outpatient behavioral health rehabilitative services beyond the initial assessment and service plan development.

   (1) The Child Welfare (CW) worker refers the child for services to the local community mental health center or Medicaid approved provider in the county where the child resides.

   (2) The mental health professional develops an assessment and service plan to indicate problem areas and potential services. ■ 1

INSTRUCTIONS TO STAFF 340:75-16-45

1. Mental health assessment and service plan. Oklahoma Department of Human Services (OKDHS) staff requests a copy of the assessment and service plan from the Medicaid provider by completing the appropriate confidentiality release required by the Medicaid provider. The assessment and service plan serve as aids to OKDHS staff in preparing the OKDHS treatment and service plan.
SUBCHAPTER 19. WORKING WITH INDIAN CHILDREN

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SUBCHAPTER 19. WORKING WITH INDIAN CHILDREN

340:75-19-1. Purpose

The purpose of the Children and Family Services Division Tribal program is to provide services to Indian children and families in compliance with federal and state regulations. The Oklahoma Department of Human Services seeks to ensure compliance with the federal and state Indian Child Welfare Acts in all program areas.
340:75-19-2. Legal authority

The Federal Indian Child Welfare Act of 1978 (FICWA or Federal Act) and Oklahoma Indian Child Welfare Act of 1982 (OICWA or State Act) [10 O.S. § 40 through 40.9] provide the legal basis for services to Indian children.

(1) **FICWA.** The stated purpose of FICWA is to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families. FICWA establishes minimum federal standards for the removal of Indian children from their families and ensures the placement of Indian children in foster or adoptive homes that reflect the unique values of Indian culture.

(2) **OICWA.** OICWA requires the State of Oklahoma to fully implement and cooperate with the provisions of the Federal Act, and sets some standards above and beyond the requirements of the Federal Act.
340:75-19-3. Definitions

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

"Child custody proceeding" means any proceeding regarding child custody under the Federal and State Acts, including:

(A) "Adoptive placement" means the permanent placement of an Indian child for adoption, including any action that results in a final decree of adoption.

(B) "Foster care placement" means any action removing an Indian child from the parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator. When the child is in foster care placement, parental rights have not been terminated, but the child may not be returned upon demand.

(C) "Preadoptive placement" means the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of an adoptive placement.

(D) "Termination of parental rights" means any action that results in the termination of the parent-child relationship.

"Extended family member" means any person as defined by the law or custom of the Indian child's tribe, or, in absence of such law or custom, a person who is at least 18 years of age and is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

"Indian" means any person who is a member of an Indian tribe.

"Indian child" means any unmarried or unemancipated person who is younger than age 18 and either:

(A) a member of an Indian tribe; or

(B) eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe.

"Indian child's tribe" means:
(A) the Indian tribe in which an Indian child is a member or eligible for membership; or

(B) the Indian tribe with which the Indian child has the more significant contacts if the Indian child is eligible for membership in more than one tribe.

"Indian custodian" means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of the child.

"Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians that have federal recognition.

"Parent" means any biological or adoptive parent, including adoption by tribal law or custom, of an Indian child, not to include an unwed father where paternity has not been acknowledged or established.

"Secretary" means the Secretary of the Interior.

"State Act" means the Oklahoma Indian Child Welfare Act, which is also referred to by the acronym OICWA.

"Tribal court" means a court with jurisdiction over child custody proceedings, including:

(A) a court of Indian offenses;

(B) a court established and operated under the code or custom of an Indian tribe; or

(C) any other administrative body of a tribe that has authority over child custody proceedings.

"Tribal land" means Indian country as defined in Section 1151 of Title 18 of the United States Code and any lands, not covered under Section 1151, title to which is held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation. Tribal land may also be referred to as "trust land." Tribal land is under the jurisdiction of the federal government or an Indian tribe, and usually not the state.

(a) The Federal and Oklahoma Indian Child Welfare Acts (Acts) are applicable to any child custody proceeding that involves:

1. foster care placement, including any involuntary action that removes an Indian child from the parent or Indian custodian for temporary placement and parental rights have not been terminated;

2. termination of parental rights, including any action resulting in the termination of the parent-child relationship;

3. pre-adoptive placement, including temporary placement of an Indian child in a foster home or institution after parental rights have been terminated, but prior to or in lieu of adoptive placement; or

4. adoptive placement, including:
   (A) permanent placement of an Indian child for adoption; or
   (B) any action resulting in a final decree of adoption.

(b) The Federal and State Acts do not apply to:

1. placements that are a result of delinquency, unless termination of parental rights has been requested; or

2. divorce custody proceedings if one of the parents is awarded custody.

(c) The State Act applies to all state voluntary and involuntary proceedings regardless whether the child is in the physical or legal custody of an Indian parent or Indian custodian at the time state proceedings are initiated.
340:75-19-11. Notice and appointment of counsel

(a) Both the Federal and State Indian Child Welfare Act (Act) address procedures for notice to Indian tribes of voluntary and involuntary child custody proceedings, including review hearings, involving Indian children. The State Act requires the state court to ensure the initiating party, usually the district attorney, sends notice to the parents, Indian custodians, child’s tribe, and the appropriate Bureau of Indian Affairs office. [10 O.S. § 40.4] The notice is sent by certified mail, return receipt requested.  ■ 1 & 2

(b) The notice is written in clear and understandable language and includes:

1. the name and tribal affiliation of the Indian child;

2. a copy of the petition;

3. a statement of the rights of the biological parents or Indian custodians, and the Indian tribe to:
   
   A. intervene in the proceeding;

   B. petition the court to transfer the proceeding to the tribal court;

   C. request an additional 20-day extension to prepare for the proceeding. The court may approve further extensions of time;

4. a statement of the potential legal consequences of an adjudication on the future custodial rights of the parents or Indian custodians;

5. a statement that counsel will be appointed for the parent or custodian if they are unable to afford counsel; and

6. a statement that tribal officials must keep information contained in the notice confidential.

(c) Under the Federal Act, a proceeding for foster care placement or termination of parental rights is not held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe.

(d) Failure to abide by the appropriate notice provisions may result in invalidation of the state court's action.  ■ 2
INSTRUCTIONS TO STAFF 340:75-19-11

1. The Child Welfare (CW) worker provides all known information about both biological parents or Indian custodian and tribe to the district attorney's office and court to satisfy the notice requirements.

2. If Indian status is not determined until after the state court proceedings have been initiated, the notice provisions must be satisfied from that point forward. At that point, the CW worker:

   (1) initiates contact with the tribal CW Services worker to involve the child's tribe in the case; and

   (2) provides the information to the district attorney to satisfy the notice requirements.
340:75-19-16. Review of records by the child's tribe or Secretary of the Interior

(a) The Children and Family Services Division (CFSD) is the established location for the review, by the child's tribe or the Secretary of the Interior (Secretary), of records of Indian children in state custody or under state supervision. CFSD may designate the local office as the review site.

(b) The records of any Indian child in foster care, pre-adoptive, or adoptive placement are made available for review within seven days of the request by the child's tribe or the Secretary, and the review must occur within seven days of the request.

(c) The records include all reports of the Child Welfare (CW) worker, including a summary of the efforts to rehabilitate the parents of the Indian child, a list of the names and addresses of families and tribally approved homes that were contacted and considered for placement, and a statement of the reason for the final placement decision.

INSTRUCTIONS TO STAFF 340:75-19-16

1. Records review request.

   (1) The county office immediately notifies the Children and Family Services Division (CFSD) tribal coordinator of any request by the child's tribe or the Secretary of the Interior (Secretary) to review the records of an Indian child.

   (2) The CFSD tribal coordinator, in consultation with the local county, decides whether the records are reviewed at State Office (S.O.) or the local office, and notifies the requesting tribe or Secretary of the date and location of the review.

   (A) If the records are reviewed at the local office, the CFSD tribal coordinator travels to the local office for the review.

   (B) If the review occurs at S.O., the Child Welfare (CW) worker brings the case record to S.O. and is present at the review.

The Federal and State Indian Child Welfare Acts (ICWA) address the placement of Indian children in an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs as the last placement preference. [25 U.S.C. § 1915(b)]

(1) Before an Indian child in Oklahoma Department of Human Services (OKDHS) custody is placed into residential placement, all other preferable placement options are explored and documented. If no other preferable placement is available, the residential placement has a program that is suitable to the child's needs, and the facility has entered into a placement agreement with OKDHS, placement is considered.

(2) The Child Welfare worker continues to seek a placement in a higher order of preference, and moves the child into the placement when one is located, unless the court makes a finding of good cause.

INSTRUCTIONS TO STAFF 340:75-19-22

1. Placement procedures. The Child Welfare (CW) worker searches the KIDS system to determine whether the proposed placement is a resource.

   (1) Resource on KIDS. If the resource is on the KIDS system, the CW worker updates information in the child's KIDS case record to ensure that Form 04K1010E, Placement Worksheet, is accurate and complete.

   (A) The CW worker makes the request for placement on the Placement Recommendation screen and documents the attempts to comply with the placement preferences of Indian Child Welfare Act (ICWA) on the Placement Recommendation screen.

   (B) The CW supervisor reviews the placement request and Placement Worksheet for accuracy and completion of information about the child and approves the placement request.

   (C) The Children and Family Services Division (CFSD) tribal coordinator checks the Resource Unit Inbox daily for placement requests. The CW worker contacts the CFSD tribal coordinator by telephone or e-mail to advise of the request.
(2) **Resource not on KIDS.** If the resource is not on the KIDS system, the CW worker contacts the CFSD tribal coordinator. The CFSD tribal coordinator contacts the facility to discuss the facility’s willingness to enter into a placement agreement and the terms of the placement agreement.

(3) **Approval of resource.** The child may be placed in a residential facility when:

(A) there is an approved placement agreement with the facility;

(B) the facility is listed as a tribal residential resource; and

(C) the placement request is approved by the CFSD tribal coordinator.

(a) Oklahoma Department of Human Services (OKDHS) provides foster care reimbursement to approved tribal foster homes for the placement of children in tribal custody when OKDHS has a contractual agreement with the child's tribe for the payment of foster care and the tribe has submitted Form 04TB004E, Indian Child Welfare Program Referral, along with a copy of the court order and case plan to the assigned Child Welfare (CW) tribal liaison. ■ 1 & 2

(b) The tribe sends copies of updated case plans and current court orders to the CW tribal liaison. The child's tribe immediately notifies the CW tribal liaison on Form 04TB003E, Indian Child Welfare Program Update, of any change in the child's placement or custody. ■ 3

(c) The child's tribe is responsible for providing services and supervising the child's placement when in tribal custody. ■ 1

(d) The child's tribe makes application on behalf of the child for any financial benefits, such as Social Security, to which the child is entitled. If the child is determined eligible, the child's tribe immediately notifies the CW tribal liaison by submitting Form 04TB003E with updated information. The foster care payment is reduced by the dollar amount of the benefit. ■ 2

(e) Each tribe develops and implements policies and practices in accordance with federal regulations related to Titles IV-B and IV-E. Tribes may request technical assistance from OKDHS to ensure compliance with:

1. federal law, policy, and regulation;
2. accountability for fiscal and program operations;
3. reporting procedures; and
4. compliance with the terms and conditions of tribal and OKDHS agreements. ■ 4

(f) If OKDHS identifies questionable foster care practices or circumstances that may jeopardize continued federal funding, the situation is reviewed and reconciled by a panel of tribal and OKDHS officials on a case-by-case basis. If reconciliation is not possible, both parties may present their views to the Director of OKDHS who determines whether continued payment is made on behalf of the cases affected. ■ 4
INSTRUCTIONS TO STAFF 340:75-19-26

1. Role of CW tribal liaison.

   (1) Responsibilities. The Child Welfare (CW) tribal liaison:

   (A) reviews Form 04TB004E, Indian Child Welfare Program Referral, and:

      (i) contacts the tribe when additional information is needed; and

      (ii) uses information on Form 04TB004E to open a KK case;

   (B) completes tribal Adoption and Foster Care Analysis and Reporting System (AFCARS) screen, including the case plan goal in the tribal AFCARS screen; and

   (C) completes Form 04KI001E, Eligibility Determination, to submit to the custody specialist for Title IV-E (IV-E) determination. If the child in tribal custody is not IV-E eligible, the CW tribal liaison makes application for Title XIX for the child.

   (2) Transfer of jurisdiction to a tribe. When jurisdiction of an Indian child is transferred from Oklahoma Department of Human Services (OKDHS) to a tribe, the CW tribal liaison:

   (A) reviews the court order, case plan, and Form 04TB004E provided by the tribal CW worker; and

   (B) when the child is placed in a tribal foster home or the tribe is in the process of certifying the current placement as a tribal foster home, ensures the child's KIDS removal and KK case remain open and documents the placement as soon as possible; or

   (C) when the child has been moved to a non-foster care placement and the child will not be placed in a foster care placement within the next 30 days, end dates the child's KIDS removal, notifies the custody specialist of the child's status, and closes the KK case if there are no other active children in the case.
(3) Child returns to foster care placement. When a child in tribal custody returns to a foster care placement after a removal is end dated, the CW tribal liaison:

(A) verifies with the tribe whether the new placement in foster care is a new removal episode or a continuation of the previous removal episode;

(B) if it is determined that this is a continuation of the previous removal, re-opens the KK case and contacts the KIDS Help Desk to lift the removal end date; and

(C) notifies the custody specialist of the re-opened removal episode so appropriate actions may be taken to ensure continued IV-E eligibility.

(4) Case assignments. The CW tribal liaison:

(A) maintains the primary KK case and sends the secondary case to the county of placement, if different; and

(B) updates the KK case to show current placement and status of the child in tribal custody.

2. Claims adjustments. The tribe contacts the CW tribal liaison for assistance with foster care claims. The CW tribal liaison:

(1) enters the information for adjustment on the foster care claim when the child receives other financial benefits; and

(2) contacts the Children and Family Services Division (CFSD) tribal coordinator as needed for assistance.

3. Notification to the custody specialist. The CW tribal liaison notifies the custody specialist when:

(1) a child in tribal custody moves from a foster care placement into a non-foster care placement, notifies the custody specialist by e-mail regarding the child’s custody status, current placement, and name and contact information of the assigned tribal CW worker. The CW tribal liaison leaves the child's KIDS removal and KK case open if the child will return to a foster care placement within the next 30 days; or
(2) there are no plans to return the child to a foster care placement within the next 30 days, end dates the child's KIDS removal and closes the KK case, if there are no other active children in the case.

4. Compliance. The CFSD tribal coordinator conducts an annual on-site visit with each tribe who has a Tribal/State Agreement for Foster Care to review cases and address compliance issues. The CFSD tribal coordinator:

(1) in coordination with the tribe, facilitates a review panel of both tribal and OKDHS representatives to review cases in which there are questionable foster care practices or circumstances.

(A) The CFSD tribal coordinator documents the results of the panel.

(B) If the panel is unable to resolve the situation, the CFSD tribal coordinator facilitates a meeting with the Director of OKDHS to determine further action; and

(2) in conjunction with the OKDHS Legal Division and Office of Inspector General, provides reasonable technical assistance to tribes, upon request, to ensure compliance with:

(A) federal law, policy, and regulation;

(B) accountability for fiscal and program operations;

(C) reporting procedures; and

(D) compliance with terms and conditions of tribal and OKDHS agreements.

(a) Difficulty of care (DOC) payments are available to reimburse tribal foster parents for the care of children in tribal custody.

(b) The tribal Child Welfare (CW) worker submits a written request for DOC to the Children and Family Services Division (CFSD) tribal coordinator when the tribal CW worker determines that the child meets DOC criteria. The CFSD tribal coordinator approves or denies the written request within 30 calendar days from the date the request is received. 1

(c) The written request details the child's special needs, including statements from medical or psychological reports that describe the child's condition and diagnosis, utilizing the rate descriptions as set out in Oklahoma Department of Human Services OKDHS Ap-C-20, Children and Family Services Division Rates Schedule, as amended from time to time, as approved by the Commission for Human Services.

   (1) The effective date of approval is the first day of the month in which the request is received by CFSD.

   (2) No retroactive payments are made prior to the date of the request.

(d) The tribal CW worker:

   (1) reviews the child's DOC rate increase every twelve months;

   (2) one month prior to the end date of DOC approval, submits notification to the CFSD tribal coordinator for continuation of DOC or that DOC is no longer needed;

   (3) notifies the CFSD tribal coordinator if the child's placement changes to a placement other than tribal foster care or the child returns to his or her own home; and

   (4) if the child's special needs change, requiring a DOC rate change, prepares a detailed request and submits to the CFSD tribal coordinator. The CFSD tribal coordinator terminates the original request.

INSTRUCTIONS TO STAFF 340:75-19-28

1. The Children and Family Services Division (CFSD) tribal coordinator:
(1) reviews the initial difficulty of care (DOC) request and enters the information in KIDS Difficulty of Care screen; approves or denies the request on KIDS; and sends written notification of the decision to the tribal Child Welfare (CW) worker and CW tribal liaison;

(2) reviews any updated DOC request or rate change and provides to the tribal CW worker and CW tribal liaison written notification of continued approval or denial of the request; and

(3) terminates, when applicable, the DOC approval in KIDS Difficulty of Care screen.
340:75-19-29. Voluntary foster care for children in tribal custody younger than age 18

(a) **Purpose of voluntary foster care.** An Indian child may be placed in voluntary foster care with either Oklahoma Department of Human Services (OKDHS) or the tribe at the request of the parent(s) or legal guardian. Voluntary foster care:

(1) is available as a preventive and protective service to enhance family functioning without court intervention, per OAC 340:75-4-12.1; and

(2) may be approved for an initial period of 30 days and extended up to a maximum of 90 days when reunification appears likely without court intervention during that time frame. Court intervention is required when foster care is needed beyond 90 days. ▶ 1

(b) **Tribe's responsibilities for voluntary foster care.**

(1) When the tribal Child Welfare (CW) worker places the child in voluntary foster care, the tribe is responsible for obtaining a written voluntary foster care agreement.

(A) The agreement does not require court action, and the child is returned to the parent(s) or guardian upon request. If the parent(s) or guardian fails to meet the terms of the agreement or cannot be located, court involvement is required.

(B) The tribe submits to the CW tribal liaison Form 04TB004E, Indian Child Welfare Program Referral, and a memo requesting approval for voluntary foster care.

(2) The child's tribe notifies the CW tribal liaison when:

(A) the child leaves the placement; or

(B) court action is initiated.

(c) **Evidence gathered in voluntary foster care.** The tribal (CW) worker or OKDHS CW worker advises the parent(s) or legal guardian at the time of the child's placement that any evidence gathered during the time the child is placed in voluntary foster care may be used as a basis for court action.
INSTRUCTIONS TO STAFF 340:75-19-29

1. Voluntary foster care. In addition to the requirements in OAC 340:75-4-12.1, the Child Welfare (CW) worker notifies the child’s tribe of the voluntary foster care placement and follows the placement preferences prescribed in the federal and state Indian Child Welfare Acts (ICWA).

   (1) The CW tribal liaison approves the voluntary foster care placement for the initial period of 30 days.

   (2) If the placement is needed beyond 30 days, the case is referred to the Children and Family Services Division (CFSD) tribal coordinator. The placement may be approved by the CFSD tribal coordinator for an additional 60 days upon request for a total period of 90 days.
340:75-19-30. Voluntary foster care for children in tribal custody after age 18

(a) The tribe may continue to provide foster care services on a voluntary basis to a youth in tribal custody who turns 18 prior to completing his or her:

1. high school education; or
2. General Educational Development (GED).

(b) One month prior to the youth’s 18th birthday, the tribal Child Welfare (CW) worker provides to the CW tribal liaison:

1. a memo requesting voluntary foster care for the youth and a recommended time frame for the care; and
2. a written request from the youth requesting voluntary foster care.

(c) The youth:

1. signs a notarized statement agreeing to reimburse Oklahoma Department of Human Services for the cost of care with any benefits or resources available;
2. remains eligible for voluntary foster care until he or she completes high school or GED requirements or reaches his or her 21st birthday. If the youth stops pursuing an education, the youth is no longer eligible for voluntary foster care; and
3. agrees to:
   A. participate in the development of an independent living (IL) plan outlining the steps to achieve self-sufficiency;
   B. participate in IL services and activities; and
   C. abide by the IL plan.

(d) The tribal CW worker assists the youth in applying for Title XIX medical benefits as soon as possible after the youth's 18th birthday.

INSTRUCTIONS TO STAFF 340:75-19-30

1. Request for voluntary foster care. The Child Welfare (CW) tribal liaison:
(1) reviews the request from the tribe and youth for voluntary foster care; and

(2) approves the request for voluntary foster care, consulting the Children and Family Services Division (CFSD) tribal coordinator if there are questions.
340:75-19-31. Independent living services for tribal youth in custody

(a) The Foster Care Independence Act of 1999 supports states in the provision of independent living (IL) services for both state and tribal youth in custody, focusing on:

(1) career planning;

(2) emergency housing; and

(3) aftercare.

(b) Federal regulations and state statues require that eligible youth receive:

(1) an assessment of basic life skills to determine the youth's independent living and the areas of skill needed for the youth to transition to independence and community life identified in the assessment;

(2) documentation of an IL plan, including the services and goals the worker and youth identify as necessary for the youth to achieve the transition to independence; and

(3) dispositional hearings and review hearings with a determination by the court that the IL services needed to assist the youth in making the transition from custody to self-sufficiency are provided for youth age 16 or older.

(c) Tribal youth in custody are eligible for services provided through community contracts, including educational, vocational, supplemental assistance, resource materials, teen conferences, Fun Fest, independent living seminars, Emancipation Station, technical assistance, and training. The tribal Child Welfare Services (CWS) worker enrolls eligible youth at age 16 with the community contract provider using Form 04IL004E, Independent Living Community Contracted Services Enrollment.

(d) Contingency funds are designed as supportive services for youth in preparation for living on their own and for emergencies encountered after leaving care while learning to live independently. The tribal CWS worker accesses the funds described in (1) through (3) for the tribal youth by contacting the Children and Family Services Division (CFSD) Independent Living coordinator.

(1) Independent Living Preparation contingency funds are available to eligible youth between the ages of 16 and 18 years who are currently in tribal custody in out-of-home placement. These funds can be used for graduation, education related
expenses, and purchased services necessary to achieve the youth's independent living plan.

(2) Independent Living Supportive Services contingency funds are available to eligible youth who are between the ages of 18 and 21 years and were in tribal custody in out-of-home placement for nine months between the ages of 16 and 18. These funds can be used for car repair, furniture and appliances, public transportation, clothing, medical expenses, graduation expenses, purchased services such as substance abuse counseling and mentors, and other services necessary to achieve the youth's independent living plan.

(3) Housing contingency funds are available for tribal youth in custody who were in out-of-home placement on their 18th birthday and have not yet reached the age of 21 years. Any youth who received voluntary placement at the age of 18 is not eligible for housing. The contingency funds are used for living expenses such as rent, utilities, deposits, and food.

(e) Tribal youth in custody are eligible for a one-time monetary incentive payment when exiting tribal custody from an out-of-home placement to reunification, adoption, guardianship, or independence. The incentive payment is calculated based upon the youth's accomplishments between the time when IL services were initiated at age 16 until the youth exits care. Activities for which the youth receives compensation include educational attainment, employment, placement stability, volunteerism, life skills development, and planning for the future. The tribal CWS worker contacts the CFSD IL coordinator to obtain the application for these services.
340:75-19-33. Role of the CW tribal liaison and CW worker

A Child Welfare (CW) tribal liaison is assigned for each tribe with a Tribal/State Agreement for Foster Care, per Oklahoma Department of Human Services (OKDHS) Appendix D-4-D, Tribal/State Agreements for Foster Care. ■ 1

(1) The assignment of the CW tribal liaison to specific tribes facilitates contacts with the tribes.

(2) The CW tribal liaison has specific duties and responsibilities for children in tribal custody and for children in OKDHS custody placed in tribal resources.

(3) The CW worker has specific duties and, per OAC 340:75-6, has primary responsibility for the provision of services for children in OKDHS custody placed in tribal resources.

INSTRUCTIONS TO STAFF 340:75-19-33

1. The Child Welfare (CW) tribal liaison:

   (1) assists the tribe in facilitating placement of children in tribal custody into tribal foster homes;

   (2) develops an active working relationship with the assigned tribe;

   (3) reviews Form 04TB004E, Indian Child Welfare Program Referral, the court order, and case plan submitted by the tribe and contacts the tribal CW worker when additional information is needed;

   (4) sets up a KK case for the child in tribal custody with the case type of tribal custody;

   (5) enters the placement in the appropriate tribal foster home in KIDS Placement Enter-Exit screens.

      (A) The case type is tribal custody.

      (B) The child is shown as placed in the appropriate tribal foster home;

   (6) contacts the Children and Family Services Division (CFSD) tribal coordinator if the resource is not found in KIDS;
(7) is assigned the primary case, and sends the secondary case to the county of placement, if different from the county of the CW tribal liaison;

(8) updates the child's KK case to reflect changes in placement and closes the KK case when the child is no longer in tribal foster care placement;

(9) responds to questions about foster care payment from tribal CW workers or tribal foster parents. The CFSD tribal coordinator is contacted for assistance as needed;

(10) may participate in committees or task forces focused on Indian Child Welfare Act issues as assigned or approved by the CW supervisor; and

(11) is not expected to act as the sole contact to the tribe. The CW worker who provides services to an Indian child and family must establish contact and a working relationship with the appropriate tribe.