TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:75-1, Table of Contents; 75-1-12.8; 75-1-16; 340:75-3, Table of Contents; 75-3-2; 75-3-4 through 75-3-7.3; 75-3-8.1; 75-3-8.6 through 75-3-8.7; 75-3-10.1 through 75-3-10.2; 75-3-11; 75-3-13; 340:75-7, Table of Contents; 75-7-2; 75-7-14 through 75-7-15; 75-7-18 through 75-7-19; 75-7-24; 75-7-37.1; 75-7-52 through 75-7-52.1; 75-7-65; 75-7-94; 75-13-62 through 75-13-65; 75-13-74 through 75-13-80; 75-15-8 through 75-15-9; 75-15-41 through 75-15-47; 75-15-59; 75-15-61; 75-15-82; 75-15-84 through 75-15-85; 75-15-87 through 75-15-89; 75-15-92 through 75-15-93; 75-15-103; 75-15-106 through 75-15-108; and 75-19-26.1.

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

340:75-1-12.8 is amended to describe the foster care mediation program available to foster parents through the Oklahoma Commission on Children and Youth.

340:75-1-16 is amended and supersedes the emergency revisions approved October 31, 2006 to: (1) reflect procedures for providing verbal notice of objection and intention to seek review of the court order releasing a child from state custody when OKDHS deems the court order creates a serious risk of danger to a child; (2) clarify that when a child is placed in OKDHS custody, the court may not direct OKDHS to place the child in a specific home or placement; and (3) provide the opportunity for OKDHS to provide sworn testimony for the purpose of determining the placement of a child.

340:75-3-2 is amended to clarify the definitions of child, foster parent, and near death.

340:75-3-4 is amended to reflect updated citations, language, and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-3-5 is amended and supersedes the emergency revisions approved October 31, 2006 to reflect that the OKDHS Director or designee may request a criminal investigation by OSBI in cases where it has been determined that criminally injurious conduct, including, but not limited to, physical or sexual abuse of a
child, has occurred.

340:75-3-6 instructions to staff (ITS) only is amended to update form numbers to conform with the current tracking system.

340:75-3-6.1 is amended to: (1) detail procedure for an abandoned infant; (2) clarify investigation completion time frames; and (3) update form numbers to conform with current tracking system.

340:75-3-7 and 340:75-3-7.1 are amended to update language to be consistent with current usage.

340:75-3-7.2 and 75-3-7.3 ITS only are amended to update form numbers and language to be consistent with current usage.

340:75-3-8.1 is amended to add Community-Based Residential Services and Tribal program to the staff involved, when appropriate, in an investigation or assessment.

340:75-3-8.6 is amended to: (1) clarify that an appropriate licensed medical professional may examine or be consulted concerning a child who has injuries specified in this subsection; (2) specify in Instructions to Staff that consultation with the CW field liaison is required regarding a second medical opinion for head trauma or fractures in children age three years and younger; and (3) update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-3-8.7 ITS only is amended to update safety precautions used by the CW worker during investigations where methamphetamine use is alleged.

340:75-3-10.1, 340:75-3-10.2, and 340:75-3-13 are amended to update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-3-11 ITS only is amended to update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-7-2 is amended to clarify the definition of foster family care.

340:75-7-14 is amended to clarify that adult means age 18 or older.

340:75-7-15 is amended to require: (1) foster applicants or adult household members who have lived in Oklahoma for less than five years to provide equivalent records checks from previous states of residence; and (2) a review by the Children and Family Services Division (CFSD) Foster Care Section of a foster home applicant when there has been a previous confirmation of child abuse and neglect of the applicant’s previous foster home.

340:75-7-18 is amended to clarify: (1) the written resource family assessment is a representation of the family based on complete, consistent, and truthful information gathered by the resource specialist or a contractor in conjunction with the family; (2)
water, animal and household pet, and weapon safety; and (3) when a foster home may be approved.

340:75-19 is amended to clarify joint approval procedures of OKDHS foster homes when the placement provider is kin to the child, a Developmental Disabilities Services Division (DDSD), Office of Juvenile Affairs (OJA), or licensed family child care home.

340:75-7-24 is amended to: (1) clarify kinship foster applicant's payment options; and (2) update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-7-37.1 is a new rule detailing the roles and responsibilities of the resource specialist.

340:75-7-52 is amended to: (1) refer to 340:75-7-52.1 for foster home reimbursement option; and (2) update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-7-52.1 is a new rule that: (1) details the procedure for kinship or foster parents to apply as payee of a child’s Social Security benefits; and (2) clarifies when kinship families may receive a training stipend.

340:75-7-65 is amended to: (1) clarify that foster parents may make informal arrangements for the occasional care of foster children; (2) require foster parents to identify an alternate caregiver; (3) add that foster parents have access to the foster care mediation program through Oklahoma Commission on Children and Youth; and (4) update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-7-94 is amended to: (1) clarify need for yearly reassessment of foster parent’s performance; (2) include time frames regarding continued use or closure of a foster home; and (3) update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-13-62 is amended to delete obsolete language.

340:75-13-63 is amended to update and clarify contact information for authorization and claims.

340:75-13-64 ITS only is amended to update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-13-65 is amended to update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-13-74 is amended to clarify language to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-13-75 is amended to clarify eligibility for out-of-state Title IV-E foster care and Medicaid.
340:75-13-77 through 340:75-13-80 are amended to update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.


340:75-15-82 is amended to update the Web address for adoption recruitment.

340:75-15-84 is amended to: (1) update the criminal background check procedure for adoptive families; and (2) require an inquiry of each adoptive applicant when the applicant has applied to be or was an approved foster or adoptive home in another state.

340:75-15-87 is amended to update: (1) search requirements for an adoption background check; and (2) language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-15-88 is amended to: (1) clarify procedure for contact with family when a notice of closure is issued; and (2) update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-15-89 is amended to clarify terminology concerning evaluation and assessment.


340:75-15-107 is amended to clarify procedure when disruption of adoption occurs.

340:75-15-108 ITS only is amended to update language and form numbers to conform to current usage and comply with federal, state, and OKDHS standards.

340:75-19-26.1 is amended to designate APS Healthcare as the reviewer for determining medical necessity for therapeutic foster care.
Original signed on 4-18-07

Linda Smith, Director
Children and Family Services Division

Sharon Neuwald, Coordinator
Office of Legislative Relations and Policy

WF # 06-25 (NAP)
INSTRUCTIONS FOR FILING MANUAL MATERIAL

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

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

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SUBCHAPTER 1. GENERAL PROVISIONS OF CHILD WELFARE SERVICES

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(a) Foster care mediation program. The foster care mediation program is a voluntary program for foster parents and child-placing agencies to mediate complaints, per Section 601.6(B)(3) of Title 10 of the Oklahoma Statutes. The mediation program is confidential, fair, speedy, and free. Participants retain any rights they may have to request a hearing or file a court action or complaint. Mediation is:

(1) an effective way to help disagreeing parties discuss their problem and come to a mutually acceptable resolution; and

(2) not a substitute for legal help. No legal assistance is given by the mediator.

(b) Requests. A request for mediation must meet criteria. The case must:

(1) involve children in the custody of the Oklahoma Department of Human Services (OKDHS) or the Office of Juvenile Affairs (OJA);

(2) concern the rights of foster parents;

(3) concern the action, inaction, or decision of the child-placing agency; or

(4) adversely affect the health, safety, or welfare of children.

(c) Mediators. The mediator:

(1) is a community volunteer who has received special training;

(2) is certified pursuant to the Dispute Resolution Act;

(3) is experienced in mediation;

(4) is trained in issues involving the Foster Parent Bill of Rights, the juvenile justice system, and the Child Welfare system; and

(5) does not judge or decide the issue, but helps the parties find their own resolution.

(d) Foster care mediation process. The Oklahoma Commission on Children and Youth (OCCY) toll-free number for the foster care mediation program is 1-800-822-0899 or in Oklahoma City 405-606-4925. OCCY receives requests for mediation and contacts all parties to seek their voluntary involvement in the process. If all parties
agree, the case is referred to the Alternative Dispute Resolution System of the Administrative Office of the Courts. Early Settlement Centers uses a network of volunteers to mediate the cases within five business days. The procedure in this subsection is followed.

(1) OCCY intake receives the request for mediation.

(2) OCCY intake logs in the information.

(3) The post adjudication review board (PARB) coordinator screens for criteria.

(4) If the case meets criteria, the PARB coordinator contacts the foster parent and child-placing agency to seek the agreement of all parties to mediate pursuant to the Dispute Resolution Act, or if the case does not meet criteria, the PARB coordinator recommends an alternative course of action.

(e) OKDHS county director's choice not to mediate. The OKDHS county director is the point of contact for mediation and makes the decision to mediate. ■ 1

(1) The availability of the Child Protective Services appeal process, per OAC 340:75-1-12.2, allows the OKDHS county director to choose not to mediate in issues involving the findings of an investigation.

(2) The due process involved in a court decision allows the OKDHS county director to choose not to mediate court decisions. Mediation may be considered prior to court hearings to obtain recommendations agreed upon by all parties.

INSTRUCTIONS TO STAFF

1. The Child Welfare (CW) supervisor and CW worker may attend mediation at the county director's discretion.
340:75-1-16. Custody hearings, placement hearings, and court orders

(a) Emergency custody hearing.

(1) Within two judicial days after a child is taken into emergency or protective custody as an alleged deprived child, the child's parent(s), legal guardian, or custodian is entitled to an emergency custody hearing, and thereafter at such intervals as determined by the court. The court conducts a hearing to:

(A) determine whether to place the child into or continue the child in emergency custody, if continuation of the child in the child's home is contrary to the health, safety, or welfare of the child;

(B) determine whether to release the child to the parent(s), legal guardian, custodian, or other responsible adult, with or without conditions as the court finds reasonably necessary to ensure the health, safety, or welfare of the child.

(i) When a child has been removed from the custodial parent and, in the best interests of the child, the court is unable to release the child to the custodial parent, the court gives priority for placement of the child with the noncustodial parent of the child unless such placement would not be in the child's best interests.

(ii) When the court cannot place the child with the noncustodial parent, custody is awarded consistent with the preferences set forth in Section 21.1 of Title 10 of the Oklahoma Statutes, which are:

(I) grandparent;

(II) person indicated by deceased parent;

(III) relative;

(IV) person in whose home the child has been living in a wholesome and stable environment, including, but not limited to, a foster parent; or

(V) any other person deemed suitable by the court and able to provide adequate and proper care and guidance for the child.

(iii) When custody of the child cannot be made pursuant to these preferences, the reason for such determination is documented in the court record.
(iv) When the court returns the child to the custody of a parent, relative, or other responsible party, the court may order the Oklahoma Department of Human Services (OKDHS) to provide supervision of the child; and

(C) obtain information from the parent, legal guardian, or custodian necessary to identify and locate kinship placement resources.

(2) The purpose of the emergency custody hearing is to show cause why the child was taken into custody or why custody should not return to the parent(s).

(A) An order for removal of a child from the home must make a determination:

(i) that continuation of the child in his or her home is contrary to the child's health, safety, or welfare or is in the child's best interests; and

(ii) whether reasonable efforts to prevent removal were made or, in the absence of preventive efforts, if removal of the child is due to an emergency and is for the child's safety. [10 O.S. § 7003-2.4(G)(1)(a) through (d)]

(B) The judge may enter an order that reasonable efforts are not required, per OAC 340:75-1-18.4.

(C) The emergency custody order may not remain in effect for more than 60 days absent a showing that future extension is necessary to ensure the health, safety, or welfare of the child and is in the best interests of the child.

(b) Opportunity to be heard in placement and custody decisions. 1 & 2 At any hearing under the Oklahoma Children's Code for the purpose of determining the placement of a child or whether a child in the state's custody, whether protective, emergency, temporary, or permanent, is to be released from such custody, the court provides an opportunity for a representative from OKDHS, the current foster parent, guardian ad litem, and child, if of sufficient age, to present sworn testimony regarding this placement or release. [10 O.S. § 7003-6.2A]

(1) The Child Welfare (CW) worker may be cross-examined by the court and the parties to the case.

(2) The hearing is on the record and the court must issue a written finding.

(3) OKDHS does not have the same right to be heard when the district attorney is declining to file a petition and the child is released by operation of law.
(c) **Objection to release from the state's custody.** 1 & 3 At any hearing where a child is to be released from the state's custody, whether protective, emergency, temporary, or permanent custody, a determination must be made about whether the court order releasing the child from the state's custody creates a serious risk of danger to the health or safety of the child.

(1) **Determination of serious risk of danger to the health or safety of the child.** The OKDHS representative makes the determination of serious risk of danger to the health or safety of the child based upon the considerations in this paragraph.

(A) Any circumstance in which the child will be placed in the custody of an unsafe caregiver where there is likelihood that significant injury, life-threatening consequences, or sexual abuse will occur. Examples include, but are not limited to, a caregiver who:

   (i) has an untreated mental illness;

   (ii) has significant history of child abuse, substantial neglect, or domestic violence;

   (iii) uses alcohol or drugs to the extent it interferes with day-to-day functioning;

   (iv) displays aimless and chronically dangerous parenting practices;

   (v) previously harmed a child, which resulted in significant injury, life-threatening consequences, sexual abuse, or death;

   (vi) previously had parental rights terminated or relinquished parental rights to a child due to child abuse or neglect; or

   (vii) allows or will continue to allow others who have displayed any of the conditions in (A) to have access to the child.

(B) Significant injury and life-threatening consequences are more likely to occur to a child three years of age or younger; or to a child of any age who has a disability or any other condition that renders the child totally dependent on the care of others.

(2) **Review of court order.** The court is required to stay the order pending the filing of an application by the objecting party. When verbal notice of an objection is given, the procedure in (A) through (C) of this subsection is followed.
(A) The party giving notice of objection and intention to seek review of the court order files with the presiding judge of the administrative judicial district no later than 5:00 p.m. the following judicial day a written application to review the order. If OKDHS is the only one to object to the court order, the written application to review the court order is filed by OKDHS.

(B) If the written application is not filed timely or a written notification is received that the objection is withdrawn, the objection is considered abandoned and the stay is lifted.

(C) When the application is filed timely, the presiding judge of the administrative judicial district assigns a juvenile judge within the judicial district to complete a review of the order.

   (i) The review is completed within five judicial days of the filing of the written application for review.

   (ii) When there is no finding of serious risk of danger, the reviewing judge orders the stay lifted and the child released according to the order under review.

   (iii) When the reviewing judge finds a serious risk of danger, the court issuing the order under review is required to enter another order. [10 O.S. § 7003-6.2]

(d) Directed placement not allowed. If the court determines it would be in the best interests of a 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.

INSTRUCTIONS TO STAFF

1. (a) OKDHS Legal Division assistance. When a question is not satisfactorily resolved by reference to Oklahoma Department of Human Services (OKDHS) policy or interpretation of policy, a request for formal legal opinion is submitted to OKDHS Legal Division, as provided in OKDHS:2-25-3. Requests for informal legal opinions and advice or assistance on individual case problems are, when time permits, made by or after consultation with administrative, program, or supervisory staff.

   (b) Prompt consultation. Circumstances that require prompt consultation between a Child Welfare (CW) worker and an attorney are not delayed by
contacts with supervisory or other staff, who are contacted as soon as possible thereafter. Examples of such circumstances include:

(1) a request, by the court, the district attorney (DA), the child's attorney, or a parent's attorney, for the position of OKDHS on a question of law or for legal action by OKDHS made in the course of a hearing or proceeding before the court;

(2) the issuance of an order or directive from the court requiring the provision of a service or other action by OKDHS within a short time and the service or action cannot be provided because it is not authorized by law, conflicts with OKDHS policy, or is impossible to provide or perform within the time allowed;

(3) obstruction of a mandatory Child Protective Services (CPS) investigation or necessary and authorized CPS investigative procedures. Reasonable requests by the DA or law enforcement officers aimed at advancing a criminal investigation and planned multidisciplinary team activities that alter normal investigative protocols do not constitute obstruction per OAC 340:75-3-5(d)(2) and 340:75-3-8.4; and

(4) receipt of work-related legal process, such as a summons or notice, per OAC 340:75-1-45.

2. Opportunity to be heard in release from custody and placement decisions. The CW worker asks the DA for the opportunity to be heard by requesting to testify on the record. If the DA declines, the CW worker directly requests from the court the opportunity to be heard on the record prior to conclusion of the hearing.

(1) If the CW worker is not given the opportunity to advise the court of the OKDHS recommendation, and the court enters an order releasing the child from custody, the CW worker may still make a verbal objection, as described in Instructions to Staff 3.

(2) If the court refuses to provide an opportunity to be heard, the CW worker advises the CW supervisor, who contacts the OKDHS Legal Division.

3. Procedures for objecting to release of child from the state's custody. These procedures apply only when the release is contrary to the recommendation of
OKDHS because the release would create a serious risk of danger to the health or safety of the child.

(1) Verbal notice of objection at the hearing. When the judge or referee releases or removes a child from the state's custody and the OKDHS representative believes release of custody creates a serious risk of danger to the health or safety of the child, and there is no objection made by the DA or attorney for the child, verbal notice of the objection must be given to the court before the conclusion of the hearing.

(A) If it is unclear to the OKDHS representative whether the child was removed from the state's custody, before making an objection, the OKDHS representative gets clarification from the DA.

(B) If release from the state's custody is confirmed by the DA, the OKDHS representative immediately advises the DA of the reasons for the OKDHS objection and asks the DA to give notice of the objection to the court.

(C) If the DA declines to give the notice of objection on behalf of OKDHS, the OKDHS representative asks the juvenile judge or referee for permission to speak and informs the court of the OKDHS objection and intention to seek review of the court order, in accordance with Section 7003-6.2 of Title 10 of the Oklahoma Statutes.

(D) When the reason the child is released from the state's custody is because the DA declines to file a petition, OKDHS does not object.

(2) Review of court order. To apply for a review of the court order, OKDHS Legal Division files a written "Application for Review of Trial Court’s Order" (Application) with the presiding judge of the administrative judicial district by 5:00 p.m. the next judicial day after the hearing. The requirements in (A) and (B) are followed.

(A) Immediately after the hearing, the OKDHS representative who objected to the court order notifies the CW supervisor, county director (CD), and CW field liaison (CWFL).

(B) The CD and CWFL decide whether to seek a review of the court order.
(i) If the decision is not to seek a review of the court order, the CD immediately notifies the court, DA, and child's attorney of the OKDHS decision to withdraw the objection, per the county's established protocol.

(ii) If the decision is to seek a review of the court order, the CD:

(I) immediately notifies the area director;

(II) notifies a CW attorney in the OKDHS Legal Division no later than 12:00 noon on the next judicial day after the hearing;

(III) after consultation with the CW attorney, ensures that an Application is filed with the court clerk in the deprived case by 2:00 p.m. on the next judicial day after the hearing. The court order releasing the child from the state's custody is attached to the Application. If the order is not available when the Application is filed, the CD obtains the order as soon as possible and immediately faxes it to the OKDHS Legal Division;

(IV) obtains three file-stamped copies of the Application at the time of filing, and provides one copy immediately by Fax to the Legal Division at 405-521-6816, Attention: Child Welfare, with a list of the names, mailing addresses, and phone and fax numbers for all parties present at the hearing; one copy for the case file; and one copy to the CD; and

(V) as soon as possible, provides to the OKDHS Legal Division any report or other document submitted at the hearing and reviewed by the juvenile judge. The CW worker and others involved in the case furnish additional information as requested, after consultation with the OKDHS Legal Division.

(3) Release from OKDHS custody but supervision ordered. When the court releases a child from OKDHS custody and orders OKDHS to continue to supervise the child's placement, and a verbal objection to the release was made based upon concern of serious risk of danger to the child's health or safety, the CW worker:

(A) does not recommend that OKDHS be relieved of supervision:
(B) closely supervises the child’s placement; and

(C) documents any concerns for the court.

4. Protocol for challenging a court-ordered directed placement. If the court exceeds its authority by ordering OKDHS to place a child in OKDHS custody in a specific home or placement contrary to the recommendation of OKDHS, the procedure in (1) through (4) is followed.

(1) The CW worker immediately after the hearing consults with the supervisor, CD, and CWFL to determine whether OKDHS will initiate legal action to challenge the court order.

(2) If the decision is made to initiate legal action to challenge the court order, the CD immediately notifies the area director and OKDHS Legal Division.

(3) The OKDHS Legal Division consults with the Human Services Centers chief operating officer to make a determination as to the appropriate legal action warranted by the facts and circumstances of the case, including contacting the court and counsel for the parties, preparing appropriate motions to stay, reconsider, or vacate the order, preparing an application for new hearing, or preparing petitions or applications for appellate court relief or intervention.

(4) The OKDHS Legal Division notifies the CD of the decision and takes the legal action necessary to challenge the court-ordered directed placement.
SUBCHAPTER 3. CHILD PROTECTIVE SERVICES

Section
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340:75-3-13.1. Service planning [REVOKED]
340:75-3-13.2. Levels of service and models of intervention [REVOKED]
340:75-3-14. Statewide hotline and after hours response
340:75-3-2. Definitions

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

"Abandonment" means the person responsible for the child (PRFC):

(A) deserted the child, which includes abandonment of an infant, per Title 10 of the Oklahoma Statutes (10 O.S.); or

(B) through incapacitating behavior or absence, is severely limited or prevented from providing minimal care for the child; and

(C) has no ability or plans to resume care for the child.

"Abuse " means harm or threatened harm to a child's health, safety, or welfare by a person responsible for the child's health, safety, or welfare, per 10 O.S. Section (§) 7102.

"Accepting the report for investigation or assessment" means the screening process has been completed, the report meets the definition of abuse, neglect, or both, is within the scope of Child Protective Services (CPS), and will be assigned.

"Administrative investigation" means an internal investigation initiated by the advocate general upon receipt of a notice of the death or near death of a child known to Child Welfare (CW).

"Advocate general" means the administrative head of Oklahoma Department of Human Services (OKDHS) Office of Client Advocacy.

"Assessment" means a systematic process used by OKDHS to respond to reports of alleged child abuse or neglect that, according to guidelines established by OKDHS, do not constitute a serious and immediate threat to the child's health or safety.

"CPS programs manager" means the administrative head of the CPS program for OKDHS Children and Family Services Division (CFSD).

"Child" means any unmarried person younger than 18 years of age, including an infant born alive, except a person:

(A) convicted of a crime per 10 O.S. § 7306-1.1; or
(B) certified as an adult per 10 O.S. § 7303-4.3 and convicted of a felony.

"Child's parent" means either custodial or noncustodial parent.

"Custodian" means a person acting in the role of the parent with or without a legal order. A custodian is a person who provides for the child's health and welfare on an ongoing basis by performing such functions as enrolling the child in school, securing needed medical attention, and providing a home for the child.

"Domestic violence" means a pattern of assaultive and coercive behaviors that an adult uses against another adult when a child is present.

(A) The assaultive and coercive behaviors include, but are not limited to, sinister threats, physical injury requiring medical attention, and the presence of weapons.

(B) The child in the home is at risk of grave physical danger, significant neglect, or significant emotional consequences.

"Educational neglect" means that the child fails to attend school due to the PRFC's pattern of failure to ensure that the child is enrolled in, allowed to attend, or assisted in attending school, or provided other means of education.

(A) Per 70 O.S. § 10-105 et seq., the school district must exhaust all available means to compel attendance prior to a CPS investigation of educational neglect.

(B) Truancy or home schooling does not constitute educational neglect.

"Emergency custody" means court-ordered custody of a child prior to adjudication of the child.

"Failure to protect" means the PRFC:

(A) had knowledge or could have predicted that the child would be:

(i) in a high risk situation; or

(ii) with a person who has a history of abusive, neglectful, or violent behavior; and

(B) failed to show regard for the child's need for safety.

"Foster parent" means any person maintaining a Developmental Disabilities
Services Division (DDSD), therapeutic, emergency, specialized community home, tribal, kinship, or foster family home, who is responsible for providing care, supervision, guidance, rearing, and other foster care services to a child.

"General counsel" means the administrative head of OKDHS Legal Division.

"Harm or threatened harm" means that the child's health or safety is at substantial risk as a result of the PRFC's actions, intention to act, omissions, or conditions that may result or have resulted in, per 10 O.S. § 7102:

(A) serious physical abuse;

(B) sexual abuse or exploitation;

(C) serious neglect;

(D) failure or omission to provide protection; or

(E) abandonment.

"Heinous and shocking" means abuse or neglect that is extreme, cruel, and results in severe emotional consequences, physical disfigurement, maiming, or death.

"Infant" means a child 24 months of age or younger.

"Infant born alive" means an infant who is born alive at any stage of development.

"Initiating a CPS investigation or assessment" means a good faith attempt to make face-to-face contact with all alleged child victims.

"Investigation" means an approach used by OKDHS to respond to reports of alleged child abuse or neglect that, according to guidelines established by OKDHS, constitute a serious and immediate threat to the child's health or safety.

"Medical neglect" means withholding medical treatment or prescription of any type that may significantly harm the child. Withholding medical treatment is medical neglect when the:

(A) medical treatment is, in the opinion of a physician, required to safeguard the child from serious medical risk;
(B) medical condition of the child is an emergency or a life-threatening condition, constituting such a serious risk to the child's health, safety, or welfare that a reasonable person would procure medical attention immediately and the PRFC does not do so; or

(C) needed medical treatment is withheld from an infant born alive at any stage of development or is withheld from an infant born with disabilities if the infant's life-threatening condition will most likely improve or be corrected with medical treatment, per OAC 340:75-3-8.3.

"Mental injury - emotional abuse or neglect" means an injury to the child's intellectual or psychological capacity:

(A) as evidenced by observable and substantial impairment in the child's ability to function within the child's normal range of performance and behavior with regard to the child's culture; and

(B) resulting from a pattern of cruel or unconscionable acts upon the child, or statements made or permitted to be made to the child, or within the child's environment, by the PRFC. ■ 2

"Minor injury" means a slight injury that results from inappropriate discipline to a child older than ten years of age and is located on the legs, shoulders, arms, or buttocks. ■ 3

"Munchausen syndrome by proxy" means a type of child abuse in which the PRFC fabricates medical conditions in the child.

"Near death" means a child who is in serious or critical condition as certified by a physician. ■ 4

"Neglect" means a situation in which a PRFC either deliberately or through exceptional lack of attention to the child's basic needs causes the child to suffer emotionally or physically. Neglect involves either a chronic, long-standing problem that impacts several aspects of a child's life or is so severe that it is life-threatening. ■ 5

"Owner, operator, employee of the child care facility or home" means a facility or home that is licensed per 10 O.S. § 402. If a facility or home is not licensed but meets the definition of a child care facility, the owner, operator, or employee meets the definition of a PRFC.

"Person responsible for the child's health, safety, or welfare (PRFC)" means:
(A) the child's parent, legal guardian, custodian, or foster parent;

(B) a person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child;

(C) an agent or employee of a public or private residential home, institution, or facility; or

(D) an owner, operator, or employee of a child care facility, per 10 O.S. § 402.

"Physical abuse" means an injury resulting from punching, beating, kicking, biting, burning, or otherwise harming a child. Even though the injury is not an accident, the PRFC may not have intended to hurt the child.

(A) The injury may result from:

(i) extreme physical punishment that is inappropriate to the child's age or condition;

(ii) a single episode or repeated episodes and range in severity from significant bruising to death; or

(iii) any action that involves hitting with a closed fist, kicking, inflicting burns, shaking, or throwing the child, even when no injury is sustained but the action places the child at risk of grave physical danger.

(B) Minor injury on a child older than ten years of age is not considered physical abuse unless the actions that caused the injury placed the child in grave physical danger.

"Physical injury" means temporary or permanent damage or impairment to the child's body by the PRFC.

"Protective custody" means a child taken into custody by a peace officer or employee of the court, without a court order when the child's surroundings endanger the child, per 10 O.S. § 7003-2.1.

"Risk assessment" means determining the level of potential danger to a child and the extent to which the child's safety is jeopardized.  ■ 6

"Risk factors" means the circumstances that affect the child's safety.  ■ 7
"Safety" means freedom from serious danger due to abuse or neglect in the near or foreseeable future. The CW worker considers the risk factors within the child's home and family.  

"Serious abuse or neglect" means:

(A) abuse or neglect resulting in significant injury, such as burns, fractures, head trauma, genital injuries, extensive deep bruising on multiple sites of the body, or internal injuries;

(B) abuse or neglect resulting in life-threatening consequences, such as failure-to-thrive conditions, lack of supervision resulting in significant injury or danger, extreme malnutrition or dehydration, medical neglect involving a life-threatening illness, or life-threatening conditions caused by the PRFC's impaired abilities resulting from substance abuse, mental illness, or other emotional condition; and

(C) sexual abuse.

"Sexual abuse" means any sexual activity, including sexual propositioning between the PRFC and child or any acts committed or permitted by the PRFC, for the purpose of sexually stimulating the child, PRFC, or others, and includes:

(A) rape;

(B) sodomy;

(C) incest; and

(D) lewd or indecent acts or proposals to a child.

"Sexual exploitation" means allowing or encouraging a child to engage in:

(A) sexual acts with others;

(B) prostitution;

(C) obscene photographing, filming, or depicting of the child; and

(D) deliberate exposure to adult sexuality, such as allowing a child to observe pornography or adult sex acts.
"Substance abuse" means the illegal or inappropriate use of any drug, including alcohol, that incapacitates or severely limits the PRFC in performing minimal basic care for the child and results in serious neglect of the child or creates the risk of grave physical danger or significant emotional consequences to the child. 10

"Third party perpetrator" means a perpetrator other than the PRFC.

"Truancy" means a child elects not or refuses to attend school despite efforts by the PRFC to encourage and assist in school attendance.

INSTRUCTIONS TO STAFF 340:75-3-2

1. Heinous and shocking examples. Examples of heinous and shocking abuse or neglect include, but are not limited to, the:

   (1) sexual penetration of an infant or toddler;

   (2) use of a child in acts of sexual depravity, such as sexual penetration or exploitation among several unrelated adults or multiple family members, sexual involvement with animals, sado-masochistic sexual behavior, involvement in child pornography rings or prostitution, and sexual activity that results in repeated physical injury;

   (3) repeated battering of a child that results in a life-threatening injury;

   (4) systematic torture of a child with no regard for the child's pain or need for medical attention;

   (5) purposeful or systematic withholding of life sustaining food or water from a child;

   (6) previous incident(s) of a confirmed child fatality or other serious abuse or neglect by the same person responsible for the child (PRFC) or perpetrator and current abuse or neglect is serious; and

   (7) deliberate and purposeful attempt to kill a child.

2. Mental injury examples. Situations that may indicate mental injury when the situation is observable, substantial, and a pattern are:

   (1) acts or repeated statements directed at the child that degrade or belittle
the child;

(2) exposure to repeated violent or intimidating acts or statements that may or may not be directed at the child, but have a harmful effect on the child;

(3) threatening the child with extreme or vague but sinister punishment, setting unrealistic expectations, or stating unpredictable threats;

(4) ignoring or being psychologically unavailable to the child, ranging from a lack of sustained attention to a barrier of silence;

(5) the PRFC seldom responds to, stimulates or shows affection toward an infant, and rarely, if ever, holds the infant during feeding;

(6) the PRFC shows unrealistic expectations by regularly scolding and yelling at the infant when the infant exhibits typical responses or needs, such as crying, or needing to be fed, changed, or held;

(7) the PRFC shows little or no attachment to the child and fails to provide minimum levels of nurturing;

(8) the PRFC regularly ignores, rejects, or curses the child when the child requires assistance from the PRFC;

(9) the PRFC exploits the child by requiring the child to routinely carry out extreme tasks that are significantly beyond the child's capabilities;

(10) the PRFC confuses the child's gender identity by forcing the child to dress in clothing that is inappropriate for the gender of the child in order to shame the child;

(11) the PRFC exposes the child to maladaptive and harmful influences by engaging in serious criminal activity with the full awareness of the child, or by allowing or encouraging the child to engage in illegal acts. The CW worker gives consideration to the child's age and maturity level;

(12) the PRFC consistently uses excessive threats and psychological punishments;

(13) the PRFC consistently refuses to permit any professional to assess the
child's serious emotional or behavioral problems. This may also be considered medical neglect;

(14) Munchausen syndrome by proxy. Munchausen syndrome by proxy may also be considered abuse or medical neglect, depending upon the manifestation of the syndrome; and

(15) chronic or highly volatile domestic violence that the child witnesses.

3. Minor injury examples. Examples of minor injury include, but are not limited to:

(1) fingertip bruising to the child's arm; and

(2) belt or slap marks or bruises on the child's buttocks or legs that are not extensive, deep, or located on various sites.

4. Near death condition. Certification by a physician means that a child has been admitted to a hospital in either serious or critical condition.

5. Neglect conditions. Factors considered in regard to neglect are listed in (1) through (4).

(1) Children three years of age and younger are most vulnerable to life-threatening and significant developmental consequences from neglect.

(2) Poverty, alone, does not constitute neglect, unless the PRFC does not access known and readily available resources to prevent serious emotional or physical harm to the child.

(3) Poor parenting practices that do not result in emotional or physical suffering are not considered neglect.

(4) Neglect of a child may include, but is not limited to:

(A) dangerously inadequate supervision;

(B) extremely hazardous living conditions;

(C) malnutrition;
(D) failure-to-thrive;

(E) failure to obtain critically essential medical, dental, or mental health care;

(F) mental injury; and

(G) seriously inadequate physical care.

6. Assessing risk. Key points for assessing risk occur:

(1) when screening referrals;

(2) when determining what information to gather in an investigation or assessment;

(3) when determining whether to remove a child from his or her home;

(4) prior to the development of safety plans;

(5) prior to the placement of a child in the home of a relative;

(6) prior to decision-making about court intervention;

(7) prior to deciding whether prevention services are appropriate;

(8) prior to the development of visitation plans; and

(9) when making plans for treatment and reunification.

7. Risk factors. Key risk factors are the:

(1) age of the child. Infants and toddlers are at highest risk of life-threatening consequences of abuse or neglect;

(2) physical and mental abilities of the child. A child with physical or mental special needs is at greater risk;

(3) level of cooperation by the PRFC;

(4) physical, mental, and emotional abilities of the PRFC;
(5) behavior of the perpetrator;

(6) access of the perpetrator to the child;

(7) location of any injury;

(8) extent and severity of injury;

(9) history of abuse or neglect of the alleged child victim or siblings;

(10) physical condition of the home;

(11) available support system for the family;

(12) stress level in the home as evidenced by such things as financial or relationship difficulties; and

(13) history of abuse or neglect in the family or childhood background of the PRFC.

8. Safety assessment. The factors addressed on Form 04K1023E, Safety Assessment, are considered in determining whether protective custody is required to protect a child, per OAC 340:75-3-10.1.

9. Sexual behaviors that indicate sexual abuse or exploitation. Sexual behaviors that may indicate possible sexual abuse or exploitation include the child's:

   (1) extreme preoccupation with masturbation;

   (2) sexual interaction with peers that is not within normal developmental limits;

   (3) sexual aggression toward younger or more naive children;

   (4) sexual accosting of older children or adults;

   (5) seductive behavior in younger children; and

   (6) demonstration of sexual behavior or knowledge or statements about sexual activity that indicate the child may have been exposed to adult sexuality or actual sexual molestation. Sexual knowledge beyond what
would be expected for a child's normal developmental stage may signal, in young children, possible sexual abuse, repeated exposure to adult sexuality, exposure to sexually explicit materials, or pornography.

10. Substance abuse and newborns. If substance abuse by the PRFC results in an infant born drug exposed, the home of the PRFC is carefully evaluated to determine whether the infant can receive the proper nurturing, nutrition, and attention to hygiene necessary for the infant to thrive.
340:75-3-4. Scope of Child Protective Services

(a) Child Protective Services (CPS) intervention is warranted when a child is abused or neglected or at risk of significant harm because of willful acts, intent to act, or omissions by the person responsible for the child's health, safety, or welfare (PRFC). The responsibility of CPS is to address intrafamilial abuse or neglect. CPS investigates or assesses allegations of abuse or neglect in which the perpetrator is identified as:

(1) a parent, whether custodial or noncustodial;

(2) a legal guardian or custodian;

(3) an adult residing in the home of the child, including an adult who is cohabitating with the child's parent; or

(4) a person other than a PRFC only to the extent necessary to determine whether harm to the child reflects a PRFC's unwillingness or inability to protect the child.

(b) Section 7106 of Title 10 of the Oklahoma Statutes (10 O.S. § 7106) mandates that the Oklahoma Department of Human Services (OKDHS) investigate alleged abuse or neglect by a foster parent or an owner, operator, or employee of a child care facility, child care center, or home, as defined in 10 O.S. § 401, whether licensed or unlicensed.

(1) The assignment of responsibility and protocol for investigations in child care centers or homes is found in OAC 340:75-3-5(a)(2) and 340:75-3-8.2.

(2) Except where employed in a child care facility, school teachers and officials, OKDHS employees, and other persons providing services to the child are not PRFCs.

(3) Certain allegations of failure to protect or corporal punishment in the home of a foster parent or kinship placement may be conducted as an assessment, per OAC 340:75-3-7.3 and 340:75-3-8.1.
340:75-3-5. **Relationship of Child Protective Services and other entities in child abuse and neglect investigations**

(a) **Responsibility of other entities in child abuse or neglect investigations.**

(1) **OCA.** The Oklahoma Department of Human Services (OKDHS), Office of Client Advocacy (OCA) is responsible for the investigation of any allegation of abuse or neglect of a child in any OKDHS facility, or in a public or private residential facility, including, but not limited to, jails or detention centers, hospitals, psychiatric facilities and treatment programs, day treatment programs, and licensed or unlicensed residential child care facilities. OCA is responsible for the investigation of alleged child abuse, neglect, sexual abuse, and sexual exploitation by a community services worker as defined by Section 1025.1 of Title 56 of the Oklahoma Statutes. Reports of suspected abuse or neglect of a child are made to OCA as prescribed in OAC 340:2-3-33. OCA does not investigate allegations of abuse or neglect of a child in a foster home, including specialized community homes, therapeutic foster homes, or kinship home placements.

(2) **DCC.** OKDHS Division of Child Care (DCC) is responsible for implementing the Oklahoma Child Care Facilities Licensing Act [10 O.S. § 401 et seq.] through standards designed to ensure the safety of children. DCC has concurrent responsibilities with Child Protective Services (CPS) in investigations of alleged physical abuse, sexual abuse, or serious neglect in child care centers and homes. Whenever possible, investigations are conducted jointly by DCC and CPS. This does not include violations of licensing standards, which are handled by DCC.

(b) **CPS protocol for inter-agency relationships.** CPS functions as a component of the multi-faceted system established to protect children from abuse and neglect, which includes law enforcement, the court system, other social services agencies, and other organizations. CPS is a component of the Child Welfare (CW) services continuum that includes preventive and protective services and family-centered services, foster care and placement services, and adoption services.

(c) **Role of CPS.** CPS evaluates reports of abuse or neglect, assesses risk of harm and the need for protective services, and provides and coordinates services.

(d) **Role of law enforcement.** Law enforcement investigates a report of child abuse or neglect as a crime. Reports that require joint involvement of CPS and law enforcement are handled as investigations rather than assessments. Law enforcement identifies and arrests the offender(s), gathers court-admissible evidence, and protects the integrity of the evidence so the offender(s) can be prosecuted in criminal court. Law enforcement may:
(1) provide protection to the child, other family members, and the CW worker during crisis intervention; and

(2) take the child who is in danger into protective custody and authorize immediate medical treatment, if necessary to protect the child's health. [10 O.S. § 7003-2.1]

(e) OKDHS relationship with law enforcement and OSBI.

(1) OKDHS staff is responsible for coordinating with law enforcement. If law enforcement asks OKDHS not to interview certain persons or to delay its investigation, OKDHS may not relinquish its responsibility. OKDHS works with law enforcement to develop a plan that allows OKDHS to fulfill its responsibilities without interfering with the criminal investigation.

(2) The OKDHS Director or designee has the authority to request a criminal investigation by the Oklahoma State Bureau of Investigation (OSBI), per Section 7106(K) of Title 10 of the Oklahoma Statutes.

(f) Role of the district attorney in deprived matters. The district attorney has the responsibility to determine whether filing a petition is warranted based on information obtained during the CPS investigation. OKDHS has the responsibility to make a written recommendation, regardless whether the district attorney verbally indicates he or she may not file a deprived petition. Consultation, coordination, and a good working relationship between the CW worker and the district attorney is essential to ensure court protection of the child.

(g) Role of the district attorney in criminal prosecutions. CW staff makes recommendations to the district attorney regarding deprived actions, but not for criminal prosecution. The district attorney has the responsibility to decide whether criminal charges are filed against the alleged perpetrator(s). The CPS investigation is limited to what is necessary to protect the child.

(h) Role of the attorney for the child. In deprived actions, a separate attorney is appointed for the child. In criminal actions brought under Section 7115 of Title 10 of the Oklahoma Statutes, the child victim may be appointed an attorney. The child's attorney represents the child and any expressed interests of the child. The attorney for the child meets with the child as soon as possible after appointment and, except for good cause, not less than 24 hours prior to any proceeding. OKDHS provides the child's attorney access to all reports, records, information relevant to the case, and any reports of examination of the child's parent(s), legal guardian, or custodian. The attorney is advised of the child's location and how best to contact the child according to OAC 340:75-6-48.1. The CW worker, as an
advocate for the child, coordinates and consults with the child's attorney to ensure the protection and well-being of the child.

(i) **Role of the child's guardian ad litem.** The court appoints a guardian ad litem or court-appointed special advocate (CASA) to advocate for and monitor the child's best interests. The guardian ad litem or CASA makes reports and recommendations to the court and conducts interviews with parents, foster parents, providers, CW workers, and others with knowledge of the case. OKDHS coordinates and cooperates with the guardian ad litem or CASA to ensure the best services are provided for the child. [10 O.S. §§ 7003-3.7 and 7112]

(j) **Role of the judge in deprived matters.** The judge may, upon application by the district attorney, issue a court order to place the child in emergency custody when the child is in need of immediate protection. [10 O.S. § 7003-2.1(A)(2)] The judge hears the evidence presented during the hearing and decides whether the child is adjudicated. The judge decides whether the child is placed in the custody of the person(s) responsible for the child (PRFC(s)), a relative, OKDHS, or another agency, and may order the PRFC(s) and child to participate in a court-ordered treatment plan.

(k) **Role of the judge in matrimonial or child custody actions.** If a judge, during an action for divorce, annulment, custody of a child, appointment of a guardian for a child, or in subsequent proceedings, determines there is evidence of abuse or neglect of the child, Section 7002-1.2 of Title 10 of the Oklahoma Statutes requires the referring court to notify the OKDHS county office. The referring court may also enter an order to have the child taken into emergency custody when evidence indicates the child is in surroundings that endanger the health, safety, or welfare of the child. 

INSTRUCTIONS TO STAFF 340:75-3-5

1. **Notification to law enforcement.** Child Welfare (CW) notifies law enforcement as soon as possible when the CW worker determines that:

   (1) a child, the CW worker, or other person needs immediate protection to prevent physical harm;

   (2) a child is found in a situation that is dangerous to the child's health, safety, or welfare;

   (3) a child's health or condition warrants medical examination or treatment and the parent(s) is unavailable or unwilling to obtain it;

   (4) the act of abuse or neglect caused serious injury to the child;
(5) sexual abuse appears likely to have occurred based on initial interviews or on the basis of the report of sexual abuse if there are allegations of physical trauma resulting from sexual abuse; or

(6) a child who was placed in protective custody has a sibling(s) who is also considered at of serious harm.

2. (a) Coordinating with law enforcement.

(1) If problems arise in coordinating the investigation with law enforcement, the county director (CD) is notified and assistance from the Oklahoma Department of Human Services (OKDHS) Legal Division is requested if needed.

(2) The CW worker completes Form 04KI003E, Report to the District Attorney, and the narrative to document this event.

(b) Notification to law enforcement regarding a crime.

(1) It is the responsibility of CW to notify law enforcement at any point a criminal investigation appears warranted.

(2) The CW worker verbally notifies law enforcement and follows up with written notification using Form 04CP002E, Notification to Law Enforcement Agency of Child Abuse or Neglect Report.

3. (a) When to request OSBI criminal investigation. A criminal investigation by the Oklahoma State Bureau of Investigation (OSBI) may be warranted in an open CW case when:

(1) local law enforcement or the district attorney's (DA's) office does not have the available local resources and has not requested assistance;

(2) the physical abuse, sexual abuse, or neglect is serious, as defined in OAC 340:75-3-2;

(3) the alleged perpetrator(s) of the abuse, sexual abuse, or neglect is:

   (A) an unknown caregiver; or

   (B) there is more than one caregiver; and
(4) CW does not have the investigative resources or information to
determine who abused the child, and thus is unable to ensure the child's
safety.

(b) Procedures for requesting an OSBI criminal investigation. When an OSBI
investigation appears warranted:

(1) the local CW worker and supervisor consult with the CD and CW field
liaison (CWFL);

(2) the CD and CWFL:

(A) review the matter;

(B) consult with the DA to determine whether the DA has requested or
will request OSBI assistance; and

(C) when the DA declines to request OSBI assistance, notify the area
director; and

(3) the area director notifies the Children and Family Services Division CPS
Programs office, who initiates the OKDHS Director request for a criminal
investigation by OSBI.

4. Recommendations to the DA. The CW worker makes recommendations to the
DA through an affidavit or Form 04Kl003E:

(1) when an emergency custody order required to ensure the safety of the
child;

(2) when a deprived petition is needed to seek court intervention; or

(3) on all investigations, unless the findings are reasonable parental
discipline.

5. Child placed in emergency custody during matrimonial or child custody
actions. When the referring court places the child into OKDHS custody, the
information is documented on Form 04Kl001E, Referral Information Report,
and an investigation is immediately assigned with a Priority I time frame.
340:75-3-6. Intake process for reports of child abuse or neglect

(a) **CPS intake.** Child Protective Services (CPS) intake provides a mechanism for receiving, assessing, and assigning reports of child abuse, neglect, or both, for investigation or assessment. CPS intake includes all activities and functions that lead to a decision regarding whether the report is appropriate for intervention by Child Welfare (CW). Assessment of risk begins at intake and continues until case closure.

(b) **Methods of reporting.** Section 7103 of Title 10 of the Oklahoma Statutes (10 O.S. § 7103) mandates that reports of suspected abuse or neglect are made to Oklahoma Department of Human Services (OKDHS). CW is responsible for receiving and documenting all reports of suspected child abuse and neglect by the person responsible for the child (PRFC).

   1. Reports are made by any person, including OKDHS employees, and received by phone, in writing, or in person.

   2. An investigation or assessment may be initiated by CW on the basis of media reports, personal observations or reviews conducted by CW staff, or other situations when a person believes a child is at risk.

   3. Reports are made to and received by CW in the local county office during regular business hours or any time to the statewide toll-free child abuse hotline, 1-800-522-3511.

(c) **Interviewing the reporter.** The process of interviewing the person reporting suspected abuse or neglect is critical to the protection of children.

(d) **Documenting the report.** The report is immediately documented on Form CWS-KIDS-1, Referral Information Report.

(e) **Background information.** Gathering background information begins immediately upon receipt of a report of abuse or neglect.

(f) **Assignment of reports.**

   1. The CW supervisor or designee immediately assigns each report accepted for investigation or assessment.

   2. All accepted reports are assigned the same day the report is received unless there is a:
(A) Priority I report with insufficient information to locate the child or family. Attempts to obtain the location are made the same day; and

(B) potential Priority II report where clarifying information is needed to determine acceptance.

(i) Attempts to obtain the information and assign are made the same day, but no later than three calendar days from the date and time the report is received.

(ii) When the location or clarifying information is obtained, the report is immediately assigned for investigation or assessment.

(3) All investigative and assessment time frames begin from the date and time the report is received. □ 5

(g) Protective service alerts. When a report is received indicating a child was at risk of harm and may continue to be at risk and the child is not located by another county or state, a protective service alert may be issued. The protective service alert is a signal that an investigation or assessment is necessary upon locating the child or family. □ 6

(h) Emergency response. CW staff is available to respond to emergency child abuse or neglect reports 24 hours a day, seven days a week. An emergency exists when there is reason to believe the child is at imminent risk of serious harm.

INSTRUCTIONS TO STAFF 340:75-3-6

1. (a) Four purposes of Child Protective Services (CPS) intake are to:

   (1) assist and guide the reporter in providing information regarding alleged child abuse, neglect, or both;

   (2) interpret what child abuse and neglect is to the reporter;

   (3) identify possible child abuse, neglect, or both; and

   (4) gather sufficient information to make necessary decisions.

(b) At CPS intake, decisions are made in response to questions in (1) and (2).

   (1) Does the report meet Oklahoma Department of Human Services (OKDHS) guidelines for child abuse, neglect, or risk?
(2) How urgent is the report?

2. Interviewing the reporter.

(a) Assisting the reporter. The Child Welfare (CW) worker assists the reporter by:

(1) responding to the fears and concerns of the reporter;

(2) discussing confidentiality.

(A) It is contrary to state and federal laws and OKDHS policy for the identity of the reporter or other information contained in the child abuse or neglect case record to be disclosed to any unauthorized person without a court order.

(B) The reporter is advised of the court process and that in some cases persons who have relevant information are needed in court to testify regarding the child's need for protection. Depending on practices of local court systems, court reports and other documents may be included in the court's case record.

(C) When a report of abuse or neglect is made about someone other than the person responsible for the child (PRFC), the reporter is advised that the reported information is shared with law enforcement and, if law enforcement requests, the identity of the reporter is provided;

(3) explaining the importance of reporting;

(4) explaining the role of CPS;

(5) explaining what information may be disclosed, at the completion of an investigation or assessment per OAC 340:75-3-13, to the reporter who identifies himself or herself; and

(6) providing the reporter with the KIDS referral number.

(b) Gathering information. The focus of the interview with the reporter is to obtain information that relates to harm or risk of harm of the child.

(1) Information obtained focuses on:
(A) the alleged abuse or neglect;

(B) each child in the home;

(C) PRFC(s); and

(D) family functioning.

(2) The decision regarding acceptance of the report for investigation or assessment and the urgency of the response required is made solely on information obtained during the interview with the reporter.

(3) The appropriate CPS response is based on the information provided.

3. Documenting the report.

(a) Report taken by clerical staff. Documenting a report of child abuse or neglect is the responsibility of the CW worker or supervisor. When neither are available, clerical support staff may take a report.

(1) Clerical support staff:

(A) contacts the CW supervisor or acting supervisor immediately to verbally relay the information received so that Priority I reports are responded to appropriately, per OAC 340:75-3-7.1;

(B) documents the reason the initial information was taken by clerical support staff and the contact with the CW supervisor or acting supervisor in the Additional Information section of Form 04K1001E, Referral Information Report; and

(C) sends the report to the appropriate KIDS Inbox without a recommendation of a priority or screen out.

(2) The CW worker or supervisor reviewing the report taken by clerical staff:

(A) ensures the referral is complete; and

(B) if incomplete, completes the referral. The name of the CW worker or supervisor reviewing and sending the report for final approval and
assignment or screen out is documented on Form 04KI001E.

(b) Diligent documentation. The CW worker makes diligent efforts to obtain and document:

(1) the reporter's name, address, and phone number;

(2) the relationship of the reporter to the child and family and how well the reporter knows them;

(3) whether the reporter knows of previous abuse or neglect;

(4) the reason for reporting;

(5) the reporter's source of information, such as personal knowledge or other sources;

(6) the names of any collaterals;

(7) the family's response, if the reporter has shared the concern with them;

(8) the identity and location of the child and PRFC;

(9) whether the reporter knows of any unsafe conditions in the home, such as:

   (A) loaded firearms or other weapons;

   (B) persons who are volatile or mentally ill; and

   (C) use and types of illegal substances or any known manufacturing, distribution, or both, of illegal substances;

(10) the seriousness of the situation and the urgency of response; and

(11) the family's primary language.

4. Background information.

   (a) Procedures. If information in the initial report is not sufficient, gathering of background information continues throughout the investigation or
assessment until additional information is obtained.

(1) Background information includes whether the child and family are:

(A) known to OKDHS and CPS;

(B) currently receiving OKDHS or CW services;

(C) known to another state's CPS; or

(D) known to law enforcement due to reports of domestic violence, significant substance abuse, or sexual abuse.

(2) The CW worker gathers background information by:

(A) checking the Child Abuse and Neglect Information System for protective services alerts or previous CW reports. The Information Management System (IMS), including X-mail for an address search, and KIDS are reviewed for every person included in the report;

(B) reviewing the history of OKDHS services received. All OKDHS records are checked, including medical services history, Family Support Services Division and Child Support Enforcement Division services, OKDHS adoption, resource, and pre-resource records and, if applicable, Juvenile Justice Information System (JOLTS). If any CW case record is unavailable due to storage in Children and Family Services Division (CFSD) Adoption Services Section, restricted status on KIDS, or storage in archives, CFSD CPS Section is contacted for assistance in obtaining any necessary case information;

(C) contacting any collateral that may have pertinent information to assist in making priority decisions;

(D) obtaining the name of any current OKDHS worker involved with the family. Contact with the current OKDHS worker is initiated, when possible, prior to the first contact with the child and family;

(E) contacting any county that has had CW contact with the family to determine the nature of the contact and to request the case records;

(F) contacting CPS in another state upon receipt of information that the
family may have had CPS involvement in that state;

(G) contacting law enforcement and obtaining any police records when the report alleges domestic violence, significant substance abuse, or sexual abuse; and

(H) screening the report to determine whether it is assigned using criteria, per OAC 340:75-3-7 Instructions to Staff (ITS).

(b) Exceptions. A check for OKDHS records and background information on the family is completed, prior to initiating the investigation or assessment, unless:

(1) an urgent response is required and there is no time to check prior to responding to the report; or

(2) the report was received after office hours and it is not possible to access KIDS or IMS.

(c) Unable to locate finding. Any allegations previously made that resulted in a finding of unable to locate are documented on Form 04KI001E and assigned for investigation or assessment per OAC 340:75-3-8.6 ITS.

5. (a) After initial assignment, the report may be reassigned if the CW supervisor determines that the needs of CW staff warrant adjustment. Reassignment of reports is kept to a minimum.

(b) Multiple reports may indicate that previous investigations did not reveal all relevant information or that the family's problems are escalating. Even if the previous reports were accurately assessed, it is critical to review all available information, since multiple reports may be an indicator that a child is at greater risk of abuse or neglect.

(1) When there are previous reports concerning the same child and family in the same county, the report is assigned to the CW worker who last conducted an investigation or assessment concerning the child and family, when possible. This only applies when the worker remains in the same county.

(2) When records indicate that there have been more than three previous reports on a family, the CW worker and supervisor:
(A) discuss all previous reports along with information gained from the entire case record and whether there is a pattern of behavior in the family or if more information is needed to determine whether there are significant problems in the family; and

(B) document the date of the staffing and the results of the staffing in the referral, investigation, or assessment KIDS Contacts screen.

6. Protective service alerts.

(1) Protective service alerts are entered in KIDS by CPS Section staff.

(2) A KIDS case is opened with a case type of Protective Service Alert and a brief description of the circumstances entered in KIDS Contacts screen.

(3) IMS reflects the protective service alert with the CPSA designation and KK number.

(4) When the county CW office conducts a records check and finds a designated CPSA, the county office staff contacts CPS Section immediately for additional information.
340:75-3-6.1. Exceptional reports of child abuse and neglect

(a) Reports resulting from divorce or child custody actions. If a report of abuse, neglect, or both, is made by a referring court resulting from a divorce, child custody, or juvenile action, an investigation or assessment is initiated, per OAC 340:75-3-5, 340:75-3-7.1, and 340:75-3-8.

(1) Findings of the investigation or the conclusions of the assessment resulting from child custody actions are submitted to the referring court, using Form 04KI003E, Report to District Attorney, within 30 days of receipt of the referral.

(2) Form 04KI003E is submitted to the district attorney, per OAC 340:75-3-11.

(3) The Child Welfare (CW) worker notifies the parties to the proceeding when Form 04KI003E is submitted to the court.

(b) Anonymous reports. Anonymous reports that meet the definition of abuse or neglect are assigned for investigation or assessment. When a person reporting suspected child abuse, neglect, or both, is reluctant to identify himself or herself, the Child Welfare (CW) worker:

(1) uses good interview skills to obtain the reporter's identity; and

(2) attempts to determine the reporter's relationship to the child and family in question and any other relevant information.

(c) Child Protective Services (CPS) reports on an OKDHS employee. Specific procedures are followed when a report of neglect, abuse, or both, is received that involves an Oklahoma Department of Human Services (OKDHS) employee or a member of the employee's immediate or extended family, with the exception of alleged abuse in an institution. 1

(d) CPS reports to other counties. A referral is made to CW in the family's county of residence when a referral is received regarding a child and family who are in another county. 2

(e) Reports of abuse or neglect in an active permanency planning or voluntary FCS case. Information regarding the injury is documented on Form 04KI001E, Referral Information Report, if a child, who is part of an ongoing permanency planning or voluntary Family-Centered Services (FCS) case, is reported or observed by the CW worker to have any injury to the face, head, neck, stomach, or genitals, even an allegedly accidental injury, or to have evidence of any abuse, neglect, or both, per OAC
340:75-3-6, 340:75-4-13, and 340:75-6-85.1. ■ 3

(f) **Newborns in an active permanency planning or voluntary FCS case.** When a baby is born to a person responsible for the child (PRFC) with an open permanency planning or voluntary FCS case, the information is documented on Form 04KI001E, per OAC 340:75-3-6. ■ 4

(g) **Address Confidentiality Program (ACP).** Reports regarding child abuse and neglect that fall within the scope of CPS are accepted for investigation or assessment even though the actual finding address of the child is confidential, per Section 60.14 of Title 22 of the Oklahoma Statutes. ■ 5

(h) **CPS reports on Indian children.** In order to ensure compliance with the Indian Child Welfare Act (ICWA), procedures per OAC 340:75-19-9 and 340:75-19-10 are followed for all children reported or determined Indian.

(i) **Abandoned newborn.** When a parent(s) is reported to have abandoned a newborn, the report is documented on Form 04KI001E, per OAC 340:75-3-6 and assigned for investigation, per OAC 340:75-3-7.1 and 340:75-3-8. ■ 6

**INSTRUCTIONS TO STAFF 340:75-3-6.1**

1. Procedures involving OKDHS employees or family members. The procedures in (1) through (6) are followed when a report of abuse or neglect involves an Oklahoma Department of Human Services (OKDHS) employee or member of the employee’s immediate or extended family.

   (1) If the report alleges that the child is seriously injured or in need of medical attention, emergency intervention, or both, the Child Welfare (CW) worker immediately assists in ensuring protection for the child and other children in the home.

   (2) The facts involved in the allegation are reported immediately to the district attorney (DA). If the DA Declines to Intervene, the investigation or assessment is conducted by CW.

   (3) A CW worker from another county or Field Operations Division (FOD) services area is assigned to investigate or assess to avoid any potential conflict of interest any time there is close proximity between the CW office and work location of the OKDHS employee or when the CW worker is acquainted with the OKDHS employee or employee's family.
(4) The county director is advised when:

(A) it is necessary to arrange for an investigation or assessment outside of the county; or

(B) there is potential risk to any client.

(5) If the employee is housed in the county office where CW is located, is in a position of responsibility for children, or if the report alleges serious abuse or neglect, the FOD area director is advised of the report. The Children and Family Services Division (CFSD) Child Protective Services programs manager is consulted, as needed.

(6) The initial contact with the OKDHS employee, as in any child abuse and neglect investigation or assessment, is through an unannounced visit to the employee's home. Interviews are not conducted in the OKDHS office unless requested by the employee. All information is confidential and not discussed with the OKDHS employee in the presence of his or her co-workers or supervisor. All case information related to the investigation or assessment is restricted in KIDS.

2. Coordination between counties. When the child victim is in one county and the family or caregiver in another, CW staff in the respective counties coordinates the investigation or assessment.

(1) The county in which the child is located has primary assignment on KIDS as the investigative or assessment interview with the child is the first step. Secondary assignment is given to those counties in which family members, caregivers, or collaterals reside. The primary and secondary assignment may be changed after contact with the child victim.

(2) For case management when CW services are provided, primary and secondary assignment may differ, per OAC 340:75-1-26 Instructions to Staff (ITS). Only one Form 04KI003E, Report to District Attorney, is completed on an investigation involving one family and multiple counties, per OAC 340:75-3-11 ITS.

3. Disposition of reports.

(1) The CW supervisor may screen out the report if someone other than the direct caregiver verifies that the injury was the result of an accident.
(A) Information justifying the screen out disposition is documented in the Additional Information section of Form 04KI001E, Referral Information Report.

(B) The CW worker documents all information concerning the injury in KIDS Contacts screen in the child’s case.

(2) Reports that are assigned for investigation or assessment follow the time frames for completion in (A) through (C).

(A) Investigative or assessment interview with the child victim and person(s) responsible for the child is completed and documented within ten working days from the date the report is received.

(B) At ten working days, a staffing is held between the CPS worker, child’s CW worker, CW supervisor, and CW field liaison to determine whether it is safe for the child to remain in or return to the home, as applicable.

(C) All remaining investigative or assessment interviews are completed and Form 04KI003E is prepared in time for the child's upcoming court hearing or in accordance with the 60-day completion time frame, whichever is first.

4. Newborn investigations. The referral is assigned as an investigation to determine the immediate safety of and threat of harm to the newborn, per OAC 340:75-3-10.1 ITS and 340:75-6-40.3 ITS.

5. Responsibilities to ACP participants. In cases involving Address Confidentiality Program (ACP) participants, the CW worker:

(1) follows the verification of and the investigative or assessment responsibilities and tasks related to ACP participants, per OAC 340:75-1-30;

(2) arranges an alternate location to interview and observe the child if the participant declines to provide a finding address; and

(3) documents in KIDS Interview screen why a home visit was not accomplished.
6. Abandoned newborn. When the name and birth date of the abandoned newborn is unknown, the newborn's:

   (1) first name is selected by the CW worker and entered in KIDS;

   (2) last name is entered as XOXO in KIDS; and

   (3) birth date is entered as the 15th day of the month of birth.
340:75-3-7. Screening reports

(a) Reports. All reports are screened to determine whether allegations meet the definition of child abuse or neglect and are within the scope of a Child Protective Services (CPS) investigation or assessment, per Title 10 of the Oklahoma Statutes and OAC 340:75. If the allegations are not appropriate for CPS, the reporter may be given an explanation why an investigation or assessment will not be conducted and, if appropriate, where a referral may be made to assist the family. ■ 1

(b) Collateral contacts during the screening process. If the reporter does not provide critical information that assists in making an informed decision about the disposition of a report, contact may be made with any person who has critical information about the report. ■ 2

(c) Time limitations on accepting CPS reports for assessment or investigation. Intervention is limited to current situations as the CPS focus is on identifying and protecting children who are presently at risk or will be at risk if safety measures are not put in place.

   (1) When a report is received that alleges abuse or neglect that is not recent, information is obtained to determine if there is reason to believe that the child or other children may be presently at risk.

   (2) When information does not indicate a child is presently at risk, CPS intervention may not be warranted.

(d) Disposition of the screened out report. When a report is received that is not appropriate for CPS and services are needed, the Child Welfare (CW) worker may make a referral within Oklahoma Department of Human Services (OKDHS), to outside resources, or both, for emergency food, shelter, medical services, or counseling. In situations that indicate the child and family are in need of services, referrals to community agencies or OKDHS contract providers may be offered to the family. ■ 3

(e) Clarifying information regarding the report for investigation or assessment. When the screening process results in a report requiring further clarification, contact may be made with the reporter or another collateral contact. Time frames for gathering clarifying information are set forth in OAC 340:75-3-6.

(f) Reports that are duplicative of a previous report. When a report is received in which the information is duplicative of a prior report that has been assigned for investigation or assessment, but has not been initiated, the report may be screened out and associated with the assigned investigation or assessment. ■ 4
(g) **Response to reporter concerning a screened out report.** The reporter may be informed of the decision to screen out the referral and the reason for this decision. The reporter is advised that the information he or she provides is kept on file electronically and that any future reported allegations of child abuse or neglect that meet the criteria will be assigned for investigation or assessment.

(h) **Screened reports and information and referral (I&R) files.** All CPS reports not assigned for investigation or assessment are documented in the KIDS system. All other reports not assigned for investigation or assessment, such as a preliminary inquiry that is referred to law enforcement, are also documented in KIDS.

**INSTRUCTIONS TO STAFF 340:75-3-7**

1. **(a) Criteria for screening reports.**

   1. **(1) Great care is taken in making screening decisions.** The Child Welfare (CW) supervisor considers the potential risk factors described by the reporter and the age and vulnerability of the child.

      (A) Even when the report does not have clear-cut allegations of abuse or neglect these factors are considered in making screening decisions.

      (B) Reports regarding children three years of age and younger are screened with extreme caution due to the vulnerability of this age group to serious and life-threatening consequences resulting from abuse or neglect.

      (2) Reports that are appropriate for screening out and are not accepted for investigation or assessment are reports:

      (A) that clearly fall outside definitions of abuse and neglect per OAC 340:75-3-2, including minor injury to a child older than ten years of age who has no significant child abuse and neglect history or neglect that would be harmful to a young child but poses less risk to a child older than ten years of age;

      (B) concerning a victim age 18 or older, unless the victim is in voluntary placement with Oklahoma Department of Human Services (OKDHS);

      (C) in which the alleged perpetrator is not a person responsible for the child (PRFC), unless there is indication that the PRFC failed to protect
the child. For preliminary inquiry protocol refer to OAC 340:75-3-7.2;

(D) in which there is insufficient information to locate the family and child; and

(E) in which there is no information indicating that abuse or neglect has occurred, rather, the family needs assistance from a social service agency.

(3) Reports that meet the definition of abuse or neglect and have sufficient information to conduct an investigation or assessment are assigned, including:

(A) anonymous reports;

(B) custody disputes in which abuse or neglect is alleged even if there are numerous reports; or

(C) reports concerning a family with a history of previous reports. There may be a legitimate explanation why previous investigations or assessments did not reveal enough information to confirm the report.

(4) Once a CW worker responds to a report by interviewing or observing the alleged child victim, the report cannot be screened out and the Child Protective Services (CPS) investigative or assessment protocol must be followed per OAC 340:75-3-8 or 340:75-3-8.5 and 340:75-3-8.6.

(b) Reports concerning serious individual and family problems that do not indicate abuse or neglect of a child may be appropriate for screening out, such as:

(1) an adolescent with behavioral problems, such as delinquency or truancy, not caused by abuse or neglect and the PRFC attempted intervention and exhibits concern about the behavior;

(2) parent-child conflicts in which no abuse or neglect is alleged;

(3) a child who has special needs, such as special education or a child who exhibits emotionally disturbed behavior, and the PRFC made appropriate attempts to address the child's needs;
(4) a child age six or older spanked on the buttocks by foster or trial adoptive parents, no unreasonable force used, and no injuries observed, per OAC 340:75-3-8.1; and

(5) overreaction to poor parenting practices. Examples of poor parenting practices that are generally not indicative of serious neglect are:

(A) inattention to clothing resulting in the child wearing torn clothing or not having a raincoat or gloves;

(B) providing unbalanced meals or too much junk food;

(C) inattention to hygiene resulting in such things as dirty face or hair, as long as the child is not malodorous and the situation is periodic;

(D) housekeeping standards, such as poorly washed dishes, general disarray, and mildly unsanitary conditions;

(E) inattention to minor health issues, such as insect bites, lice, scabies, and minor colds;

(F) substance abuse by the PRFC that does not prevent the PRFC from providing minimal basic care for the child; and

(G) domestic violence between adults in the home that does not involve weapons, physical injury requiring medical attention, or sinister threats that place the child at risk of grave physical danger, significant neglect, or significant emotional consequence.

2. Collateral contact.

(1) During the screening process collateral contact may be necessary. For example, when:

(A) CW receives a report concerning a child who was raped, perpetrator unknown, the CW worker or supervisor may contact law enforcement to determine whether the perpetrator is a PRFC or third party;

(B) a reporter only has secondhand information but supplies the name of someone who has more direct information, CW staff may contact that person to get better information; and
(C) the CW worker believes the collateral will notify the family about the report and the plan is to screen out the report, the CW worker contacts the family by phone or in writing to let them know that a report was received but it did not meet the definitions of abuse or neglect, per Title 10 of the Oklahoma Statutes and OAC 340:75-3-2.

(2) The issues with obtaining clarifying information before a report is accepted for investigation or assessment are:

(A) care must be taken not to provide any of the details of the report; and

(B) good judgment must be used in deciding who can supply clarifying information without contacting the family named in the report.

3. Documentation of screen out. The CW supervisor documents the reason for the screen out decision on Form 04K1001E, Referral Information Report.

4. Duplication of allegations. Duplication of allegations is when identical information is received from either the same or a different reporter.

5. Information and referral (I&R). I&R is entered when the reported information is clearly not child abuse or neglect but there is:

(1) indication for a referral to other services, such as:

(A) food stamps;

(B) immunization at the local health department; or

(C) a local food closet;

(2) no open investigation; and

(3) no existing KK case.
340:75-3-7.1. Priority guidelines

(a) Use of priority guidelines. Priority guidelines are used by Child Welfare (CW) staff to determine how quickly an initial response must be made to a report of child abuse or neglect. The priority guidelines are used in conjunction with good judgment based on all available information.

(b) Factors to consider in conjunction with priority guidelines. The factors considered along with the priority guidelines in establishing investigation or assessment time frames are:

   (1) the child's age;

   (2) the child's physical and mental abilities;

   (3) the perpetrator's access to and attitude toward the child; and

   (4) any allegations of bruising or injury to the child. 1

(c) Urgency. Urgency means making a determination regarding how quickly the initial response must be made to the report. A decision about the urgency is made after all available information relative to risk is collected, recorded, and analyzed. 2

(d) Priority I reports. A Priority I report indicates the child is in imminent danger of serious physical injury. Allegations of abuse and neglect may be severe and conditions extreme. The situation is responded to immediately, the same day of receipt of the report. 3 If a complete investigation or assessment is not possible, a safety measure is put in place to ensure the child's protection. A safety measure is an action taken that protects the child, such as protective child care, perpetrator leaves the home, or other similar protective actions. 4

(e) Priority II reports. Priority II reports indicate there is no imminent danger of severe injury, but without intervention and safety measures it is likely the child will not be safe. 5 Priority II investigations or assessments are initiated within two to 15 calendar days from the date the report is accepted for investigation or assessment. 3

INSTRUCTIONS TO STAFF 340:75-3-7.1

1. Factors used in establishing assignment time frames. The factors in (1) through (4) are considered along with priority guidelines in establishing investigation or assessment time frames.
(1) Age. A child, infant through age three, in any potentially dangerous situation, always indicates a higher priority than an older child who is less vulnerable to serious injury or death.

(2) Physical and mental abilities. A severely physically or mentally disabled child generally warrants a higher priority and a more prompt response than a child without such limitations.

(3) Perpetrator access and attitude toward the child. A perpetrator with sole access to a child and a cruel or unrealistic attitude about the child requires a higher priority and more prompt response due to the risk of serious injury to the child.

(4) Any allegations of bruising or injury. Any allegations of bruising or injury must be investigated in a time frame that allows the Child Welfare (CW) worker to:

   (A) observe any bruises or injuries in the most severe state; and

   (B) ensure protection for the child.

2. (a) Priority guidelines in OAC 340:75-3-7.1:

   (1) assist staff in determining urgency;

   (2) are not inclusive or exclusive; and

   (3) are not intended to replace good judgment.

(b) Based on an analysis of the reported circumstances, the CW supervisor:

   (1) assigns a priority to each report accepted for investigation or assessment; and

   (2) ensures that investigations or assessments are conducted as soon as possible and in accordance with the investigation or assessment time frames. The priority is indicated on Form 04KI001E, Referral Information Report.

3. Response criteria. Response criteria followed in assignment of all reports are specified in (1) and (2).
(1) Since all time frames begin at the time the report is received, the date the report is received is the first day of a Priority I investigation or assessment.

(2) **When** face-to-face contact with the alleged child victim **fails on the assigned day of initiation**, a second good faith attempt to locate the child is made the same day. **Continued good faith attempts occur each working day thereafter until contact is made or it is determined that the child cannot be located.** Each attempted contact with the child victim or other family members is documented in KIDS.

4. Priority I allegations.

(1) The decision concerning a safety measure is discussed with and approved by the CW supervisor and documented on Form 04KI001E in the Comments section.

(2) Examples of Priority I allegations are:

(A) a child dies because of suspected abuse or neglect. The family situation and safety of other children are immediately assessed;

(B) an infant is shaken;

(C) a child of any age suffers serious physical injury due to suspected abuse or neglect, such as fractures, head injuries, extensive serious bruising, or internal injuries;

(D) a child, infant through age three, has any inflicted physical injury;

(E) a child is reported to have been intentionally burned. The injury may or may not be severe;

(F) a child too young or disabled to ensure his or her own basic safety is left alone. **A child is considered disabled who:**

   (i) has a sight or hearing impairment;

   (ii) is non-ambulatory;

   (iii) is mentally limited; or
(iv) has other severe handicapping conditions;

(G) a child is deserted, abandoned, or lost;

(H) a child has any physical injury inflicted to the face, head, neck, stomach, or genitals;

(I) a child's condition as described may indicate non-organic failure-to-thrive and need immediate medical treatment;

(J) a child is sexually abused. The alleged perpetrator has access to the child or is responsible for the other children in the home. If there is reason to believe the child's physical safety may be at risk or the child may be adversely affected by an interview in the child's home, the CW supervisor may:

   (i) extend the initial investigation time frame to the next working day to allow for an interview at school or another neutral setting; and

   (ii) assign the report as Priority II with the appropriate number of days for response time indicated on KIDS;

(K) a child is deprived of basic physical necessities that result in conditions such as starving or freezing, or is in a life-threatening home environment;

(L) a child needs immediate medical attention. The child's condition is serious and the child's parent(s) cannot or will not obtain treatment;

(M) a person responsible for the child (PRFC) threatens to seriously injure the child and demonstrates or has a plan that indicates intent to carry out the threat;

(N) a child is threatening suicide, the parent(s) is aware of the suicide threat and cannot or will not protect the child or there is a previous history of severe abuse or neglect;

(O) a physical injury is inflicted on a child by a PRFC and there is a previous history of confirmed serious physical abuse;

(P) the PRFC's behavior is so bizarre or impaired that the child is at risk
of harm, such as a PRFC who is psychotic, drunk, affected by drugs, or threatening suicide;

(Q) a child's safety is jeopardized because his or her movement is so restricted that the child is unable to protect himself or herself and the conditions are dangerous or hazardous, such as a child who is locked in a car or house, or chained or tied;

(R) although a child is not in immediate danger, assessment or response by the CW worker is required the same day, such as when a child is placed in a shelter by law enforcement, a child's parent(s) cannot be located, or a child is without shelter;

(S) a child recently set a fire or has a history of fire setting and there is information that the PRFC has not taken safety precautions to keep fire-causing materials away from the child;

(T) a child is alleged to have been sexually abused or has alleged injuries and an employee of a child care center is the alleged perpetrator. The parent(s) does not plan to return the child to the child care center; however, the employee still works at the center and continues to care for other young children;

(U) a child is present when domestic violence occurs between adults that involves weapons, sinister threats, or physical injury requiring medical attention, or the child is at risk of grave physical danger or significant neglect;

(V) a child 12 months of age or younger is alleged to be neglected; or

(W) allegations are made regarding foster or trial adoptive parents.

5. Priority II allegations.

(1) The CW supervisor reviews the Priority II report and determines the appropriate time frame for the report to be initiated, from two to 15 calendar days from the date the report is received.

(2) Generally, the age of the youngest child is the most significant factor in determining these time frames. For example, children, infants through three years of age, require no more than two to five days for response,
while children four through ten years may have more than five days for response.

(3) Examples of Priority II allegations are:

(A) a child age four through 17 is alleged to have a current physical injury inflicted on any area other than the face, head, neck, stomach, or genitals;

(B) a child of any age has a physical injury inflicted by a PRFC and there is previous history of confirmed abuse or neglect;

(C) non-organic failure-to-thrive is suspected but the child's described condition does not appear to require immediate medical treatment;

(D) an elementary school-age child is left alone or is given responsibility for the care of preschool children for extended periods of time;

(E) a child needs medical or mental health attention for a condition that may place the child at risk of serious harm within a short time frame;

(F) non-age appropriate sexual behavior indicates the child was exposed to sexual activity, no specific perpetrator named;

(G) a child was sexually abused, but the alleged perpetrator does not have access to the child and there is no need for urgent medical treatment. If the alleged perpetrator gains access to the child, the situation is responded to immediately;

(H) there is indication that a child set a fire and circumstances of the fire indicate that there was inadequate supervision by the PRFC;

(I) a child is physically or sexually abused by a child care center employee. The employee is no longer working at the child care center. If information is obtained that the employee is working where he or she has contact with children, or the employee has young children in his or her own home, the worker responds immediately;

(J) a child is currently safe but will be returned to an environment where recent domestic violence occurred between adults that involved weapons, physical injury requiring medical attention, or sinister threats
that placed the child at risk of grave physical danger, significant neglect, or significant emotional consequence;

(K) a child is abandoned by the PRFC but is with a responsible adult who agrees to provide care for a limited period of time;

(L) a young child is in a home environment that significantly threatens the child's health and physical safety;

(M) a young child's risk of physical harm is likely due to continuing poor supervision by the PRFC; and

(N) severe mental injury is alleged but there is no imminent danger to the child.
340:75-3-7.2. Reports of abuse or neglect by someone other than the person responsible for the child (PRFC)

(a) Determination of responses. When a reporter makes an allegation of abuse or neglect perpetrated by someone other than a PRFC, a preliminary inquiry, investigation, or assessment is conducted to ensure that the alleged abuse or neglect does not appear to be attributable to failure on the part of a PRFC to provide protection. It is also determined whether the third party perpetrator lives with children who could be at risk due to the alleged perpetrator. If so, a separate referral is completed regarding those children. The referral is assigned for investigation or assessment if there is sufficient information to indicate that the child(ren) are at risk of harm.

(b) Preliminary inquiry protocol. A preliminary inquiry is conducted when information contained in the report indicates that the alleged abuse or neglect is not attributable to failure on the part of a PRFC to provide protection. Information provided in the report should indicate that the alleged child victim is not at risk of further abuse and neglect by the third party perpetrator. A third party perpetrator who is a relative does not fit the criteria for preliminary inquiry.

(c) Third party investigation or assessment protocol. An investigation or assessment is conducted when it is unknown whether the alleged abuse or neglect of a child was attributable to failure on the part of the PRFC to provide protection for the child. Since it is not possible to determine without an evaluation of the family's circumstances whether a PRFC protected a child from abuse or neglect by a relative, an investigation or assessment is conducted whenever the alleged third party perpetrator is related to the child victim. The investigation or assessment is conducted as an investigation or assessment of alleged neglect or failure to protect on the part of the PRFC. The alleged perpetrator(s) in the investigation or assessment of neglect or failure to protect is the PRFC.

(d) Third party investigation or assessment findings. If it is determined that the PRFC has protected and will continue to protect the child, a finding of no services needed is made unless the CW worker determines that services are recommended to continue to ensure protection for the child(ren). If it appears that the abuse or neglect was attributable to failure on the part of the PRFC to protect the child, a finding of confirmed neglect is appropriate.

(e) Medical examinations. It is the duty of the PRFC to secure medical examinations that may be necessary due to abuse or neglect of a child by a third party.

(f) Referral to law enforcement. Referral to law enforcement is made immediately upon determination that a report involves someone other than the PRFC. The initial
referral is made verbally, then followed up in writing and given to law enforcement in the county where the report was received. Reports that are called into the Statewide Hot Line are referred to the local county with responsibility for notifying local law enforcement. ■ 4

INSTRUCTIONS TO STAFF 340:75-3-7.2

1. (a) The preliminary inquiry protocol consists of:

   (1) obtaining the report information and documenting it on Form 04KI001E, Referral Information Report;

   (2) determining whether the third party perpetrator lives with children who could be at risk;

   (3) verbally notifying law enforcement of the report of abuse or neglect by someone other than the PRFC;

   (4) documenting the report as a screened out report that is not assigned;

   (5) forwarding Forms 04KI001E and 04CP002E, Notification to Law Enforcement Agency of Child Abuse or Neglect Report, to law enforcement; and

   (6) completing Form 04KI001E related to the third party perpetrator if he or she lives with children.

(b) Examples of the need for a preliminary inquiry are a:

   (1) parent calls to report abuse of his or her child by a stranger. The information contained in the report indicates that the parent is taking appropriate steps to protect the child;

   (2) grandmother, who is the child's legal guardian, calls to report abuse of her grandchild by a teacher. The grandmother provides information that indicates she is taking appropriate action to protect the child; or

   (3) child is reportedly abused by a neighbor and there is no indication that the PRFC failed to protect the child.

2. (a) A third party investigation or assessment protocol consists of:
(1) obtaining the report information and documenting it on Form 04KI001E;

(2) determining whether the third party perpetrator has children who are at risk;

(3) completing Form 04KI001E relating to the alleged perpetrator and his or her own children, if appropriate;

(4) verbally notifying law enforcement of the report of abuse or neglect by someone other than the PRFC;

(5) forwarding Forms 04KI001E and 04CP002E to law enforcement;

(6) assigning the report;

(7) interviewing the child victim;

(8) interviewing the siblings of the child victim. If the minor sibling is an alleged perpetrator and there is the potential for criminal charges, the interview is coordinated with law enforcement. The interview with the minor sibling perpetrator is conducted only to determine the family dynamics and whether the PRFC protected the child victim and will continue to protect the child victim from the sibling perpetrator;

(9) interviewing the PRFC as the alleged perpetrator of neglect;

(10) interviewing any collaterals necessary to determine a finding. The interview with the third party perpetrator is the role of law enforcement; and

(11) documenting the findings of the neglect or failure to protect investigation or assessment, per OAC 340:75-3-10.3.

(b) Examples of the need for third party investigation or assessments are a:

(1) child is allegedly abused by a temporary baby-sitter who is a close friend of the child's mother. While the baby-sitter is an alleged third party perpetrator, the close friendship between the mother and the alleged perpetrator friend indicates the need to conduct an investigation or assessment to rule out failure to protect on the part of the PRFC and to determine whether there will be ongoing protection for the child; or
(2) child's grandparent who does not live in the home of the child allegedly sexually abused the child. While the grandparent is a third party perpetrator, the close relative relationship indicates the need to conduct an investigation or assessment to rule out failure to protect on the part of the PRFC and to determine whether there will be ongoing protection for the child.

3. If the PRFC refuses to secure needed medical attention for a child, the worker evaluates the level of risk to the child and determines whether a request will be made to law enforcement regarding protective custody for the purposes of securing an exam or a request made to the district attorney for an application for a court order to secure needed medical treatment.

4. Form 04Kl001E may be sent to law enforcement for written documentation with Form 04CP002E attached. When forwarding Form 04Kl001E to law enforcement, the name of the reporter is deleted. The name of the reporter is maintained on the copy that remains in Oklahoma Department of Human Services files so that this information can be provided verbally to law enforcement, if requested.
340:75-3-7.3. Assessment and investigation decision guidelines

An assessment is conducted when a report of abuse or neglect does not constitute a serious and immediate threat to the child's health or safety. An investigation is conducted on a report that constitutes a serious and immediate threat to the child's health and safety. [10 O.S. § 7102] 1

INSTRUCTIONS TO STAFF 340:75-3-7.3 ITS only revised 6-1-07

1. The guidelines outlined in this Instruction assist Child Welfare (CW) workers and supervisors in making decisions about whether a report is handled as an assessment or an investigation. This guide is not intended to be all inclusive and does not replace judgment about alleged risk factors.

   (1) Factors to consider in conjunction with the guidelines. As in any decision-making process, the risk factors are considered first rather than strictly following the guidelines. The age of the child is a critical risk factor since any abuse or neglect to a child three years of age and under has the potential to constitute a serious and immediate threat to the child's health and safety. Refer to OAC 340:75-3-2, Instructions to Staff (ITS), for the complete list of risk factors that are considered. If the number of risk factors make it unclear whether an assessment or investigation is more appropriate, then an investigation, the more cautious approach, is conducted.

   (2) Priority decisions. The priority guidelines in OAC 340:75-3-7.1 are used to determine the response time to the referral, regardless of whether the referral is handled as an assessment or an investigation. The decision to make a response to a referral an assessment or an investigation does not affect the prioritization of the referral.

   (3) Assignment of assessments and investigations. Where possible, CW workers are assigned to do primarily assessments or investigations. If a report is assigned as an assessment, but upon contact with the family the worker determines that the family situation falls within guidelines for an investigation, then an investigation is initiated immediately by the worker assigned to do the assessment.

   (4) Assessments. An assessment is conducted when the allegations in the referral do not indicate a serious and immediate threat to child's health or safety. Generally assessments are conducted when it appears that the
concerns outlined in the report indicate inadequate parenting or life management rather than very serious, dangerous actions and parenting practices. Examples of reports that are addressed as assessments are:

(A) minor physical injury to a child five years of age or older resulting from excessive discipline that does not require medical attention;

(B) minor injuries suggesting inattention to child's safety;

(C) food, clothing, shelter, supervision, or hygiene needs are inconsistently met but do not cause significant risk of harm;

(D) untreated minor physical injuries, illnesses, or impairments and the child is not in danger of significant harm in a short time period;

(E) unexplained absences from school that suggest parental responsibility for non-attendance subsequent to the school fulfilling its statutory responsibilities and exhausting all legal remedies;

(F) child is reported to be discussing suicide, it is not likely that emergency intervention will be necessary but there is concern that the person responsible for the child (PRFC) is not responding to the matter seriously;

(G) emotional abuse or neglect that does not indicate risk of serious physical harm to the child;

(H) history of prior reports of abuse or neglect that did not have serious allegations of abuse or neglect, current report does not have serious allegations and the allegations of abuse or neglect are not escalating in seriousness;

(I) child placed in shelter either by law enforcement or voluntary placement and the circumstances that resulted in the shelter placement fit the criteria for an assessment;

(J) corporal punishment by a foster parent or trial adoptive parent involving a child three to five years of age. Corporal punishment includes physical discipline that did not result in injuries of any kind and did not involve unreasonable force, per OAC 340:75-3-8.1 ITS; or
(K) supervision concerns regarding an older school aged child by a foster or trial adoptive parent. This does not include sexual abuse or physical abuse perpetrated by an older child towards any child in the home, per OAC 340:75-3-8.1 ITS.

(5) Investigations. An investigation is conducted when the allegations in the report indicate there is serious and immediate risk of harm to the child as indicated by dangerous parenting practices or actions. Examples of reports that are addressed as investigations are:

(A) child sexual abuse;

(B) child fatality;

(C) child placed in Oklahoma Department of Human Services custody;

(D) abuse or neglect in:

   (i) child care center or home that is licensed or should be licensed; or

   (ii) foster family or trial adoptive home.

(E) abuse or neglect resulting in serious injury or near death or risk for, including, but not limited to:

   (i) children three years of age or younger that are alleged to be left alone;

   (ii) fractures;

   (iii) burns or lacerations;

   (iv) head trauma;

   (v) life-threatening injuries;

   (vi) torture;

   (vii) mutilation;
(viii) maiming;
(ix) forced ingestion of a dangerous substance; or
(x) confinement with life-threatening consequences.

(F) abuse or neglect requiring medical evaluation or treatment, including, but not limited to:
(i) non-organic failure-to-thrive;
(ii) multiple injuries of varying ages;
(iii) suspected Munchausen Syndrome by Proxy;
(iv) injuries to fragile areas of the body such as head, face, neck, or genitals;
(v) serious medical neglect; and
(vi) serious suicide threats or attempts and emergency intervention is required.

(G) abandonment;

(H) infant born exposed to drugs;

(I) any alleged inflicted physical injury to a child age five or younger;

(J) emotional abuse or neglect that results in the child displaying self-destructive behaviors, such as eating disorders or self-mutilation;

(K) history of confirmed referrals of abuse or neglect within the last two years;

(L) history of children related to the PRFC that were previously adjudicated deprived;

(M) allegations of abuse or neglect in an open permanency planning or family-centered services case;
(N) history of serious allegations or confirmations of abuse or neglect, regardless whether the investigation was confirmed;

(O) allegations that parent is violent or psychotic;

(P) history of three or more prior assessments and reports continue to be made concerning the family;

(Q) allegations that a child three years of age or younger was physically disciplined by a foster or trial adoptive parent, per OAC 340:75-3-8.1 ITS;

(R) a child placed in a foster or trial adoptive home is exhibiting sexual behavior that is outside the normal range of development, per OAC 340:75-3-8.1 ITS;

(S) allegations that children are having sexual contact with other children placed in a foster or trial adoptive home, per OAC 75-3-8.1, ITS; or

(T) a baby has been born to a PRFC with an open permanency planning or family-centered services case.
340:75-3-8.1. Protocol for addressing reports regarding foster or trial adoptive homes

(a) **Purpose in investigations or assessments of foster or trial adoptive homes.** Children who are in the care or custody of Oklahoma Department of Human Services (OKDHS) require ongoing protection from subsequent abuse or neglect while in therapeutic, specialized community home, emergency, Developmental Disabilities Services Division (DDSD), tribal, kinship, and foster family care or trial adoptive placement.

(1) Children placed in care due to abuse or neglect are vulnerable due to:

   (A) their previous victimization; and

   (B) the heightened risk of abuse or neglect that occurs in an out-of-home placement.

(2) An evaluation and response must occur when there is an observation or report of abuse or neglect or potential for abuse or neglect of a child in a foster or trial adoptive home.

(b) **Observation of abuse or neglect in foster or trial adoptive homes.** It is the responsibility of Child Welfare (CW) staff to be alert to indicators that a child is at risk of abuse or neglect or has been abused or neglected in his or her out-of-home placement.

(c) **Reports regarding children in foster or trial adoptive homes.** When a report regarding a foster or trial adoptive home is received, it is documented and evaluated to determine whether the allegations indicate abuse or neglect or a violation of OKDHS rules.

(d) **Foster or trial adoptive home investigative or assessment protocol.** The investigative protocol is the same as the protocol for conducting an investigation or assessment in the child’s own home, including additional interviews and the evaluation of case records relating to the foster or trial adoptive home, per OAC 340:75-3-8, 340:75-3-8.5, and 340:75-3-8.6.

(e) **Time limitations on accepting reports regarding children in foster or trial adoptive homes.** When an incident is reported alleging child abuse or neglect in a foster or trial adoptive home that is not a recent event, for example, an adult reports she was molested as a child by her foster father and the foster home is currently open, information is obtained to determine whether there are children in the foster or trial
adoptive home who may be at risk. ■ 4

(f) **Determining safety of children in foster or trial adoptive homes.** Safety refers to the present security and well-being of a child. The determination regarding whether a child can safely remain in a foster or trial adoptive home is based upon the urgency, severity of the allegations, and the level of risk, per OAC 340:75-3-2. ■ 5

(g) **Notification of parent regarding injury.** Parents of children who are in emergency or temporary custody of OKDHS are notified by the family's CW worker when the child is injured or removed from the placement due to abuse or neglect. The notification occurs immediately after the child's condition is determined through interview and observation. ■ 6

(h) **Allegations of abuse or neglect of a child in foster or trial adoptive home by a non-PRFC.** When a report of child abuse or neglect is received regarding a child in a foster or trial adoptive home that identifies the alleged perpetrator as a person not responsible for the child (non-PRFC), a referral is made to law enforcement. Regardless whether law enforcement investigates and determines no crime has been committed or chooses not to conduct an investigation, the Child Protective Services (CPS) worker completes a third party investigation to determine whether the foster or trial adoptive parent failed to protect the child from a high risk situation that the foster or trial adoptive parent had knowledge of or could have predicted, per OAC 340:75-3-7.2. ■ 7

(i) **Foster or trial adoptive home investigative findings and assessment conclusions.** Any report regarding a child in a foster or trial adoptive home is investigated or assessed immediately by CPS staff. After completing the investigation, a finding is made regarding abuse or neglect, per Title 10 of the Oklahoma Statutes and OAC 340:75. ■ 8

(j) **Time frames for completion of investigations or assessments of foster or trial adoptive homes.**

1. Investigative or assessment interviews with the child victim and person(s) responsible for the child (PRFC(s)) are completed and documented within ten working days from the date the report is received.

2. At ten working days, a staffing is held between the CPS worker, child’s CW worker, CW supervisor, CW field liaison (CWFL), and the foster care or adoption specialist to determine whether it is safe for the child to remain in or return to the foster or trial adoptive home, as applicable. ■ 9
(3) All remaining investigative or assessment interviews are completed and documented and the investigation or assessment is closed within 30 calendar days from the date the report is received. 10

(k) Investigation or assessment of reports regarding children in OKDHS custody in tribal foster homes. The protocol for investigating or assessing suspected abuse or neglect of children in OKDHS custody in tribal foster homes is the same as investigations or assessments of child abuse or neglect in the child's own home, per OAC 340:75-3-8.1 and 340:75-19-10. 11

(l) Contracted therapeutic, specialized community, or emergency foster or trial adoptive homes. When an investigation or assessment is initiated on a contracted therapeutic, specialized community, or emergency foster or trial adoptive home, the CPS worker follows the same investigative protocol per OAC 340:75-3-8.1. The contracting agency, appropriate OKDHS liaison, county director, and Children and Family Services Division (CFSD) Foster Care, Therapeutic Foster Care (TFC), Community-Based Residential Services, or Adoption Services Section programs staff are notified of the investigation as soon as it is determined the home is not an OKDHS foster or trial adoptive home. The contracting agency is informed that no information regarding the referral is discussed with the foster or trial adoptive home prior to the initiation of the investigation or assessment. 12

(m) Decision-making regarding the continued use or closure of the foster or trial adoptive home. When there is an investigation of abuse or neglect in a foster or trial adoptive home, the results of the investigation are evaluated to determine whether to continue to use the home or close it.

(1) It is the role of the CPS worker to make a finding regarding the allegations. All persons involved with the child are a part of the decision-making process from the time the allegations are reported until the investigation or assessment is completed. The decision-making process includes assessing safety, safety planning, and continued use of the foster or trial adoptive home. The persons involved include the CPS worker, child's CW worker, foster or trial adoptive home specialist, family's CW worker, and all appropriate CW supervisors. When the finding of a child abuse or neglect investigation is confirmed or services recommended, input is provided by all persons involved regarding continued use of the home. The CWFL and CFSD Foster Care, Adoption, TFC, Tribal, Community-Based Residential Services, DDSD, and CPS programs staff are also available for consultation.

(2) Decisions or any other actions regarding the continued use or closure of the foster or trial adoptive home are made and discussed with the family by the foster or trial adoptive home specialist and supervisor. Any findings regarding the occurrence
or presence of violations in the foster or trial adoptive home, per OAC 340:75-7-37, are handled per OAC 340:75-7-94.

(3) When abuse, neglect, or OKDHS discipline or other policy violations are identified in a tribal foster home, the tribe must work with the foster home to correct those conditions in order to continue to care for children in OKDHS custody. The tribal foster home case must reflect the correction. The CFSD tribal coordinator monitors the case for corrective action before additional children in OKDHS custody are placed in the foster home.

(n) Review process for suspected abuse or neglect in foster or trial adoptive homes. The CPS worker notifies, via e-mail, the CPS Section programs staff and appropriate Foster Care, Adoption, Tribal, Community-Based Residential Services, or TFC Section programs staff when an investigation or assessment is completed. CPS programs staff, and any other appropriate programs staff, is responsible for addressing any concerns regarding the investigation and finding. The appropriate programs staff is responsible for addressing, with the contracted agency staff, the findings of the investigation and any other issues of concern.

INSTRUCTIONS TO STAFF 340:75-3-8.1

1. Observation of abuse or neglect. When a Child Welfare (CW) worker observes indicators of abuse or neglect of a child in a foster or trial adoptive home, an immediate evaluation is made by the worker to determine the extent of any injuries and the child's need for immediate protection.

   (1) Depending on the level of risk present, immediate removal of the child and other children from the placement may be necessary, per OAC 340:75-3-8.1.

   (2) Details of the observed abuse or neglect are documented on Form 04KI001E, Referral Information Report, and submitted to Child Protective Services (CPS) staff responsible for conducting a complete investigation.

   (3) All other indicators or potential indicators of abuse or neglect are also documented on Form 04KI001E and immediately submitted to the CW supervisor for decision-making purposes, per OAC 340:75-3-6.1.

2. Reporting and assignment. The report is documented on Form 04KI001E. Since Oklahoma Department of Human Services (OKDHS) is legally responsible for the health, safety, and welfare of children in OKDHS custody, great care is used in making these determinations. Generally, a higher level of
scrutiny is required when making decisions regarding the safety of children in OKDHS custody. Information justifying all decision-making is fully documented by the CW supervisor.

(1) When information is received from any source, including information provided by the child, that an OKDHS rules violation has occurred and it is not known if there is either resulting physical or mental injury or a potential for serious physical or mental injury, an initial evaluation is conducted.

(A) The child’s CW worker immediately interviews and observes the child for any injuries.

(B) If there are no injuries or other risk-related indicators, a summary of the CW worker’s contact with the child is entered in the narrative of Form 04KI001E and the report is screened out.

(i) The report is referred to CW foster care or adoption staff to address the violations, per OAC 340:75-7-94.

(ii) The OKDHS CFSD CPS, Foster Care, Adoption, TFC, Tribal, or Community-Based Residential Services Section is notified by e-mail of the screened out report.

(iii) OAC 340:75-3-7 Instructions to Staff (ITS) provides examples of appropriate screened out reports regarding foster and trial adoptive parents.

(2) An investigation is conducted on all reported allegations that meet the definition of abuse or neglect, including all non-accidental physical or mental injuries to children of any age, neglect, sexual abuse, and any practices by the foster or trial adoptive parent that involve hitting or striking a child three years of age or younger, even when there is no report or observation of injury.

(A) OAC 340:75-3-7.3 ITS provides examples of reports regarding foster and trial adoptive homes that are investigated.

(B) The investigation is assigned to staff who can conduct an objective and unbiased investigation. If necessary, out-of-county CW staff may be used.
(3) The two exceptions under which allegations of child abuse or neglect by a foster or trial adoptive parent may be conducted as an assessment are provided in OAC 340:75-3-7.3 ITS. The assessment protocol outlined in OAC 340:75-3-8.5 is followed, and the foster or trial adoptive home specialist is notified of and included in the assessment process.

(4) All investigations and assessments regarding a foster or trial adoptive parent are assigned as Priority I to ensure the safety of children in OKDHS custody.

(A) If additional information is available concerning the allegations and current situation in the foster or trial adoptive home and this information indicates the safety of the children can be ensured without an immediate investigation or assessment, the CW supervisor may assign the report as a Priority II with a time frame of no more than three working days to initiate the investigation or assessment.

(B) The CW supervisor documents the reason the report was not assigned as Priority I on Form 04KI001E.

(5) Assigned reports of child abuse or neglect in a child's out-of-home placement are immediately reported to the child's CW worker, CW supervisor, county director, CW field liaison (CWFL), and appropriate CFSD programs staff. Situations involving:

(A) OKDHS foster homes, contracted emergency foster homes, and kinship homes are reported to Children and Family Services Division (CFSD) Foster Care Section;

(B) trial adoptive homes are reported to CFSD Adoption Services Section;

(C) contracted therapeutic foster homes and Developmental Disabilities Services Division (DDSD) homes are reported to CFSD Therapeutic Foster Care (TFC) Section;

(D) contracted specialized community homes are reported to CFSD Community-Based Residential Services Section; and

(E) tribal foster homes are reported to CFSD Tribal Section.
3. Investigation or assessment. Foster or trial adoptive home investigative or assessment protocol is outlined in (1) and (2).

   (1) In addition to those persons identified in the investigation or assessment protocol, per OAC 340:75-3-8.6 ITS, other persons interviewed include:

      (A) all children living in the home, regardless of relationship;

      (B) other children previously living in the home who were abused or may have been aware of abuse;

      (C) the child's CW worker; and

      (D) other CW staff, contract agency staff, or both, who have been or who are frequently in the home.

   (2) A review of case records, including the child's case and the foster home, therapeutic foster home, emergency foster home, DDSD, specialized community home, tribal, or trial adoptive home case record, is also completed by the CPS worker to gather information pertinent to the investigation or assessment.

4. Child at risk. When there is a child who may be at risk, a full investigation or assessment is conducted. This requires interviews with persons formerly placed in the home and any child presently in the home.

   (1) When a report is received on a closed foster or trial adoptive home, the allegations are assessed to determine whether a child is currently at risk.

   (2) Reports that a child in OKDHS custody was sexually abused or physically injured are investigated on closed foster or trial adoptive homes, even when there are no children in the home.

   (3) When the allegations contain issues of inappropriate discipline or other rules violations, the reported information is filed in the closed foster or trial adoptive resource record.

   (4) If the resource family reapplies, the issues identified in the report are carefully and thoroughly addressed prior to and as a part of the foster or trial adoptive home reassessment process.
5. Safety determination.

(1) Based on the risk factors, safety is determined both at the time a child abuse or neglect report is received and when the investigation or assessment is completed. When the safety of a child cannot be ensured, the child, and any other child who is in OKDHS custody or voluntary care, is removed from the foster or trial adoptive home. When children in the household include the foster or trial adoptive parent's own child, the decision to recommend removal of that child is based on safety, per OAC 340:75-3-10.1.

(A) When possible, the decision to recommend removal is made by the CPS worker, CW supervisor, and CWFL in collaboration with other persons involved with the child. When a child is in imminent danger and prior collaboration is not feasible, removal of the child or alternative safety plan is immediately initiated, and the case is reviewed with the CW supervisor and CWFL as soon as possible.

(B) The child's CW worker, county director, CWFL, and CFSD TFC, DDSD, Community-Based Residential Services, Tribal, Foster Care, or Adoption programs staff, as appropriate, are promptly notified when a child in a foster or trial adoptive home is removed because of suspected child abuse or neglect.

(2) Alternatives to removal of a child from the foster or trial adoptive home are appropriate when the child's safety can be reasonably ensured.

(A) A safety plan must be discussed and agreed to by the:

(i) foster or trial adoptive parent;

(ii) CPS worker;

(iii) child's CW worker;

(iv) foster or trial adoption home specialist;

(v) CW supervisor; and

(vi) CWFL.
(B) The safety plan is documented:

(i) in the child's case record;

(ii) in the foster or trial adoptive resource record; and

(iii) on Form 04KI003E, Report to District Attorney, or 04KI007E, CPS Family Assessment.

(3) Foster Care, Adoption, DDSD, Community-Based Residential Services, Tribal, TFC, and CPS programs staff are available for consultation in making decisions regarding the removal of a child from foster or trial adoptive placements.

6. Contact with the child’s family. When contacting the child’s family immediately is not possible, contact is made the next working day. Upon contact, the CPS worker discusses:

(1) the abuse or neglect allegations;

(2) the investigative process;

(3) the safety plan in place or to be developed, if necessary; and

(4) any investigative concerns.

7. Non-PRFCs. When the alleged perpetrator is a child and there is potential for criminal charges, the interview with the minor perpetrator is conducted only to determine the family dynamics and whether the person responsible for the child (PRFC) protected the alleged child victim and will continue to protect the child victim from the minor perpetrator.

(1) The CPS worker evaluates the situation carefully while collaborating with staff responsible for working with the child and foster family to determine the child's need for protection. This includes evaluating the willingness and appropriateness of the foster or trial adoptive parent to protect the child by the establishment and documentation of a safety plan.

(2) When the decision is to allow the child to remain in the home, the safety plan is developed and implemented prior to the completion of the investigation. The child's CW worker ensures that the safety plan is
followed. The safety plan is documented:

(A) in the child’s case record;

(B) in the foster or trial adoptive resource record; and

(C) on Form 04KI003E.

8. Investigative findings or assessment conclusions.

(1) Form 04KI003E is used to document all investigative findings and Form 04KI007E is used to document the assessment conclusions.

(2) The CPS worker verbally advises the foster or trial adoptive parent of the investigation findings or the assessment conclusions.

(A) For investigations, the CPS worker mails Form 04KI019E, Notification Concerning Finding(s) of Child Abuse/Neglect, to each foster or trial adoptive parent. When the finding is confirmed—services recommended or confirmed—court intervention, OAC 340:75-1-12.2 applies.

(B) For assessments, the CPS worker mails Form 04KI021E or 04KI022E, Notification Regarding Assessment, to each foster or trial adoptive parent.

(3) For investigations and assessments involving contracted foster or trial adoptive homes, the CPS worker advises the contractor of the investigative finding or assessment conclusion by mailing Form 04KI019E, 04KI021E, or 04KI022E.

(4) The CPS worker also advises the family that any action regarding policy violations and continued use of the home is addressed by the foster or adoption specialist or appropriate CFSD programs staff, per OAC 340:75-3-8.1(m).

(5) At the conclusion of the investigation or assessment, notification, via e-mail, is made to CFSD CPS Section and Foster Care, Adoption, Community-Based Residential Services, Tribal, or TFC Section, as appropriate. Other relevant written reports and recommendations for continued use of the home are submitted. Copies of Form 04KI003E or
04KI007E are also provided to the child's CW worker and the foster resource specialist to address any needed action, such as a written plan of compliance or home closure, in an OKDHS foster or trial adoptive home.

9. Staffing at ten working days. The CPS worker is responsible for arranging the staffing and documenting the staffing results in the Report to DA and KIDS Contact screens of the child's case and resource case.

10. Investigative or assessment time frames. Investigative findings and recommendations are documented on Form 04KI003E and assessment conclusions are documented on Form 04KI007E. Notification, via e-mail, is made to CFSD CPS and Foster Care, Adoption, Community-Based Residential Services, Tribal, or TFC Section, as appropriate.

(1) The appropriate DDSD, Foster Care, Adoption, Community-Based Residential Services, Tribal, or TFC programs staff is contacted when an extension is necessary beyond:

(A) ten working days to complete and document the child victim(s) and PRFC(s) interviews; or

(B) 30 calendar days to complete, document, and close the investigation or assessment, because key information is not available.

(2) Examples of circumstances necessitating extensions are outlined in (A) through (D).

(A) There are numerous allegations of sexual abuse and interviews are needed with numerous children previously placed in the foster home.

(B) Medical, lab, or autopsy reports are not available within the ten working day time frame.

(C) There are serious abuse and neglect allegations and a criminal investigation is pending.

(D) Key individuals, such as the child victim or alleged perpetrators, are unavailable.

11. Tribal foster homes. In addition to the protocol in OAC 340:75-3-8.1(d), (1) through (3) are followed.
(1) CW notifies the tribal representative and requests cooperation in investigating or assessing allegations of abuse or neglect of a child in OKDHS custody and tribal foster care.

(2) The decision to remove the child from the home, pending completion of the investigation or assessment, is based upon the same guidelines for any child placed in an OKDHS approved foster home.

(A) The decision whether to remove the child is discussed with the tribal representative and assistance is requested explaining the necessity for removal from the foster family.

(B) If the tribal representative does not cooperate with OKDHS and the foster family to remove the child, CFSD Tribal programs staff is notified.

(C) If the cooperation of the tribe cannot be obtained through the CFSD tribal coordinator, CW staff has the authority, with the assistance of law enforcement, if necessary, to remove the child from the tribal foster home, unless the foster home is located on tribal land.

(3) When the tribal foster home is located on tribal land, the tribe removes the child and places the child in the physical custody of OKDHS as provided for in the terms of the state/tribal agreement.

12. Investigation or assessment completion.

(1) When the investigation or assessment is completed, Form 04KI003E or 04KI007E is prepared and routed, per OAC 340:75-3-8.1 ITS 8.

(2) The CPS worker shares the investigation findings or assessment conclusions with the contract resource family.

(3) Forms 04KI003E and 04KI007E are not provided to the contract agency. It is the responsibility of the appropriate CFSD Foster Care, DDSD, TFC, Community-Based Residential Services, Tribal, or Adoption programs staff to share the findings and address concerns and issues with the contract agency regarding continued use of the home for the child in OKDHS custody.

(4) Other relevant written reports and information pertaining to continued use of the home, that are not appropriate to include on Form 04KI003E or
04KI007E are submitted by the CW worker to appropriate Foster Care, DDSD, TFC, Community-Based Residential Services, Tribal, or Adoption programs staff.
340:75-3-8.6. General protocols for investigations and assessments

(a) **Purpose for protocols.** Protocol requirements common to the investigation and assessment processes ensure continuity in addressing safety and risk factors and issues related to the Child Welfare (CW) worker's contact with families.

(b) **Time frame for initiation.** Investigations and assessments are prioritized using the priority guidelines in OAC 340:75-3-7.1. The priority guidelines are used to determine the response time required to ensure safety for the alleged child victim. Generally, the reported allegations that necessitate an investigation require a higher priority than an assessment.

(c) **Contact requirements.** Prior to interviewing each person involved in an investigation or assessment, the CW worker:

1. presents his or her Oklahoma Department of Human Services (OKDHS) employee identification badge as notification that OKDHS is the agency represented;
2. describes the lawful purpose of the investigation or assessment;
3. discusses the reported child abuse or neglect allegations;
4. answers questions; and
5. explains that, in accordance with state and federal law, the identity of the reporter is not revealed unless ordered by the court.

(d) **Worker safety.** The CW worker follows procedures to ensure his or her own safety, per OAC 340:75-1-26.1.

(e) **Contact with the family in the home.** An unannounced home visit is made to initiate contact with the family, per Section 7106 of Title 10 of the Oklahoma Statutes (10 O.S. § 7106).

(f) **Contact with children.** Protocols described in (1) through (6) are followed when there are physical injuries or there is a need for a medical, psychological, or psychiatric examination for a child of any age.

1. The CW worker inspects the child victim younger than 12 months of age regardless of the allegation.
(2) When the report alleges physical injury due to abuse or neglect or injuries are found during the investigation or assessment, an inspection is required by the CW worker, examination by a medical professional, or both, of the:

(A) child victim; and

(B) sibling, if applicable.

(3) Information gathered, the CW worker's observation of the child, or both, may indicate a need for medical, psychological, or psychiatric examination or treatment of any child in the home of the person responsible for the child (PRFC). It may also include an inquiry into the possibility that the child or PRFC has a history of mental illness, per 10 O.S. § 7106.

(4) As necessary in conducting an investigation or assessment, the CW worker requests and obtains, without a court order, copies of prior medical records of the child, including, but not limited to, hospital, medical, and dental records, per 10 O.S. § 7107.

(5) Medical examination or consultation with a physician or appropriate licensed medical professional is required for:

(A) all burns or fractures in a child three years of age or younger;

(B) all bruises or marks on a child younger than two years of age;

(C) unexplained or implausibly explained bruises, burns, or fractures in a child of any age;

(D) all bruises, burns, or fractures in a non-ambulatory child;

(E) all referrals of sexual abuse in non-verbal children whose behavior mimics adult sexual behavior, for example, simulated intercourse or oral stimulation of another's genitals;

(F) all sexual abuse cases in which oral or genital skin-to-skin contact is alleged or suspected;

(G) all cases of:

(i) sexually transmitted disease in a prepubescent child;
(ii) reported malnutrition and failure-to-thrive; or

(iii) serious medical neglect. If the family claims to provide medical care, consultation with their doctor is sufficient;

(H) reports in which the child has an observable injury, the caregiver admits responsibility for the injury, and medical documentation is necessary to determine whether there are internal or old injuries; or

(I) a child who exhibits a need for immediate psychological or psychiatric evaluation.

(6) If the PRFC refuses to cooperate in arranging for an examination, the CW worker may request the intervention of law enforcement or request the district attorney to make application for a court order.

(g) Unable to locate protocol. When the CW worker is unable to locate the child and family, every effort is made to seek additional sources of information regarding their whereabouts. ■ 7

(h) False reports made knowingly and willfully. When, in the course of the investigation or assessment, the CW worker determines that a false report concerning child abuse or neglect was made knowingly and willfully, the CW worker discusses this information with the CW supervisor. With supervisory approval, information regarding the false report may be forwarded to local law enforcement for a criminal investigation, using Form 04CP002E, Notification to Law Enforcement Agency of Child Abuse or Neglect Report, per 10 O.S. § 7103.

(i) Failure to report child abuse or neglect. If, in the course of the investigation or assessment, the CW worker determines that there is a person who clearly knowingly and willfully failed to make a report of child abuse or neglect, the CW worker discusses this information with the CW supervisor. This information may be forwarded to local law enforcement for the purpose of providing information for a criminal investigation, using Form 04CP002E, per 10 O.S. § 7103.

(j) Modification of protocols. If, upon contact with the child victim and PRFC, it appears that full application of the protocol for an investigation or an assessment is not necessary, the CW supervisor may determine that a modification to the protocol is appropriate. ■ 8
INSTRUCTIONS TO STAFF 340:75-3-8.6

1. (a) Refer to the definition of initiation of the investigation or assessment, per OAC 340:75-3-2.

   (b) If time frames for initiation of the investigation or assessment cannot be met due to excessive workload or staff vacancies, see OAC 340:75-3-13.

   (c) When a report is pending beyond the time frame for completion of the investigation or assessment, per OAC 340:75-3-13, and a subsequent report is received, the Child Welfare (CW) supervisor reviews each report and considers the previous reports in setting time frames for completion of the investigations or assessments.

   (d) If there are three or more reports pending concerning the same child and family, all of the reports are expedited for investigation or assessment with a dated response time of no more than five days from receipt of the last report.

2. Safety precautions. During the course of an assessment or investigation additional CW worker safety precautions include, but are not limited to:

   (1) taking any threat by an irate parent seriously;

   (2) seeking the assistance of law enforcement if the worker is at risk of harm, such as:

      (A) there is a previous history of domestic violence;

      (B) a family member may be mentally ill, using drugs, or volatile;

      (C) there is the presence of firearms or other weapons;

      (D) there is reported illegal substance manufacturing or distribution, per OAC 340:75-3-8.7; or

      (E) the family's geographic location is isolated or dangerous;

   (3) using discretion in checking a child for signs of abuse, based on the child's age and gender, worker's gender, and the location and type of abuse. The CW worker leaves all examinations for sexual abuse to medical doctors; and
(4) not entering a home when there is any risk to the CW worker's safety, per OAC 340:75-3-8 Instructions to Staff (ITS).

(A) If there is concern about safety for the child or worker in making the initial home visit, contact is made with law enforcement.

(B) If law enforcement:

(i) accompanies the CW worker for the home visit and there is no adult present in the home, the CW worker does not enter the home even though law enforcement enters; and

(ii) requests the assistance of the CW worker in the residence due to an extreme emergency with the child, the CW worker does not enter the residence until it has been secured and determined safe to enter by law enforcement; and

(5) not conducting a search of any type in the home, including a search for illegal substances. The CW worker is prohibited from conducting a search regardless whether an adult in the home gives permission or requested by law enforcement.

3. (a) Contact with the family is made by a home visit. During the assessment or investigation, the CW worker gathers demographic information for all family members, including accurate birth dates, any names used by family members, including full legal names, Social Security numbers, race, and ethnicity, per OAC 340:75-1-26 ITS and 340:75-19-8.

(b) Attempted home visit. If the family is not home, the CW worker may leave Form 04CP001E, Contact Letter, in a sealed envelope at the home. If the child victim or siblings have been interviewed, Form 04CP001E must be left to notify the person responsible for the child (PRFC) that the CW worker attempted contact with the family. Federal law prohibits the use of a mailbox for letters that are not mailed.

(c) Contact with the family by mail. If the CW worker has made two unsuccessful attempts to reach the family at home, the family may be contacted by mail using Form 04CP001E. The letter is mailed first class in an envelope indicating address correction requested. If the letter is not returned, the CW worker follows the protocol per OAC 340:75-3-8.6 ITS 6.
(d) Phone contact at work. If the worker has made unsuccessful attempts to contact the family and determines that the PRFC or perpetrator works during the day, the CW worker:

(1) may attempt to phone the PRFC or perpetrator at work;

(2) when calling the PRFC's or perpetrator's place of employment, identifies himself or herself by name only. No information about the nature of the call is discussed with the employer; and

(3) when the employer does not allow personal calls or the PRFC or perpetrator is unavailable, leaves a message giving only the worker’s name and phone number. No letter is sent to the employer.

4. Visual inspection of the child.

(1) Permission of the child and either the PRFC or caregiver is obtained prior to the visual inspection.

(2) Regardless of whether an injury is alleged, the CW worker conducts a full body inspection by asking the PRFC or caregiver to remove or rearrange the child's clothing, including diapers, for any child younger than 12 months.

(3) When one child is alleged to have serious injuries, the CW worker checks the siblings for injuries.

(4) When injuries are alleged, the CW worker, after obtaining permission, conducts a:

(A) full body inspection of any child younger than five years of age that requires removal of the child's clothing, including diapers; and

(B) for any child age five and older, cursory inspection of the child rather than a full body inspection through rearranging the child's clothing.

(i) If injuries or possible injuries cannot be seen without a full body inspection, an examination by medical personnel must be conducted.
(ii) The child is observed by the CW worker in the presence of the PRFC unless the observation is made while in a setting outside the home, such as child care or school.

(I) When the child is verbal, the reason for the visual inspection is explained to the child.

(II) Visual inspections are handled in a manner that is sensitive to the child’s feelings, privacy needs, and gender.

(III) If the child requires assistance undressing due to age, physical condition, or emotional comfort, the CW worker asks the PRFC or caregiver to remove or lift the child's clothing so that the child can be observed.

(IV) If the injuries on a child of any age indicate the need for a medical examination, or the child's age limits the CW worker's ability to conduct an inspection of alleged injuries, the child is taken for a medical examination per OAC 340:75-3-8.6 ITS 5.

(5) When a PRFC or caregiver refuses to permit the CW worker to visually inspect the child victim or siblings, the CW worker consults with the CW supervisor regarding whether to request assistance from law enforcement or submit a request to the district attorney (DA) for a court order per OAC 340:75-3-8.6 ITS 6.

(6) When a child refuses to permit the CW worker to conduct an inspection, the CW worker consults with the CW supervisor regarding arrangements for a medical examination.

(7) Photographing the child victim. When there are injuries that appear indicative of child abuse or neglect, the CW worker:

(A) arranges for the child to be photographed. The CW worker may take the photographs or, when possible, law enforcement or medical professionals may take the photographs;

(B) maintains conventional photographs in the child's paper case record;

(C) does not enhance or alter and stores the digital photographs taken
by the worker per OAC 340:75-1-26 ITS; and

(D) makes available to law enforcement and the DA any photograph as required.

5. Medical, psychological, or psychiatric examination, treatment, or both, in the investigation or assessment.

(1) When a medical examination is required, the CW worker assists the person responsible for the child (PRFC) in making the arrangements. The CW worker accompanies the PRFC and child to the medical examination and remains available during the examination for consultation with the physician or appropriate licensed medical professional.

(A) If the child victim has already been seen by a physician, the CW worker consults with the physician or appropriate licensed medical professional, as soon as possible, and requests a written report of the examination and diagnosis.

(B) Following the child's medical examination or treatment and after receiving a verbal report from the physician or appropriate licensed medical professional, the CW worker requests a written report.

(2) Although a second medical opinion is suggested for all serious child abuse and neglect, it is particularly crucial for head trauma or fractures in a child age three years and younger, and consultation with the CW field liaison is required.

(3) Reimbursement to the vendor for the child abuse examination or treatment may be made per OAC 340:75-13-64. The CW worker, not the medical provider, determines whether other resources are available to the child and advises the hospital, physician, or appropriate licensed medical professional regarding procedures for payment, per OAC 340:75-13-64.

(4) Any exceptions to medical examination procedures must be approved by the CW supervisor as soon as possible after the child victim is observed. The exception must be documented in the Summary/Recommendation section of Form 04KI003E, Report to District Attorney, and good cause shown for the modification.

6. Refusal to cooperate or respond protocol.
(1) The CW worker:

(A) evaluates the available information and determines the most appropriate action when the PRFC does not cooperate in an investigation or assessment by:

(i) refusing to be interviewed;

(ii) refusing to allow access to the child for observation and interview;

(iii) failing to respond to notices from the CW worker when the worker has reliable information that the PRFC did in fact personally receive the notice;

(iv) denying access to mental health records or treatment plans; or

(v) removing the child from Oklahoma before the investigation or assessment is completed;

(B) when the safety of the child is at significant risk:

(i) immediately contacts law enforcement for assistance in interviewing and observing the child; and

(ii) if the PRFC still refuses to allow access to the child and law enforcement declines to place the child in protective custody, immediately documents information obtained from collaterals or witnesses and submits the information on an affidavit or Form 04Ki003E requesting the DA make application for a court order to allow access to the child;

(C) if the PRFC denies access to mental health records or treatment plans that may relate to abuse or neglect, requests the DA file an application for a court order; or

(D) if the worker believes that a PRFC or other person may remove a child from Oklahoma before the investigation is completed, requests the DA file an application for a temporary restraining order.

7. Unable to locate protocol.
(1) Every effort must be made to locate the child and family. If the CW worker encounters difficulty in locating either the child or family, the CW worker:

(A) contacts the reporter again and advises that the worker is having difficulty locating the family and asks the reporter for additional sources of information; and

(B) makes another computer inquiry to determine whether the family is receiving services from Oklahoma Department of Human Services (OKDHS).

(i) If the family is receiving services, the CW worker contacts the assigned worker to determine whether there is a new address for the family or any other information to assist in locating the family.

(ii) The investigation or assessment does not affect eligibility for other OKDHS services.

(2) No report is closed as unable to locate unless the protocol per OAC 340:75-3-8.6 ITS 7(1)(A) and (B) is followed.

(3) When the report indicates that the safety of the child is or will be at risk and it appears that the family has relocated within Oklahoma or to another state, a statewide or nationwide protective service alert may be initiated by contacting Children and Family Services Division Child Protective Services Section, per OAC 340:75-3-6 ITS.

(A) If it appears that the family has moved to another identified state, the CW worker calls that state’s Child Protective Services and makes a report regarding the child’s safety.

(B) Any requested copies of child abuse or neglect records may be forwarded to the requesting state per OAC 340:75-1-44.

(4) If a family is found after an investigation or assessment is closed due to failure to locate, the allegations in the child abuse or neglect report that led to the investigation or assessment are documented on a new Form 04Kl001E, Referral Information Report.

(A) The previous KIDS referral number is documented on the new report
along with any new information about the family.

(B) The new referral is prioritized and assigned for investigation or assessment, per OAC 340:75-3-7.1.

(C) The investigation or assessment addresses the allegations in the previous referral that was closed due to failure to locate and any current allegations.

8. Modifying protocol.

(1) Modifications:

(A) are not approved regarding attempts to contact the child victim and PRFC or to make a home visit except under conditions detailed in OAC 340:75-3-8; and

(B) may be approved by the CW supervisor and include:

   (i) omitting contact with collaterals in an investigation;

   (ii) substituting face-to-face collateral contact with telephone collateral contact;

   (iii) omitting contact with all members of the family; or

   (iv) abbreviating documentation of the contact with the child victim and family.

(2) The CW supervisor documents the reason for the modification to the investigation or assessment protocol in the Summary/Recommendation section of Form 04KI003E and modification to the assessment in Form 04KI007E, CPS Family Assessment.
340:75-3-8.7. Methamphetamine safety precautions

Precautions to ensure personal safety and the safety of others are taken by the Child Welfare (CW) worker during any investigation alleging use or production of methamphetamine. These investigations are not initiated without the assistance of law enforcement.

INSTRUCTIONS TO STAFF 340:75-3-8.7

1. (a) Child Welfare (CW) staff maintains regular contact with law enforcement to stay informed about the most current indicators of methamphetamine use and production. The Oklahoma Bureau of Narcotics and Dangerous Drugs Control information flyers are kept in supply at each county office.

(b) Outbuildings, hotel and motel rooms, apartments, storage sheds, garages, and vacant buildings are common places where methamphetamine is produced. Some of the indicators of methamphetamine use and production identified by the Oklahoma Bureau of Narcotics and Dangerous Drugs Control are:

   (1) strong odor that resembles urine or unusual chemicals, such as ether, ammonia, or acetone;

   (2) little or no traffic around the home during the day, but significant activity during very late hours;

   (3) extra efforts made to cover windows or reinforce doors;

   (4) trash not put out for collection;

   (5) significant accumulation of items, such as cooking dishes, coffee filters, or bottles that do not appear to be for regular household use;

   (6) presence of unusual quantities of chemicals; and

   (7) vehicles loaded with laboratory materials or chemicals.

(c) The CW worker, in initiating an investigation alleging use or production of methamphetamine:

   (1) requests law enforcement to accompany him or her;
(2) remains in the car until law enforcement has determined that the residence is safe to enter; and

(3) does not enter the residence under any circumstances when there is evidence of a methamphetamine laboratory.

(d) When there is evidence of a methamphetamine laboratory either outside or inside the residence, the CW worker:

(1) does not enter any residence where there is any evidence of methamphetamine laboratory materials or chemicals on the property;

(2) discreetly but immediately leaves the residence if he or she unknowingly enters a home in which there is evidence of a methamphetamine laboratory, and drives to a safe location to contact law enforcement; and

(3) follows decontamination procedures as described in (e) of this Instruction.

(e) If there is any exposure to a methamphetamine laboratory, decontamination procedures are followed. The CW worker:

(1) covers car seats and floorboards with plastic covering and washes hands with soap and water before touching the steering wheel;

(2) goes to a safe location to change clothes and place the dirty clothes in a plastic trash sack. All exposed skin surfaces are washed with soap and water. Any items carried into the home are washed with soap and water; and

(3) makes every effort not to touch any surface until the skin and items have been washed with soap and water.

(f) Each county office follows safety precautions for children who have likely been exposed to a methamphetamine laboratory.

(1) The county office makes prearranged agreements with law enforcement to handle decontamination procedures for children.

(2) All transportation of children is handled by law enforcement.
(3) Whenever possible, children are taken immediately for medical exams. If it is not possible to obtain medical exams the same day, arrangements for a medical exam are made as soon as possible.
340:75-3-10.1. Safety determination and responses

(a) Evaluation of the child's safety. Evaluating the safety of a child is a primary Child Protective Services (CPS) function.

(1) Safety refers to the present security and well-being of a child who is assessed at risk of abuse or neglect and is determined by:

(A) how controllable the child and family situation is;

(B) whether the child's safety is an immediate concern; and

(C) what the abuse or neglect is or its results may be.

(2) An evaluation must be conducted to identify a service response that will control risk and ensure the child's safety. ■ 1

(b) Determining the need for protective or emergency custody. There are situations in which the Child Welfare (CW) worker, in consultation with the CW supervisor, must evaluate whether a recommendation for protective or emergency custody is appropriate. These situations include serious abuse or neglect in which the child is at risk of serious physical harm. ■ 2

(c) Safety planning decisions in cases of serious abuse or neglect. When an alternative to protective or emergency custody is considered in situations in which serious physical harm is documented, the CW worker consults the CW supervisor and discusses each alternative to determine whether the child's safety is ensured. The safety plan must be discussed and agreed to by the person(s) responsible for the child (PRFC(s)). ■ 3

(d) Safety planning risk factors. When a safety plan is considered, it is critical to evaluate any risk associated with the safety plan.

(1) In cases of sexual abuse and serious physical abuse or neglect, it is imperative that the perpetrator is not allowed to have unmonitored contact with the child victim until the treatment process begins and there is progress in reducing risk.

(2) In the early stages of working with a family, denial may be a significant deterrent to ensuring protection from the perpetrator. When the family members cannot ensure there will be no unmonitored contact with the perpetrator, a recommendation for short-term protective or emergency custody is considered a safer option for the child. ■ 4
(e) **Safety planning and court involvement.** The implementation of a safety plan does not preclude the CW worker from requesting court involvement. A safety plan is voluntary without court intervention. It is important in serious cases of abuse or neglect for the CW worker to ensure the family is involved in a court-ordered treatment and service plan and the safety of the child is monitored. ▲ 5

(f) **Removal of a child from the home.** A decision to recommend removal of a child from the home is made after consultation with the CW supervisor. When prior supervisory consultation is not feasible, the case is reviewed with the CW supervisor as soon as possible. A recommendation to remove a child from the home is made when, upon evaluating relevant conditions, the CW worker and CW supervisor determine:

1. no in-home safety responses are available or acceptable;
2. the parent(s) appears unable or unwilling to protect the child;
3. appropriate, timely resources or services to reduce risk of abuse or neglect are unavailable; or
4. continued placement in the home is contrary to the child's health, safety, or welfare. ▲ 6

(g) **Procedures for removal of a child not in Oklahoma Department of Human Services (OKDHS) custody.** Per Section 7003-2.4 of Title 10 of the Oklahoma Statutes (10 O.S. § 7003-2.4) and Section 671 of Title 42 of the United States Code (42 U.S.C. § 671), a child is removed from the home only when continued placement in the home is contrary to the child's health, safety, or welfare. Reasonable efforts are made to prevent removal unless a documented emergency exists that requires removal.

1. A child who is endangered by his or her surroundings may be removed from the home by law enforcement without a court order in the situations described in (A) through (E).

   (A) In an emergency situation, the CW worker contacts appropriate law enforcement officials and recommends that the child be placed in protective custody.

   (B) If law enforcement officials decline to remove the child, the CW worker may prepare an affidavit to present to the district attorney (DA) to request that the DA consider filing an application with the court to obtain an emergency custody order, per 10 O.S. § 7003-2.1.
(i) The CW worker advises the DA that the court order for removal of a child from the home must include a written finding that continuation of the child in the home is contrary to the child’s health, safety, or welfare or language to that effect, such as, "Removal is in the child’s best interests." The order must include a finding regarding whether reasonable efforts were made to prevent removal.

(ii) If the court does not make and document the finding of "Contrary to the child's health, safety, or welfare" at the time of removal, the state will not be in compliance with 42 U.S.C. § 671.

(iii) Whether the child is placed in protective custody by law enforcement or emergency custody through a court order, Oklahoma statutes require that each court order removing a child from the home include findings of "Contrary to the welfare" and "Reasonable efforts."

(C) When a child who is in protective custody is in need of medical treatment, diligence is used in obtaining consent of the parent(s) or legal guardian to authorize medical treatment.

(D) Law enforcement may authorize medical examination and treatment in the absence of the parent(s) or legal guardian when a:

   (i) competent medical or mental health authority determines the treatment is an emergency; or

   (ii) routine diagnosis is necessary to ascertain the condition of a child for his or her protection or the protection of others with whom the child may come in contact, per 10 O.S. § 7003-2.3.

(E) If law enforcement or the parent(s) or guardian is unwilling to consent, the DA is contacted for purposes of obtaining an order of the court for such treatment.

(2) A child may be removed from an educational or child care facility by a CW worker when the criteria in (A) through (F) are met prior to removal.

   (A) It is established by the CW worker and supervisor that the removal is necessary to protect the child from risk of endangerment. Risk of endangerment is a serious abuse or neglect situation.

   (B) Law enforcement is contacted and declines to remove the child.
(C) The CW worker prepares an affidavit to the DA who obtains a written emergency custody court order that includes a statement that the child may be removed from the educational or child care facility by a CW worker in order to protect the child from risk of endangerment.

(D) A determination is made by the CW supervisor and county director that removal of the child from the facility can occur without disruption to the facility, humiliation to the child, or hostility or risk of reprisal from any party.

(E) A copy of the written emergency custody court order is provided by the CW worker to the educational or child care facility at the time of the removal.

(F) The CW worker notifies the PRFC(s) of the removal the same day and provides the PRFC(s) with a copy of the written emergency custody order as soon as possible. If the notification will place the worker in danger, the assistance of law enforcement is requested.

(h) Procedures for removal of a child in OKDHS custody. The CW worker may remove a child directly from the child's home when continued placement in the home is contrary to the health, safety, or welfare of the child and the child is in the legal custody of OKDHS, unless ordered placed in the home by the court. To ensure the safety of the child and CW worker, assistance from law enforcement is requested in these situations.

(i) Procedures for securing emergency medical treatment of a child not in OKDHS custody. When a child is in need of immediate protection due to the need for medical treatment and the PRFC(s) is unwilling or unavailable to consent to such medical treatment or other action, the child may be taken into custody pursuant to a court order.

(1) The DA may make either verbal or written application for an emergency ex parte order when there is reason to believe the child is in need of immediate medical or mental health treatment.

(2) The court may or may not issue the order, but a full hearing must be held within 24 hours of filing the application. When an order is made, it must specifically include authorization for medical treatment per 10 O.S. § 7003-2.2.

(3) If the situation is not an emergency, but it is clear that the child requires medical treatment to protect the child's health, safety, or welfare, the DA may file an application and the court may hold a hearing within five days of the filing, per 10 O.S. § 7003-2.3.
(j) **Preparation for the child and family when removal occurs.** When the decision is made to remove a child from the child's home, the CW worker makes every effort to reduce the trauma and stress for the child and family by properly preparing all persons involved. 8

(k) **Placement considerations when the child is removed from the home.**

1. **Placement planning.** Once a child has been removed from his or her home, placement decisions are made with the long-term best interests of the child in mind in accordance with OAC 340:75-6-85. 9

2. **Placement with relatives or kin.** Placement with relatives or kin is considered when possible. It is important to assess relative or kinship placements in terms of the child's safety, per OAC 340:75-3-10.1(e), and long-term needs. Relatives or kin are only considered when:

   - (A) the child will be safe with the relative or kin, per OAC 340:75-3-10.1(e). The history of the family is explored extensively, with the child's PRFC(s) and the relative or kin considered for placement; 10

   - (B) a relative or kin can provide a home that does not pose an obstacle to reunification plans as demonstrated by the relative's or kin's willingness to work with OKDHS and the family toward reunification;

   - (C) a relative or kin is willing to accept placement of a sibling so that the siblings are not separated or the relative or kin is willing to facilitate contact between the siblings; and

   - (D) a relative or kin could potentially provide long-term care for the child. The CW worker considers the age of the relative or kin in relationship to the child and the commitment of the relative or kin to the child should the placement become long-term.

3. **Placement in foster family care.** If it is determined that foster family care is the best placement option for the child, considerations are:

   - (A) the foster parent is an age appropriate provider for the child in case the placement becomes long-term;

   - (B) the other child(ren) placed in the foster family home does not pose a safety threat to the child considered for placement;
(C) the foster family is able to accept placement for a sibling(s) or facilitate contact between the siblings; and

(D) when a foster family placement is made as an emergency, the emergency placement is evaluated quickly and arrangements are made to make a more appropriate placement as soon as possible.

(4) **Placement of an infant who is at-risk.**

(A) Factors that determine whether an infant in OKDHS custody is at-risk include:

   (i) prematurity;

   (ii) history of respiratory distress;

   (iii) oxygen dependency;

   (iv) a diagnosis requiring special care beyond routine infant care;

   (v) age younger than six weeks; and

   (vi) medical conditions or illnesses that may result in increased episodes of illness, prolonged hospitalization, and increased cost for care.

(B) An appropriate placement for an infant who is at-risk includes an approved foster or kinship family home, health care facility, or children’s shelter that meets the criteria in (i) through (iii). The placement:

   (i) provider for the infant has undergone all necessary training required to meet the medical needs of the infant;

   (ii) setting has all of the necessary equipment required to meet the medical needs of the infant, the placement provider knows how to use the equipment, and the equipment is in operating condition; and

   (iii) provider is willing and able to:

      (I) follow all medical requirements and orders as given by the infant’s physician;

      (II) transport the infant to all medical appointments; and
(III) keep the infant's CW worker fully apprised of the infant's condition.

(C) The CW worker provides to the placement provider, at the time of placement, all medical and other related information about the condition of the infant and updates the placement provider concerning any new information as it occurs.

(D) The responsibilities of the CW worker for removal and out-of-home placement of a child at-risk are described in OAC 340:75-6-85.1 through 340:75-6-85.4.

(l) Release of a child from protective custody. Unless there is a standing order of the court that allows for disposition of children taken into protective custody, a child is not released from protective custody without authorization and as specified by the court. Specific procedures are followed when a child is released from protective custody by the court. If the child is released from protective custody, the child is only released to the court-ordered custodian, per OAC 340:75-1-16.

INSTRUCTIONS TO STAFF 340:75-3-10.1

1. Evaluating safety of the child. An evaluation is made by the Child Welfare (CW) worker to determine whether the child is or would be safe in the home if the child were to remain there. The safety assessment is documented on Form 04KI012E, Safety Assessment, and on Form 04KI003E, Report to District Attorney.

2. Evaluating need for protective or emergency custody. Unless an adequate alternative safety plan is discussed with the CW supervisor and an alternative safety plan is documented in the case record, a protective or emergency custody recommendation is made in serious abuse or neglect situations described in (1) through (16). A safety plan does not preclude a recommendation for court intervention and supervision by Oklahoma Department of Human Services (OKDHS) to formalize the safety plan through a court-ordered treatment and service plan.

(1) The child was assaulted, hit, poisoned, or burned so severely that serious injury resulted or could have resulted. For example, the parent threw an infant against a wall, but the infant was not seriously injured.

(2) An infant has bruising or burns on any part of the body.

(3) The child is three years of age or younger and the person(s) responsible for the child (PRFC(s)) demonstrates no attachment to the child, and has
seriously inappropriate parenting skills.

(4) The child was systematically tortured or inhumanely punished. For example, the child was locked in a closet for long periods, forced to eat unpalatable substances, or forced to squat, stand, or perform other unreasonable acts as a means of torture.

(5) The PRFC(s)' reckless disregard for the child's safety caused or could have caused serious injury. For example, the PRFC(s) left a young child in the care of an obviously irresponsible or dangerous person.

(6) The physical condition of the home is dangerous and poses an immediate threat of serious injury to the child. For example, exposed electrical wiring or other materials create an extreme danger of fire or there are gas leaks in the home.

(7) The child was sexually abused or sexually exploited and the perpetrator has access to the child.

(8) The PRFC(s) purposefully or systematically withheld essential food or nourishment from the child. For example, the child was denied food for extended periods as a form of punishment for real or imagined misbehavior.

(9) The PRFC(s) refuses to obtain or consent to medical or psychiatric care for the child that is immediately required, as documented by medical evaluation, to prevent or treat a serious injury or disease. The child's physical condition shows signs of severe deterioration and the PRFC(s) seems unwilling or unable to respond.

(10) The PRFC(s) appears to suffer from mental illness, mental retardation, or substance abuse so severe that he or she does not provide for the child's basic needs, such as the PRFC who is demonstrably out of touch with reality or significantly intoxicated.

(11) The PRFC(s) has abandoned the child.

(12) There is reason to suspect, based on a history of frequent moves or of hiding the child from outsiders, that the PRFC(s) may flee with the child and the child is in danger.
(13) There is specific evidence that the PRFC(s)' anger and discomfort about the report and subsequent investigation will result in serious retaliation against the child. Such information is gained through a review of the PRFC(s)' past behavior, the PRFC(s)' statements and behaviors during the investigative interview, or reports from others who know the family.

(14) A baby is born to a PRFC(s) who is currently involved in an open Permanency Planning case and has not successfully completed the court-ordered treatment and service plan or there is a pending motion to terminate parental rights.

(15) The PRFC(s)' parental rights were terminated to other children and there is harm or significant threat of harm to other children in the home of the PRFC(s).

(16) Any situation that involves a child in a family for which the criteria for the determination that reasonable efforts are not required, per OAC 340:75-1-18.

3. Making safety plans.

(1) All safety plans are documented on Form 04I012E and Form 04K1003E.

(2) Form 04MP025E, Voluntary Family Service Agreement, is completed when the child remains in the home or when persons other than the PRFC(s) are involved in the safety plan. The CW worker:

(A) ensures all necessary arrangements for the safety plan are made and contacts persons or agencies responsible for carrying out the service plan to confirm the safety arrangements; and

(B) contacts, no less than weekly, persons or agencies responsible for the safety plan until the risk factors in the family are significantly reduced.

4. Safety plan examples.

(1) Alternatives to protective custody. Alternatives to protective custody are listed in (A) through (J).
(A) The perpetrator leaves the home and remains gone either voluntarily or through legal means.

(B) The PRFC(s) is protecting the child and controlling the risk to the child. A reluctant agreement to protect a child from a perpetrator, for example, a parent who doubts that sexual abuse occurred but states the perpetrator will not have access to the child may not constitute an appropriate safety plan. The CW worker must determine that the perpetrator does not have access to the child through corroboration of collaterals.

(C) While the child remains in the home, court intervention is requested to ensure that the family is involved in securing needed treatment and assistance.

(D) The PRFC(s) arranges for the child to be out of the home, such as placement with a relative who:

(i) believes the child;

(ii) is willing to protect the child; and

(iii) upon review of CW records, has no concerning history of child abuse or neglect per OAC 340:75-7-15.

(E) There is a concerned relative who agrees to make contact with the PRFC(s) and child on a daily basis and report to the CW worker.

(F) A parent aide trained in the dynamics of child abuse and neglect is available, without delay, to visit in the home.

(G) Comprehensive Home-Based Services (CHBS) are immediately available to the PRFC(s) and child and the PRFC(s) accepts these services.

(H) A social services agency with appropriate services for the family has staff available to contact the family without delay.

(I) Protective child care services for the child are available and the PRFC(s) is willing to access these services.
(J) The PRFC(s) is willing to place the child in voluntary foster care during the crisis.

(2) Safety plan factors. In order to evaluate whether relatives or the non-perpetrator PRFC(s) can protect the child adequately from the perpetrator, the issues in (A) through (H) must be considered.

(A) Does the relative, kin, or PRFC(s) believe that abuse or neglect occurred? If not, adequate protection may not be provided.

(B) Is the non-perpetrator PRFC(s) strongly dependent on the perpetrator for financial or emotional support, or both? If so, it may initially be difficult for the non-perpetrator PRFC(s) to overcome his or her own needs and protect the child.

(C) Is the non-perpetrator PRFC(s) a victim of domestic violence or emotional abuse by the perpetrator? If so, the non-perpetrator PRFC(s) may be fearful of the perpetrator and unable to protect the child until the treatment process begins.

(D) Did the relative, kin, or non-perpetrator PRFC(s) fail to protect the child from abuse or neglect or fail to heed serious warning signs that abuse occurred? If so, the relative or non-perpetrator PRFC(s) may not see risk to the child if the perpetrator wants contact.

(E) Is the relative, kin, or non-perpetrator PRFC(s) displaying a willingness to support treatment for the family or is the agreement to participate in the safety plan just to avoid removal of the child? When there is no willingness to seek help to alleviate the concerns that led to the abuse or neglect, relying on the relative or non-perpetrator PRFC(s) is not an adequate safety plan.

(F) Is the non-perpetrator PRFC(s) planning to seek action in divorce court to change custody? If so, it must be evaluated whether this will adequately protect the child. It is likely that visitation will continue even with a change in custody. An action in divorce court does not ensure that all information regarding the abuse or neglect is heard and considered in custody and visitation decisions.

(G) Does the non-perpetrator PRFC(s) have difficulties due to substance or alcohol abuse? If so, these difficulties may prevent the
non-perpetrator PRFC(s) from adequately protecting the child.

(H) Is the person considered as a safety plan alternative placement:

(i) subject to the registration requirements of the Sexual Offender's Registration Act;

(ii) convicted of domestic or child abuse;

(iii) alcohol or drug-dependent with evidence of intent to inflict harm; or

(iv) living with or married to someone who fits those criteria? If so, the person is not considered as a placement option for the child victim per OAC 340:75-7-15.

5. Recommendations to the DA. Options in making recommendations to the district attorney (DA) are found in OAC 340:75-3-11 Instructions to Staff.

6. Foreign nationals. Removal of a child from the home is based on safety considerations without regard to citizenship or immigration status. When a child who is a foreign national is removed from the home, the CW worker notifies the foreign consul by completing Form 04MP016E, Notice to Foreign Consul of Child Welfare Proceedings, per OAC 340:75-1-31 Instructions to Staff.

7. Child who has left Oklahoma. When a child, for whom emergency custody or a pick-up order has been requested, has left Oklahoma prior to execution of the order, enforcement of the custody order and recognition of Oklahoma's jurisdiction by the other state must occur in order to have the child returned. Each situation is handled according to the laws and procedures in the state where the child is located.

(1) When the child's location is unknown, the CW worker contacts Children and Family Services Division Child Protective Services (CPS) Section to issue a protective service alert.

(2) When the child's location is known, the CW worker with the information about the allegations and investigation contacts the CPS agency in that county or state and sends a copy of the pick-up or emergency custody order to the CPS agency along with any other requested written
documentation. Information may be shared with another CPS agency under these circumstances.

(3) Some CPS agencies, based on the information received, will enforce Oklahoma's order by taking the child who is at-risk into custody.

(4) When the child is taken into custody, a court hearing is held or the court is notified that the child was taken into custody based on the information and order from Oklahoma. Oklahoma CW staff must secure a court order from that state releasing the child to OKDHS custody to return to Oklahoma.

(5) If a CPS agency is unwilling or unable to assist, law enforcement is contacted and the order is faxed to the local law enforcement entity where the child is located.

(6) The Oklahoma judge and DA are notified if either the CPS agency or law enforcement is unwilling or unable to assist. In some circumstances, the judge or DA may contact the court or law enforcement in the other state for assistance.

8. Preparation for removal. Preparing the family as well as the child is crucial when removal occurs.

(1) Preparing the family may be facilitated by the CW worker:

(A) explaining the reasons for removal and placement of the child;

(B) clarifying any question about court procedures;

(C) making clear the intent to reunify the child with the family as soon as the home is safe for the child;

(D) encouraging the parent(s), once he or she understands and accepts the reasons for the placement, to help explain the reasons for the placement to the child. This may comfort and reassure the child that the parent(s) will work with the CW worker so the child may return home;

(E) asking the parent(s) to provide in-depth information regarding the child's schedule, routines, likes and dislikes, and medical needs to help
the placement provider maintain continuity for the child. The CW worker:

(i) when the child takes medication or has medical needs or allergies, asks the parent(s) to complete Form 04MP012E, Receipt and Release of Prescription and Over-the-Counter Medication(s);

(ii) asks the mother to sign Form VS 151, Application for Search and Certified Copy of Birth Certificate, to obtain a full-certified copy of the child's birth certificate, per OAC 340:75-13-9; and

(iii) asks the parent(s) to complete Form 04MP015E, Important People in the Child(ren)'s Life, to document and maintain the child's ongoing relationships;

(F) acknowledging the parent(s)' anger and grief in response to the loss of his or her child, and expecting the parent(s) to be initially resistant;

(G) encouraging the parent(s)' involvement in all aspects of the planning and placement process;

(H) encouraging the parent(s), when appropriate, to make recommendations of potential homes in which the child may be placed; and


(2) Adequately preparing the child for the placement serves several important purposes.

(A) The CW worker alleviates many of the child's anxieties and reduces the child's stress by providing the child with information regarding the need for placement and by familiarizing the child with all aspects of the setting to which the child is moving.

(B) If the CW worker does not know the child well, the CW worker uses the preparation period to better assess the child's strengths and needs. This information is then communicated to the placement provider to assist in receiving the child and making the child's transition into the new setting easier.
(C) Working with the child during the preparation phase helps the child establish a supportive relationship with the CW worker.


(1) The placement that is made at the time of the child's initial removal from the home has a significant impact on the safety of the child and ultimately the possibility for successful reunification with the family or alternative permanent plans for the child. Many placements that were intended to be short-term placements turn into placements that last for many months or even years, so it is critical to consider this in making the child's initial placement.

(2) All efforts are made to place siblings together. When it is not possible to initially place siblings together due to lack of bed space, efforts begin the next working day and actively continue for whatever time is necessary to find a placement that keeps the siblings together.

(3) When the child receives adoption assistance, the CW worker notifies the adoption specialist of the child's placement in out-of-home care.

10. Family history. When a child has been seriously abused or neglected, the perpetrator may have been a victim of abuse or neglect within his or her own family. The perpetrator's relative may also have been a victim of abuse or neglect or impacted by the abuse or neglect within the family. This kind of family history may place the child at risk in the relative's or kin's home.
340:75-3-10.2. Findings for Child Protective Services investigations

After completing the Child Protective Services (CPS) investigation, a finding is made regarding whether the child was or is at risk of abuse, neglect, or both, per Section 7102 of Title 10 of the Oklahoma Statutes and OAC 340:75.

(1) CPS findings are entered into the KIDS system. ■ 1

(2) Form 04Kl003E, Report to District Attorney, is used to document all findings. Findings and criteria for making such findings are described in (A) through (E).

(A) Services not needed. A finding of services not needed is made when there is no identified risk of child abuse or neglect and the family does not need prevention or intervention related services.

(B) Services recommended. A finding of services recommended is made when the report is determined to be unfounded or there is insufficient information to fully determine whether child abuse or neglect has occurred, and the child and family may benefit from prevention and intervention related services. Services may be provided either by Oklahoma Department of Human Services (OKDHS) or other community resources or providers.

(C) Confirmed report – services recommended. A finding of confirmed report – services recommended is made when the report is determined, based upon credible evidence, to constitute child abuse or neglect that is of such a nature that prevention and intervention related services for the person(s) responsible for the child (PRFC(s)) and the child are recommended but initial court intervention is not required. Services may be provided either by OKDHS or other community resources or providers.

(D) Confirmed report - court intervention. A finding of confirmed report - court intervention is made when the report is determined, based upon credible evidence, to constitute child abuse or neglect that is of such a nature that the child’s health or safety is threatened. For example, cases that fit the definition of serious abuse or neglect and warrant court intervention to protect the child. Refer to OAC 340:75-3-10.1 and 340:75-3-11 for additional information in making decisions about court intervention. ■ 2

(E) Reasonable parental discipline. A finding of reasonable parental discipline is made when circumstances indicate that a PRFC used ordinary force and age appropriate, reasonable discipline methods that did not result in injury or visible marks on the child. When a finding is made that the report is the result of
reasonable parental discipline, the case information is forwarded to Children and Family Services Division CPS Section programs staff for review, per OAC 340:75-3-12.

INSTRUCTIONS TO STAFF 340:75-3-10.2

1. CPS findings.

   (1) Child Protective Services (CPS) investigative findings. Findings in OAC 340:75-3-10.2(2)(A) through (E) are made only in CPS investigations and not in CPS assessments.

   (2) Documentation. Form 04KI003E is initially used to document all investigative findings, including a finding of reasonable parental discipline. Procedures in OAC 340:75-3-12 Instructions to Staff (ITS) are then followed.

   (3) Other findings. CPS investigation findings, other than those found in OAC 340:75-3-10.2(2)(A) through (E), or assessment conclusions that may be used under very specific circumstances are:

       (A) unable to locate finding or conclusion that may be made when every effort has been made to locate the child victim and family per OAC 340:75-3-8.6 ITS; and

       (B) failure to cooperate finding or conclusion that may be made when the PRFC does not cooperate in an investigation or assessment by refusing to allow access to the child victim for observation and interview per OAC 340:75-3-8.6 ITS.

2. Other options for confirmed – court intervention finding. There are certain situations, due to the seriousness of the abuse or neglect, when a finding of confirmed – court intervention is appropriate but a deprived petition is not requested, such as:

   (1) foster or trial adoptive home investigations. Deprived court intervention has already been initiated regarding the child in Oklahoma Department of Human Services custody. However, this finding is appropriate when:

       (A) a determination is made that serious abuse or neglect occurred; and

       (B) law enforcement is conducting a joint criminal investigation;
(2) child care center and child care home investigations. Deprived court intervention is not necessary as the parent(s) is protecting the child. However, this finding is appropriate for child care center and child care home investigations when:

(A) a determination is made that serious abuse or neglect occurred;

(B) law enforcement is conducting a joint criminal investigation; and

(C) Division of Child Care is investigating continued licensure for the facility; and

(3) when a child dies as the result of abuse or neglect by a PRFC and there are no surviving siblings. This finding is appropriate when the cause of the death was of such a serious nature that a criminal investigation is being conducted by law enforcement.
340:75-3-11. Reports to the District Attorney regarding child abuse or neglect investigations

Section 7106 of Title 10 of the Oklahoma Statutes, provides that a complete written report of the investigation shall be made and that the report, together with its recommendations, shall be submitted to the appropriate district attorney's office. Reports pertaining to assessments are not required to be submitted to the district attorney unless requested. ■ 1

INSTRUCTIONS TO STAFF 340:75-3-11 ITS only revised 6-1-07

1. (a) Preparing Report to District Attorney. The Child Welfare (CW) worker prepares the report on Form 04K1003E, Report to District Attorney, on all investigations.

   (1) The entire report is submitted to the district attorney (DA) on all investigations, except when the finding is reasonable parental discipline.

   (2) The report is sent to the DA in the county where the suspected injury occurred.

(b) Coordination between counties for completion and submission of reports. When more than one county is involved in an investigation, close coordination between CW workers for completion and submission of reports to the DA is required.

   (1) All reports and other relevant information are shared, and all counties coordinate on the investigation.

   (A) The investigation is conducted based on where the individuals that need to be interviewed are located. The county with the first responsibility, the primary assignment on KIDS, is the county where the child victim is located since that is the first step in the investigative protocol.

   (B) When interviews are needed with family members or collaterals in a county other than where the child victim is located, a written request by e-mail or on KIDS is made to the county that has secondary assignment on KIDS.

   (C) In cases in which court action is being considered, the time frame
for completion of out-of-county interviews is based on the safety needs of the child as identified by the county where the child victim is located as well as the need to provide timely information to the appropriate court. The sending county corresponds with and receives from the receiving county an anticipated date for completion of interviews. When a receiving county cannot comply with the time frame needed by the sending county, an attempt is made to negotiate an acceptable alternative. If this is not possible, consultation is sought with the CW field liaison or the State Office Child Protective Services Programs Section. If all parties agree, the sending county may go into the receiving county to conduct the needed interviews.

(D) All interviews are documented on the appropriate page of the Report to District Attorney.

(E) Counties must coordinate to decide which county is most appropriate to make the recommendation as to the finding in the case. Generally, this will be the county with the most information about the case. If the county where the petition is filed is not the county where most of the information is gathered, then a cover memo with a recommendation is sent to the filing county. In cases where counties disagree about the finding, consultation is sought with the CW field liaison or the CPS Programs staff.

(F) When more than one county is involved in an investigation, only one Report to District Attorney is prepared.

(i) A signed and dated copy is retained for the case file, per OAC 340:75-1-24(c).

(ii) A copy is sent to the DA in the county where the suspected injury occurred and, if different from where the injury occurred, to the DAs in the counties where the child resides and is found.

(c) Time frames for Report to District Attorney. The Report to District Attorney is written and submitted as soon as possible upon completion of the investigation. If necessary, an addendum to the Report to District Attorney may be submitted when additional information becomes available after the report is submitted. Time frames within which the report must be submitted are described in (1) through (7).
(1) Child at high risk of imminent harm - court intervention recommended. Immediately, or as soon as possible the next working day, a report is submitted on children not in protective custody but at high risk of imminent harm, and court intervention is recommended.

(2) Child in protective custody - court intervention recommended. As soon as possible, but no later than three judicial days from the date of removal, a report is submitted on children who are in protective custody where court intervention is recommended. State statutes require a deprived petition to be filed within five judicial days from assumption of custody unless the court determines at the emergency custody hearing that the DA has shown there is a compelling reason for additional time to file. In no case may more than 15 days be granted by the court.

(3) Abuse, neglect, or both confirmed, child safe - court intervention recommended. As soon as possible, but within five working days of the completion of the investigative interviews, a report is made in a case where court intervention is recommended and abuse or neglect is confirmed, but the child is safe.

(4) Abuse, neglect, or both confirmed, child safe - no court intervention recommended. Within 30 calendar days after the investigation, a report is submitted in a case where abuse or neglect is confirmed, the child is safe, and court intervention is not recommended.

(5) Services recommended or services not needed, child safe - no court intervention recommended. Within 30 calendar days after the investigation, a report is submitted in a case with a finding of services recommended or services not needed, the child is safe, and court intervention is not recommended.

(6) Reports coming from divorce or child custody actions. In cases where the referral of abuse or neglect comes from a court with a matrimonial or child custody action, Form 04Kl003E, Report to District Attorney, is submitted to the referring court within 30 days of the receipt of the referral. Form 04Kl003E is submitted to the DA as specified in (c)(1) through (5) of this Instruction, per OAC 340:75-3-6.1.

(7) Exceptions to time frames. Exceptions may be made only on subparagraphs (4) and (5) of this paragraph. The CW worker notifies the supervisor, who approves the delay. The reason for the exception is
(d) Content of reports to DA. The Report to District Attorney is prepared with care and deliberation. It is the responsibility of the CW worker, in collaboration with the supervisor, to ensure the report contains all relevant information, including, but not limited to:

1. pertinent information regarding family members, including both parents of each child;
2. the nature of the report and facts of the case;
3. no disclosure of the name or identification of the party who reported the allegations;
4. information obtained that supports the findings related to abuse or neglect and risk;
5. facts that indicate whether the child is safe, and the safety responses and plan necessary to control risk of harm; and
6. if the child is placed in protective or emergency custody, clearly detailed information in the court report that reasonable efforts were made to prevent removal or that an emergency existed that required removal. In these instances, Form 04Kl003E must address the federal requirements in (A) and (B).

(A) The Uniform Child Custody Jurisdictional and Enforcement Act (UCCJEA), 43 O.S. § 551.209, requires that the court make a proper determination of jurisdiction. Information containing UCCJEA is documented in Section D, Intake Information in other custody proceedings, on Form 04Kl003E and must include:

1. the places the child has lived during the last five years, including names and addresses of persons with whom the child has lived during the last five years;
2. whether the child or person responsible for the child (PRFC) has participated as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the child and, if so, the court, case number, and date of the child custody
determination, if any;

(iii) any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoption and, if so, the court, case number, and nature of the proceeding; and

(iv) any tribal court involvement.

(B) Reasonable efforts to prevent removal or an existence of emergency must be documented in Section D, Intake Information on Form 04K1003E, using either the block that indicates whether an emergency existed or that preventive services were offered. If yes is checked in either block, there must be a detailed explanation of the emergency or the preventive services that were offered to prevent removal.

(e) Recommendations to the DA. The CW worker is responsible for making a recommendation as to the best interest and safety needs of the child, regardless of the DA’s position, as outlined in OAC 340:75-3-5(e).

(1) Court involvement is not required to ensure safety in a case of confirmed moderate or low risk abuse or neglect when, instead of court-ordered services and treatment plans, the family will receive services through referral to appropriate services or, with the family’s agreement, family-centered services.

(2) In serious cases of abuse or neglect, as outlined in OAC 340:75-3-10.1(b), court involvement must be considered.

(A) A request for court involvement is particularly important in confirmed cases of sexual abuse when the perpetrator will continue to have involvement with the child victim(s) and in confirmed cases of significant abuse or neglect to children age three years and younger. Children remain at risk of significant harm in these circumstances unless appropriate treatment is obtained.

(i) Even if a safety plan has been put in effect in these cases, it may be necessary to request court intervention so that the safety of the child may be controlled for a period of time and to ensure that the PRFC(s) and child victim follow through with needed treatment.
(ii) Court involvement is an effective means of providing direction for the family and an appropriate consequence in cases of serious risk of abuse or neglect.

(B) When one PRFC is the perpetrator and one PRFC is protecting, it is appropriate to recommend court action if the abuse or neglect is serious.

(i) Even in non-deprived custody actions, if the perpetrator of serious abuse or neglect continues to have parental rights, visitation, or contact with the child victim, there is continued risk unless treatment has occurred.

(ii) The structure of court involvement may be required to ensure that both the perpetrator and the protecting PRFC receive treatment.

(C) Recommendations for court action regarding both parents of each child may be made as a deprived petition filed with:

(i) custody to OKDHS;

(ii) supervision by OKDHS; or

(iii) custody to OKDHS and request to include prayer for immediate termination of parental rights to the PRFC perpetrator and non-protecting PRFC, if the case circumstances fit the criteria outlined in OAC 340:75-1-23. Also refer to OAC 340:75-3-2 for the definition of heinous and shocking. The recommendation for court action may include a request that the DA consider asking the court to make a finding that reasonable efforts to reunite the child with the family is not required according to the criteria listed in OAC 340:75-1-18(5).

(f) Court testimony. If a child is placed in protective custody or emergency custody, the courtroom testimony of the CW worker may be required. For procedures that are used, refer to OAC 340:75-1-16.
340:75-3-13. Completion of the investigation or assessment process

(a) Closure with the PRFC or family.

(1) Following completion of the investigation, the Child Welfare (CW) worker notifies each person responsible for the child (PRFC) of any findings pertaining to the PRFC. The CW worker:

(A) mails Form 04KI019E, Notification Concerning Finding(s) of Child Abuse/Neglect, to each PRFC. When the finding is confirmed - services recommended or confirmed - court intervention requested, OAC 340:75-1-12.2 applies;

(B) verbally notifies the PRFC when there are findings; and

(C) for in-home investigations, mails each PRFC Form 04KI019E pertaining to the other PRFC(s). Refer to OAC 340:75-3-8.1 and 340:75-3-8.2 for out-of-home investigative findings and notification to other PRFCs.

(2) Following completion of the assessment, the CW worker notifies each PRFC of the conclusion. The CW worker:

(A) mails each PRFC Form 04KI021E or 04KI022E, Notification Regarding Assessment; and

(B) verbally notifies each PRFC of the conclusion.

(3) The CW worker assists with any needed referrals for continued services from Oklahoma Department of Human Services (OKDHS) or another agency.

(4) Closure with the PRFC(s) or family may be circumvented when there is reason to believe that it may place the child or CW worker in danger or when the PRFC(s) cannot be located.

(b) Disclosure of the investigative findings or assessment conclusion to a reporting party. Per Section 7109 of Title 10 of the Oklahoma Statutes, certain information may be provided to reporting parties within the guidelines described in (1) through (3) of this subsection.

(1) Hospital medical staff or physicians, including medical doctors, dentists, osteopathic physicians, residents, and interns, who report physical or sexual abuse may be provided information regarding the findings and any other information that
may be necessary for the child's medical treatment.

(2) When school personnel report serious physical abuse or sexual abuse that is later confirmed, a summary of the circumstances of the incident may be sent to the school principal using Form 04CP005E, Notification to School Concerning Child Abuse Report. Form 04CP005E includes a brief description of the circumstances of the sexual abuse or serious physical abuse, the names of the parent(s) or PRFC(s), and the OKDHS employee who serves as contact person for the case. School personnel have the right to review other applicable CW case record information, per OAC 340:75-1-44.

(3) All other reporters who inquire may be told the finding of the investigation or that the assessment has been concluded. The reporter is told that:

(A) investigation or assessment specifics are not disclosed;

(B) the investigation or assessment has been completed;

(C) a report of any investigative findings has been forwarded to the district attorney's office in accordance with Oklahoma Statutes; and

(D) a completed investigation or assessment does not preclude future investigations or assessments if new allegations of child abuse or neglect are reported.

(c) Time frames for completion of investigations or assessments.

(1) All investigative or assessment interviews with the child victim, siblings, PRFC(s), and collaterals are accomplished through actual contact within 30 calendar days from the date the report is received.

(2) All investigative or assessment interviews with the child victim and PRFC(s) are documented in the appropriate KIDS system screens within 30 calendar days of the date the report is received.

(3) All remaining interviews that have not been documented and any other pertinent information or paperwork is documented in the appropriate KIDS screens within 60 calendar days of the date the report is received.  ■ 1

INSTRUCTIONS TO STAFF 340:75-3-13

1. (a) Extension of investigation or assessment and paperwork time frames. If
there are factors that prevent the completion and documentation of the investigation or assessment within the designated time frames in OAC 340:75-3-13.3(c)(1), the Child Welfare (CW) supervisor may extend the time frame for completion of the investigation, assessment, or paperwork for a specified time period not to exceed an additional 30 calendar days. If the investigation, assessment, or paperwork cannot be completed by the additional 30-day time frame, a subsequent request for extension must be approved by the next higher supervisory authority, and may not exceed an additional 30 calendar days.

(1) The exceptions to the time frames in OAC 340:75-3-13.3(C)(1) and (2) are foster and trial adoptive home reports, child death reports, and reports pertaining to children in an open permanency planning or family-centered services case.

(2) Foster and trial adoptive home investigative or assessment interviews with the child victim(s) and person(s) responsible for the child (PRFC(s)) are completed and documented within ten working days of the date the report is received. Refer to OAC 340:75-3-8.1 for extension procedures.

(3) The paperwork and investigation of child deaths may not be completed until the Medical Examiner's Report of Autopsy is received, which may take up to nine months.

(A) When surviving siblings require immediate protection, paperwork regarding their safety must be completed per time frames in OAC 340:75-3-11.

(B) The paperwork regarding the deceased child is completed within 30 calendar days of receipt of the Medical Examiner's Report of Autopsy.

(4) Interviews with the child victim(s) and PRFC(s) in an open permanency planning or family-centered services case are completed and documented within ten working days of the date the report is received.

(b) Exceptions to policy requirements and time frames. If the excessive workload caused by a marked increase in abuse or neglect reports or CW staff vacancies results in any requirements and time frames, per OAC 340:75-3, not being met for more than 60 calendar days, the CW supervisor notifies the county director in writing requesting an exception.
(1) The CW supervisor details in writing to the county director the:

(A) total number of reports received for the 60 calendar day period;

(B) staff available to conduct investigations or assessments;

(C) special circumstances that led to the difficulty in meeting policy requirements and time frames; and

(D) specific policy requirements or time frames that cannot be met.

(2) The county director directs the request for policy exception to the area director.

c) Examples of excessive workload. Examples of excessive workload situations include, but are not limited to:

(1) an assignment of more than 15 reports per CW worker per month that involves intensive intervention and investigation or assessment;

(2) a comprehensive caseload that exceeds more than 20 assignments per CW worker that requires both permanency planning and investigative responsibility;

(3) a supervisory vacancy of more than one month;

(4) a CW worker vacancy in a one worker county; and

(5) a CW worker vacancy of more than two months.
SUBCHAPTER 7. FOSTER HOME CARE

PART 1. GENERAL PROVISIONS

Section
340:75-7-1. Foster resource family care services [REVOKED]
340:75-7-2. Purpose, legal base, and definitions
340:75-7-3. Voluntary foster family care for children under age 18 [REVOKED]
340:75-7-4. Reunification program responsibilities and philosophy [REVOKED]
340:75-7-5. Preparation for adult life/independent living initiative [REVOKED]
340:75-7-6. Voluntary foster care after age 18 [REVOKED]
340:75-7-7. Long-term foster care [REVOKED]
340:75-7-8. Number and ages of children allowed placed in a regular or kinship foster resource home [REVOKED]

PART 2. DEVELOPMENT OF RESOURCES

340:75-7-10. Recruitment of foster families
340:75-7-11. Legal basis and authority [REVOKED]
340:75-7-12. Initial screening and requirements
340:75-7-12.1. Inquiries of Department of Human Service (DHS) employees [REVOKED]
340:75-7-13. Mutual family assessment [REVOKED]
340:75-7-13.1. Definitions [REVOKED]
340:75-7-14. Training
340:75-7-15. Background investigation and assessment of results
340:75-7-15.1. Prospective kinship foster resource criminal background records search after normal business hours and holidays [REVOKED]
340:75-7-16. Automated fingerprinting authorizations [REVOKED]
340:75-7-17. Assessment of background investigation results [REVOKED]
340:75-7-18. Resource family assessment
340:75-7-19. Joint approval of foster homes
340:75-7-20. Contract foster resource home assessments [REVOKED]
340:75-7-21. Denial or withdrawal of the foster home application [REVOKED]
340:75-7-22. Disposition of foster resource home assessments [REVOKED]
340:75-7-23. Regular Child Welfare (CW) foster resource home contracts including Interstate Compact on the Placement of Children (ICPC) [REVOKED]
340:75-7-24. Kinship placements
PART 3. REUNIFICATION SERVICES [REVOKED]

340:75-7-25. Background [REVOKED]
340:75-7-26. Values [REVOKED]
340:75-7-27. Goals [REVOKED]
340:75-7-28. Parental involvement [REVOKED]
340:75-7-29. Visitation between the child in foster home care and family [REVOKED]
340:75-7-30. Mail and telephone contact [REVOKED]
340:75-7-31. Case management services [REVOKED]
340:75-7-32. Criteria for return of child to own home [REVOKED]
340:75-7-33. Issues to consider when family reunification does not seem appropriate [REVOKED]

PART 4. ROLES AND RESPONSIBILITIES

340:75-7-35. Goals [REVOKED]
340:75-7-36. Foster parents' rights [REVOKED]
340:75-7-37. Responsibilities of foster parents
340:75-7-37.1. Roles and responsibilities of the resource specialist
340:75-7-38. Discipline for children in foster family care
340:75-7-39. Religious and cultural observation [REVOKED]
340:75-7-40. Education [REVOKED]
340:75-7-41. Placement considerations and requirements
340:75-7-41.1. Types of reimbursement for kinship caregivers [REVOKED]
340:75-7-42. Exceptions to foster family care policy [REVOKED]
340:75-7-43. Change of placement and notice to placement providers [REVOKED]
340:75-7-44. Voluntary foster family care for children under age 18 [REVOKED]
340:75-7-45. Voluntary foster care after age 18 [REVOKED]
340:75-7-46. Services to the child in foster family care provided by Child Welfare (CW) worker and the foster parent [REVOKED]
340:75-7-47. Child Welfare (CW) worker contacts with foster parents [REVOKED]
340:75-7-48. Professional team of the foster resource specialist, Child Welfare (CW) specialist, and foster parents [REVOKED]

PART 5. ELIGIBILITY AND PAYMENTS

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340:75-7-52. Foster care contracts and rates of reimbursement
340:75-7-52.1. Social Security benefits
340:75-7-53. Difficulty of care
340:75-7-54. Difficulty of Care rate descriptions [REVOKED]
340:75-7-55. Difficulty of care approval process [REVOKED]
340:75-7-56. Difficulty of care reviews [REVOKED]
340:75-7-57. Difficulty of care cancellations [REVOKED]
340:75-7-58. Foster resource home overpayments [REVOKED]
340:75-7-59. Foster resource home underpayments [REVOKED]
340:75-7-60. Late or lost foster home payments [REVOKED]
340:75-7-61. Child out of foster home for hospitalization [REVOKED]

PART 6. FOSTER HOME CARE SUPPORT SERVICES

340:75-7-62. Foster care grievance procedure [REVOKED]
340:75-7-63. Foster Parent Hotline [REVOKED]
340:75-7-64. Day care services for children in foster or kinship care [REVOKED]
340:75-7-65. Foster care child care and supportive services
340:75-7-66. Alternate care [REVOKED]
340:75-7-67. Travel outside the state [REVOKED]
340:75-7-68. Transportation responsibilities [REVOKED]
340:75-7-69. In-service training programs for resource families [REVOKED]
340:75-7-70. Foster care associations [REVOKED]

PART 7. FOSTER FAMILY CARE PLACEMENTS, ROLES, RESPONSIBILITIES AND SERVICES [REVOKED]

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340:75-7-75.1. The Multiethnic Placement Act of 1994 [REVOKED]
340:75-7-76. Placement procedures for children in foster home care [REVOKED]
340:75-7-76.1. Change of placement and notice to foster parents [REVOKED]
340:75-7-77. Grievance procedure for children in out of home care [REVOKED]
340:75-7-77.1. Dispute resolution or grievance procedures for foster parents [REVOKED]
340:75-7-77.2. Foster Parent Hotline [REVOKED]
340:75-7-78. Social worker contacts with foster parents [REVOKED]
340:75-7-79. Responsibilities and services to the child in foster home care [REVOKED]
340:75-7-79.1. Foster parents' rights [REVOKED]
340:75-7-80. Responsibilities of the foster parents [REVOKED]
340:75-7-80.1. Discipline for children in foster family care [REVOKED]
340:75-7-81. Religious and cultural observation [REVOKED]
340:75-7-82. Education [REVOKED]
340:75-7-83. Services to the child in foster family care [REVOKED]
340:75-7-83.1. Long term foster care as a plan for temporary or permanent custody children [REVOKED]
340:75-7-84. Services and training to assist foster families [REVOKED]
340:75-7-85. Day care services for children in foster or kinship care [REVOKED]
340:75-7-85.1. Payment for day care services in licensed day care center or licensed day care home [REVOKED]
340:75-7-85.2. In-home day care [REVOKED]

PART 8. CONTINUOUS QUALITY ASSESSMENT OF A RESOURCE HOME

340:75-7-86. Resource family assessment [REVOKED]
340:75-7-87. Investigative protocol for abuse or neglect of a child in foster resource family care [REVOKED]
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340:75-7-89. Time frames for decision making regarding continued use or closure of the foster home [REVOKED]
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PART 1. GENERAL PROVISIONS

340:75-7-2. Purpose, legal base, and definitions

(a) **Purpose.** Foster family care is a planned, goal directed service that provides 24-hour a day substitute temporary care and supportive services in a home environment for any child, birth to 18 years of age, residing in Oklahoma and in the custody of Oklahoma Department of Human Services (OKDHS). Voluntary foster care is available for any child, birth to 21 years of age, per OAC 340:75-4-12.1 and 340:75-6-115.9.

(b) **Legal base.**

(1) The Oklahoma Foster Care and Out-of-Home Placement Act acknowledges that foster parents have a recognizable interest in the familial relationship they establish with a child who is placed in their care. The law recognizes that foster parents are essential participants in decision-making related to the child in their home.

(2) Sections 7203 and 7204.4 of Title 10 of the Oklahoma Statutes define and authorize foster family care.

(3) Titles IV-B and IV-E of the Social Security Act mandate and provide funding for certain child welfare services, including foster care.

(4) OKDHS implements recruitment and retention activities that support the:

   (A) Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 (MEPA/IEP), per OAC 340:75-1-9;

   (B) Federal Indian Child Welfare Act (FICWA), per Section 1901 et seq. of Title 21 of the United States Code, and Oklahoma Indian Child Welfare Act (OICWA), per Section 40 et seq. of Title 10 of the Oklahoma Statutes;

   (C) Adoption and Safe Families Act of 1997 (ASFA) that amended Titles IV-B and IV-E of the Social Security Act, per Sections 620 through 679 of Title 42 of the United States Code; and

   (D) regulations promulgated to implement each Act.

(c) **Definitions.** The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:
(1) "Emergency foster care (EFC)" means short-term substitute care for children in the custody of OKDHS from birth through five years of age. Care is provided by a contracted agency to meet the child's needs through service coordination and delivery in conjunction with OKDHS.

(2) "Foster family care" means an essential temporary Child Welfare (CW) service for a child and parent(s), legal guardian, or custodian when the child's safety cannot be ensured in his or her own home due to the risk of child abuse, neglect, or special circumstances necessitating out-of-home care on a temporary basis in a home away from the child's parent(s), legal guardian, or custodian. A service of continuous care is provided for a child requiring out-of-home placement in a home environment, including, but not limited to, the care, supervision, guidance, and rearing of a child by a foster parent, who is approved by and under contract with OKDHS.

(3) "House assessment" means the evaluation of the prospective foster or kinship family's place of residence to determine whether the residence meets OKDHS physical requirements for safety.

(4) "In-service training" means instruction on a yearly basis that is required to maintain continued approval of a foster home.

(5) "Inquiry" means the first contact a prospective resource parent has with OKDHS. The prospective resource parent may ask the local OKDHS office staff about foster parenting, through a phone call, e-mail, or personal contact.

(6) "Kinship foster family care" means continuous care provided for a child requiring out-of-home placement by a relative, stepparent, or other responsible adult who has a bond or tie with the child or a family relationship role with the child's parent(s) or the child prior to the child's entry into foster care.

(7) "Mutual decision-making" means the process by which the prospective resource family decides, given what they have learned about themselves and the children served by OKDHS, whether they want to become approved foster, kin, or adoptive parents. OKDHS, represented by the resource specialist, determines whether the family has the skills, willingness, and resources to foster or adopt an available child.

(8) "Parental substitute authority" means the ability of the foster parent to integrate the child requiring out-of-home placement into the family setting and to care for the child as the foster parent would his or her child, by:

(A) meeting the child's physical and emotional needs;

(B) teaching the child problem-solving, self-control, and responsibility; and
(C) building the foster parent - child relationship. This does not include the authority to use corporal punishment on any child in OKDHS custody.

(9) "Pre-service training" means instruction required of a foster parent applicant prior to approval.
340:75-7-14. Training

(a) **Pre-service training.** Applicants and adult household members who will be caring for a child in Oklahoma Department of Human Services (OKDHS) custody complete a prescribed course of training that addresses the values and competencies essential to caring for a child who is a victim of maltreatment.  ■ 1

1. Each adult **age 18 years or older** in a foster home identified as a provider for a child completes required training or is determined to possess required competencies as a result of prior foster care training and experience.

2. Required pre-service training consists of approximately 27 hours of instruction addressing required competencies, including, but not limited to:

   (A) protecting and nurturing children who have been abused, emotionally maltreated, or neglected;

   (B) meeting the medical and developmental needs of these children;

   (C) supporting relationships between children and their parents, siblings, and kin, as specified by OKDHS;

   (D) connecting children to safe, nurturing relationships; and

   (E) collaborating with OKDHS as a team member.

3. Applicants may request a waiver of training requirements by submitting to the resource specialist a list of subjects addressed in training as a result of prior service with Oklahoma, another state, or a private agency. Requests for training waivers are reviewed and acted on by the Children and Family Services Division (CFSD) Foster Care Section programs manager.

   (A) An applicant with a break in OKDHS service of less than five years meets the training requirements.

   (B) Supplemental information or confirmation of training may be requested from another state or private agency identified by the applicant to aid in decision-making.

   (C) The resource specialist notifies the applicant of the decision within 30 working days of the request for a training waiver.
(4) Kinship families may be approved as initial placements before the completion of classroom training.

(5) Foster and kinship families may request exception to training based on work schedule or disability.

(A) A self-study curriculum addressing the required competencies may be:

(i) requested by an adult in the applicant’s home when the person’s work schedule precludes the completion of training; and

(ii) approved by the Foster Care programs manager. The assigned resource specialist supervises self-studies.

(B) A permanent training waiver may be approved by the Foster Care programs manager for adults in the applicant’s home when verification is received that the person has a significant disability that precludes completion of classroom or self-study curriculums. Persons who are granted a permanent training waiver may not be considered as a provider for a child.

(b) **In-service training.** All foster parents complete 12 hours of continuing in-service training per calendar year on subjects that promote their skills and interests as providers. ■ 2

(1) OKDHS offices provide free in-service training options to foster families, including conferences, video and taped instruction, and literature.

(2) Internet instruction through recognized state and private foster care agencies is accepted as meeting in-service training requirements. The foster family provides to the resource specialist the certificate of training, if available, from the training source, listing the completed approved hours.

(3) Foster families have options in selecting classes, conferences, reading materials, or other learning opportunities that enhance their skills as providers and meet the in-service training requirement. Prior approval from the resource specialist is secured to ensure a common understanding of credit for each event.

(4) Foster families caring for children in OKDHS custody residing in another state must meet the requirements of that state for ongoing training to maintain approval.
INSTRUCTIONS TO STAFF 340:75-7-14

1. Pre-service training.

   (1) Training schedule. A schedule for Foster Care pre-service training is maintained in KIDS. The Child Welfare field liaison may request additional sessions in the current or subsequent quarter based on emerging need. Requests are honored as resources allow.

   (2) Enrollment. The resource specialist enrolls the applicant in pre-service training on KIDS.

2. In-service training. The resource specialist documents all training completed by foster families in the KIDS resource or verifies the training tracked by KIDS.
340:75-7-15. Background investigation and assessment of results

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

1. an Oklahoma State Bureau of Investigation (OSBI) name and records criminal history search, including the Department of Public Safety (DPS) and Sex Offenders Registry, of the applicant and any adult living in the applicant's household;
2. a Federal Bureau of Investigation (FBI) national criminal history search, based on the fingerprints of the applicant and any adult members of the household;
3. a search of any court involvement;
4. a search of all OKDHS records, including Child Welfare (CW) records, for past confirmation of child maltreatment involving the applicant and any adult living in the household; and
5. a search of Juvenile Justice Information System (JOLTS) records for any child older than 13 years of age in the applicant's household.

(b) **Criminal history search.** The applicant and adult household members provide consent for an OSBI and FBI criminal history search by signing Form 04AD003E, Request for Background Check.

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

(d) **Residence time frame.**

1. If every person age 18 or older residing in the applicant's home has resided in Oklahoma for at least five consecutive years immediately preceding approval, the initial approval may occur upon completion of the entire home assessment process using results per OAC 340:75-7-15(a).
2. Fingerprints are submitted to the FBI for a national criminal history records search before initial approval. Final approval, per OAC 340:75-7-18(b)(3), is
contingent upon receipt of the results of the national criminal history records search.

(3) Applicants or adult household members who have lived in Oklahoma for less than five years must also provide the equivalent records check from previous state(s) of residence.

(A) Equivalent records check includes, but is not limited to, a state’s criminal history search, including Department of Public Services and Sex Offenders Registry.

(B) Kinship applicants must provide the records check within 30 days of placement.

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

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

(g) **Kinship applicant criminal background records search after normal business hours or on a holiday.** When OKDHS considers placement of a child with a prospective kinship foster family in an emergency situation, after normal business hours or on a holiday, OKDHS requests that local law enforcement conduct a criminal history search. This is based upon submission of the name, race, gender, date of birth, and Social Security number of each person age 18 years or older living in the household. Each person completes and signs Form 04AD003E to initiate the search. 3

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

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

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

(B) child abuse or neglect;

(C) domestic abuse;

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

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

(2) Exceptions to history of felony convictions.

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

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

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

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

(II) time elapsed since the commission of the crime;
(III) circumstances under which the crime was committed;

(IV) degree of rehabilitation; and

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

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

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

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

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

(A) nature and seriousness of the CW history;

(B) time elapsed since the CW history;

(C) circumstances of the CW history;

(D) degree of rehabilitation;

(E) risk, if any, to the child by such placement; and

(F) results of appeals, if applicable.

(6) **History of child abuse and neglect investigations on closed foster homes.**
OKDHS determines whether to pursue the approval of any applicant that was previously a foster home with a history of child abuse and neglect investigations as a foster parent. The Children and Family Services Division Foster Care Section reviews investigations where there have been abuse or neglect allegations and confirmed findings.  ■ 6

(7) JOLTS information. The information obtained from a JOLTS search on the child older than 13 years of age living in the applicant's home is used to determine whether that child poses a risk to a child in OKDHS custody.  ■ 7

INSTRUCTIONS TO STAFF 340:75-7-15

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

   (1) OSBI and FBI searches.

      (A) Authorization by signature. Child Welfare (CW) staff advises the applicant that the applicant's signature on Form 04AD003E, Request for Background Check, authorizes Oklahoma Department of Human Services (OKDHS) to complete an investigation of the applicant.

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

         (i) submitting Form 04AD003E to Children and Family Services Division (CFSD) Fingerprint Processing Section;

         (ii) retaining a copy of Form 04AD003E in the resource record;

         (iii) submitting one Form 04AD003E for the OSBI name search and a separate Form 04AD003E with fingerprint cards for the OSBI records search and FBI national criminal history records search for every adult household member;
(iv) providing two fingerprint cards to every person 18 years or older residing in the applicant’s home;

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

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

(vii) checking the fingerprint cards for accuracy and forwarding all cards for the applicant’s household, along with Form 04AD003E to the Fingerprint Processing Section;

(viii) if the fingerprint cards are rejected and reprinting is necessary, returning the cards to and instructing the person to take the cards to the original vendor, who reprints the person at no additional charge; and

(ix) entering the results of the search in KIDS Criminal Background Check screen.

(2) Court records search. A search is completed to determine whether there has been any court involvement and, if so, the disposition of criminal charges and court involvement. The results are documented on Form 04AF007E, Records Check, and filed in the resource record. CW staff searches:

(A) the Oklahoma State Courts Network (OSCN) at www.oscn.net;

(B) offender information and offender lookup through Oklahoma Department of Corrections (DOC) at www.doc.state.ok.us; and

(C) Oklahoma District Court Records (ODCR) at www.odcr.com.

(3) OKDHS records search. CW staff completes a search of all OKDHS records including CW history. A search is completed using the Information Management System (IMS) and KIDS with the adult’s Social Security
number and date of birth. The information is recorded on Form 04AF007E and filed in the resource record.

(4) JOLTS search. CW staff completes a search on JOLTS of all children in the home older than 13. The results are documented on Form 04AF007E and filed in the resource record.

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

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

   (1) documents the criminal history search by local law enforcement after normal business hours and on holidays in KIDS Resource Contacts screen;

   (2) submits signed Form 04AD003E to the Fingerprint Processing Section the next working day, indicating that it is an after hours follow-up;

   (3) submits the fingerprint cards to the Fingerprint Processing Section within five business days of the name-based after hours background records check, attached to a copy of the previously submitted Form 04AD003E; and

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

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

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

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

   (A) type of crime committed;
   
   (B) time elapsed since the crime or conviction;
   
   (C) length of the deferment or length and type of sentence imposed;
   
   (D) completion date of the sentence;
   
   (E) assignment of a probation officer and the officer's information;
   
   (F) positive changes the applicant has made in his or her lifestyle and a description of how and why the changes occurred;
   
   (G) self-evaluation by the applicant regarding how the experience may help children or youth placed in the home; and
   
   (H) provisions for the safety and well-being of a child in the home due to the applicant's criminal history.

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

6. CW history results on closed foster homes. CFSD Foster Care Section reviews the CW history and makes a recommendation in writing to the county director.

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

(1) nature and seriousness of the JOLTS history;
(2) time elapsed since the JOLTS history;
(3) circumstances of the JOLTS history;
(4) child's ongoing involvement with Office of Juvenile Affairs (OJA); and
(5) child's degree of rehabilitation.
340:75-7-18. Resource family assessment

(a) **Resource family assessments.** The resource family assessment is completed by Oklahoma Department of Human Services (OKDHS) staff or by a contractor of OKDHS and consists of an evaluation of the items listed in (1) through (7). The written assessment depicts the family based on complete, consistent, and truthful information gathered by the resource specialist or contractor in conjunction with the family. ■ 1

(1) **Background investigation.** Completed and signed Forms 04AF001E, Resource Family Assessment Application, and 04AD003E, Request for Background Check, authorize OKDHS to conduct an investigation into criminal and OKDHS records, including Child Welfare (CW) records, of the applicant and each adult household member, per OAC 340:75-7-15.

(2) **House assessment.** The resource specialist conducts an evaluation of the applicant's residence to assess the location, condition, and capacity to accommodate children in foster care. The resource specialist assesses:

  (A) location. The home must be accessible to school, medical, and recreational resources;

  (B) play space. Adequate and safe indoor and outdoor space for play activities must be available;

  (C) equipment. Age appropriate child care equipment, such as beds, high chairs, and toys must be available and in good repair;

  (D) communications. A working phone must be maintained in the home;

  (E) automobiles. The applicant must maintain an automobile in working order, carry the statutorily mandated automobile liability insurance, possess a valid Oklahoma driver license, and have a current, valid license tag. The resource specialist observes passenger restraints and advises the applicant that proper automobile restraints are used at all times when a child in OKDHS custody is riding in an automobile.

    (i) Every driver must use a child passenger restraint system that meets federal standards when transporting a child who is younger than six years of age.

    (ii) Every child age six to 18 years who is transported in an automobile must be protected by a passenger restraint system or seat belt.
(iii) The provisions in (i) and (ii) do not apply to the:

(I) driver of a school bus, taxicab, moped, motorcycle, or other vehicle not required by law to be equipped with safety belts;

(II) driver of a vehicle in which all seat belts are in use;

(III) transportation of a child for whom medical reasons prohibit the use of a passenger restraint system or seat belt; or

(IV) transportation of a child who weighs more than 40 pounds and is transported in the back seat using only a lap seat belt when the back seat of the vehicle is not equipped with combination lap and shoulder belts or when the combination lap and shoulder belts are used by other children weighing more than 40 pounds. The back seat includes all seats located behind the front seat of a vehicle;

(F) sleeping arrangements and privacy.

(i) The applicant's home provides a separate bed for each child with the exception of siblings younger than six years of age who exhibit a need for mutual support. A separate bedroom is provided for a child who acts out sexually.

(ii) Preferably, no more than two children share a bedroom. Primary consideration is given to the child's safety according to age and emotional needs.

(iii) The applicant's home provides separate bedrooms for children older than six years of age who are of the opposite sex.

(iv) A child in OKDHS custody, with the exception of an infant who is younger than 12 months of age, does not share a bedroom with an adult in the household.

(v) The applicant's home provides space for the child's personal possessions and for a reasonable degree of privacy.

(vi) The applicant may not designate a room, such as the living room, utility room, den, dining room, pantry, or unconverted garage, as a bedroom unless the room is specifically designed as a bedroom;
(G) sleeping arrangements for infants. A crib, port-a-crib, bassinet, or playpen with a firm waterproof mattress or pad is used for each child younger than one year of age.

(i) Bassinets are used for infants:

(I) weighing up to 15 pounds; or

(II) no more than three months of age.

(ii) Port-a-cribs or playpens are used for short-term sleeping arrangements, such as naps or respite and traveling for periods of no more than one week.

(iii) Cribs, port-a-cribs, bassinets, and playpens with more than two and 3/8 inches between slats or between the side and end panels are not allowed.

(iv) Cribs with decorative cutout areas in crib-end panels or tall decorative knobs on the corner posts that may entrap a child's head or catch the child's clothing are not allowed.

(v) Mattresses must be tight fitting with no more than one inch between the mattress and crib, port-a-crib, bassinet, or playpen.

(vi) Mattress and crib sheets must fit snugly.

(vii) Drop-side latches must:

(I) hold sides securely; and

(II) not be accessible by the child in the crib, port-a-crib, bassinet, or playpen.

(viii) Pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products are not permitted in the infant's crib, port-a-crib, bassinet, or playpen.

(ix) To reduce the risk of Sudden Infant Death Syndrome (SIDS), infants younger than 12 months of age are placed on their back for sleeping unless there is a medical reason the infant must not sleep in this position, as documented by a health professional. This documentation is maintained by the foster parent and filed in the child's CW case record.
(x) Infants who are able to turn themselves over are placed initially on their back for sleeping but allowed to sleep in a position they prefer;

(H) water safety.

(i) Any activity that involves wading and swimming is supervised at all times.

(ii) Pools are fenced to prevent unsupervised access. Municipality and insurance requirements for pools are followed. All doors and gates leading to the pool are locked. There is:

(I) a sturdy fence at least four feet high that cannot be easily climbed; or

(II) a fence that connects to the top of an above-ground pool and extends two feet above the pool.

(iii) The hot tub must be equipped with a hard cover designed for a hot tub.

(iv) The use of portable wading pools is monitored at all times. The wading pool is emptied at the end of each use;

(I) animal and household pet safety. ■ 2

(i) Animals are in good health, do not show evidence of carrying disease, and do not present a threat to the health, safety, or well-being of children.

(ii) Documentation of current rabies vaccinations administered by a licensed veterinarian for dogs, cats, and other applicable pets is kept in the resource file.

(iii) If an animal bites a child, the child’s CW worker is contacted immediately; and

(J) weapon safety. Any activity that involves a weapon must have supervision at all times. The activity must be approved by the CW worker. Weapon includes, but is not limited to, gun, BB gun, bow and arrow, and knife, with the exception of cooking and eating utensils.

(3) Total number of children in placement. The total number of children in OKDHS custody placed in a kinship or foster home may not exceed five. The total number of all children in the home, which includes biological, adoptive, foster, and other children not in OKDHS custody, may not exceed six.
(4) **Children younger than two years of age.** No more than two children younger than two years of age, including the foster family's own children, are placed in the same home.

(5) **References.** The resource specialist solicits and reviews the comments of personal, employer, and school references identified by the applicant regarding the applicant's parenting strategies and skills. Information obtained through references is confidential.

   (A) Three personal references are interviewed by phone or in person.

   (B) The applicant's current or most recent employer is contacted by letter, phone, or in person. When the applicant is self-employed, a reference is obtained from a customer.

   (C) School teachers, counselors, or administrators who have recently served the applicant's child are contacted by letter, phone, or in person to assess the applicant's involvement in educational concerns, if applicable.

   (D) All adult children of the applicant are interviewed by letter, phone, or in person, if applicable.

   (E) The mental health professional is contacted by letter, when the applicant or applicant's child has received counseling, whether currently or in the past.

   (F) A minimum of six references is required. ■ 3

(6) **Military discharge.** If an applicant has been discharged from the armed forces, a copy of DD Form 214, Certificate of Release of Discharge From Active Duty, is required to determine the type of discharge. Any discharge other than honorable must be specifically addressed in the assessment as a consideration in the applicant's ability to attend to the safety and well-being of a child requiring foster care services. ■ 4

(7) **Previous foster care experience.** Applicants who have previously served as foster parents in another state or with a private agency provide or authorize release of all previous foster home assessments, reports, and training records from the state or agency. ■ 5

(8) **Household income.** The applicant provides verification that he or she can manage personal and household financial needs without relying on the foster care reimbursement. The applicant must have sufficient income to meet the needs of an
additional child placed in his or her home until receipt of foster care reimbursement for that child.

(b) Disposition of foster home assessments. Upon completion of the foster home assessment, a decision regarding disposition is made assessing all the information gathered. The assessment process is completed and the determination regarding disposition is made no later than 90 days after receipt of Form 04AF001E. The resource specialist confirms in writing all decisions made concerning the assessment and application with the applicant. The resource specialist shares with the applicant Form 04AF002E, Guidelines for Resource Family Assessment, or Form 04AF003E, Resource Family Assessment, as applicable, for the applicant's input prior to deciding to select in or out of the Foster Care program. Disposition of the assessment may result in:

(1) postponement of the assessment. The applicant is advised of any condition that does not conform to Foster Care rules, per OAC 340:75-7, during the assessment. When determined appropriate, the resource specialist postpones the assessment to afford the applicant the opportunity to resolve issues of concern;

(2) voluntary withdrawal of the application. If the resource specialist determines the applicant does not meet the requirements for becoming a foster parent, the reasoning for the determination is explained, and the resource specialist gives the applicant the option to voluntarily withdraw the application;

(3) approval of the assessment.

(A) The resource specialist reviews and discusses the assessment with the applicant, except for the Juvenile Justice Information System (JOLTS) review, CW records search, and reference information.

(B) The resource specialist, CW supervisor, and applicant sign Form 04AF003E, and a copy is provided to the applicant. The home is not considered approved until the CW supervisor approves the family assessment in KIDS and signs Form 04AF003E, and the foster family has completed the pre-service training.

(C) Prior to initiation of reimbursement, the applicant signs the foster care contract with the exception of a kinship placement, per OAC 340:75-7-24.

(D) The Children and Family Services Division (CFSD) provides the family OKDHS Publication No. 99-17, Foster Parent Handbook. Each foster parent signs Form 04AF021E, Verification of Receipt of OKDHS Rules.
(E) The foster parent signs Form 15GR008E, Notice of Grievance Rights - Foster Parents;

(4) exceptions to the assessment. OKDHS may, at its discretion, grant an exception of specific rules or standards upon request by the applicant.

(A) OKDHS may establish conditions that must be met by the applicant in order to operate under the exception granted.

(B) Exceptions may be granted upon a showing by the applicant that:

(i) the particular rule or standard that is the subject of the exception request may not be applied as written because strict application of the rule or standard would cause undue hardship; and

(ii) adequate standards affording protection for the health, safety, and care of the child exists and will be met in lieu of the exact requirements of the rule or standard in question; or

(5) denial of the assessment. The decision to deny requires an explanation to the applicant by the resource specialist regarding the reasons the assessment is denied. If a kinship home is denied, the child in OKDHS custody in the home is moved immediately. Reasons for denying an assessment may include, but are not limited to:

(A) a lack of stable, adequate income to meet the applicant's own or total family needs or poor management of available income;

(B) a physical facility that is inadequate to accommodate the addition of children to the home or presents health or safety concerns;

(C) the applicant or any person residing in the home has a history of alleged or confirmed child abuse, neglect, or both, per OAC 340:75-7-15;

(D) the applicant or any person residing in the home has a history of arrests or convictions per OAC 340:75-7-15;

(E) the age, health, or any other condition of the applicant impedes the applicant's ability to provide appropriate care for a child;

(F) relationships in the household are unstable and unsatisfactory;
(G) the mental health of the applicant or other family or household member impedes the applicant's ability to provide appropriate care for a child;

(H) references are guarded or have reservations in recommending the applicant;

(I) the applicant fails to complete the application, required training, or verifications in a timely manner as requested or provides information that is incomplete, inconsistent, or untruthful; or

(J) the home is determined unsuitable for the child requiring placement.

(c) Re-application to provide foster care. Persons who desire to re-open their foster home must re-apply. ■ 8

(d) Dissolved marriage or other relationships. If foster parents divorce or the relationship is dissolved, the person who continues to foster retains the existing resource number and information. ■ 9

(e) Contract foster home assessments. Children and Family Services Division (CFSD) may contract with licensed child-placing agencies or a qualified person to provide a range of CW services that include conducting resource family assessments. OKDHS makes the final decision regarding the disposition of all resources assessed by contractors. ■ 10

(f) Changes in the household. The foster parent must notify the resource specialist within 24 hours of any change in the household that precludes the foster parent from providing adequate care for the child, including, but not limited to:

(1) income;

(2) location;

(3) health; or

(4) relationship. ■ 11

INSTRUCTIONS TO STAFF 340:75-7-18

1. Resource family assessment.

   (1) Initial family assessment. The resource specialist conducts the initial consultation with the family in the family's home to answer questions,
explain the mutual assessment process and training requirements, and assess the safety of the home. Observations are documented on Form 04AF004E, House Assessment.

(2) Review of resource assessment forms. During the initial consultation the resource specialist provides dates for pre-service training and reviews Forms:

(A) 04AF010E, Resource Family Financial Assessment;

(B) 04AF001E, Resource Family Assessment Application;

(C) 04AF008E, Medical Examination Report, that is received by the resource specialist as soon as possible or prior to the final consultation visit, and includes, if applicable, a statement from the family physician for all children in the home to verify that the children are healthy, free from communicable diseases, and current on immunizations;

(D) 04AF017E, Family Health History;

(E) 04AF018E, Child Needs Information List;

(F) 04FC003E, Notice to Foster Parent Applicant(s), signed by the applicant;

(G) 04MP001E, Consent for Release of Information, signed by the applicant; and

(H) 08HI003E, Authorization to Disclose Medical Records.

(3) Tribal membership. The resource specialist verifies tribal membership or tribal affiliation of the applicant in order to identify valid placement resources for children eligible under the Indian Child Welfare Acts, per OAC 340:75-19.

2. Animal safety. For exotic animals, the resource specialist contacts the Wildlife Department or the veterinarian of record for the animal to determine the safety of children and documents the information in the KIDS resource case.

3. References.
(1) The resource specialist documents all information provided by voluntary and applicant specified references regarding the applicant. A minimum of six references is required. The resource specialist explains to each person contacted as a reference program expectations and the needs of children who come into care. The resource specialist uses Forms:

(A) 04AF015E, Resource Family Reference Letter for Adult Children, to document contact by mail, phone, or face-to-face with all adult children of each applicant, if applicable. The resource specialist requests consultation with the Child Welfare (CW) supervisor, CW field liaison (CWFL), and county director to determine the significance of the information provided by an adult child who:

   (i) has a history of abuse and neglect;

   (ii) disagrees with his or her parent(s)' desire to foster; or

   (iii) has other concerns about his or her parent(s);

(B) 04AF014E, Resource Family Reference for School Personnel, when the applicant has a school-age child, to contact by letter the school principal, counselor, or teacher for each child of the applicant;

(C) 04AF011E, Resource Family Reference Letter for an Employer, to document contact by mail, phone, or face-to-face with the employer or direct supervisor of the applicant. The resource specialist assesses the information given by the applicant and the present employer or supervisor and decides whether contact with past employers or supervisors is necessary. When the applicant is self-employed, contact with a customer suffices;

(D) 04AF016E, Resource Family Personal Reference Letter, as a guide to conduct interviews and document phone interviews of personal references. When a reference is not well enough acquainted with the applicant to provide pertinent information or when the person declines to serve as a reference, this is documented in the assessment and the applicant is asked for another reference;

(E) 04AF013E, Resource Family Assessment Reference Letter for Mental Health Professionals, when the applicant has received mental health services, currently or in the past, to contact the mental health
professional by letter. The resource specialist uses Form 08HI003E to obtain the information; and

(F) 04AF012E, Child’s Mental Health Reference Letter, when the applicant’s child has received mental health services, currently or in the past, to contact the mental health professional by letter. The resource specialist uses Form 08HI003E to obtain the information.

(2) Oklahoma Department of Human Services (OKDHS) does not deny the continuation of the foster application process based solely on information provided by a reference. When a reference provides information requiring further explanation from the applicant, the resource specialist discusses the nature of the information without revealing the source.

4. Military history. The resource specialist requests consultation with the CW supervisor, CWFL, and county director to determine the significance of information provided by military history, if needed.

5. Previous foster care information. The resource specialist uses Form 04MP001E to secure a copy of the applicant’s foster home assessment, related information, and training record from other states or agencies, if applicable.

   (1) OKDHS secures the applicant’s record from the other state or agency and provides the information to the contractor, if applicable.

   (2) The resource specialist sends via mail or fax the training record to Children and Family Services Division (CFSD) Training Section to determine further training requirements.

   (3) A copy of an assessment and training record presented by an applicant from another state during the application and assessment process in Oklahoma is acceptable, but requires verbal verification from the state of the presented assessment and training record.

   (4) The resource specialist documents the verbal verification in KIDS Pre-Resource or Resource Contacts screens, if applicable.

6. Disposition process. The assessment and approval process must be completed no later than 90 days after receipt of Form 04AF001E using Form 04AF002E, Guidelines for Resource Family Assessment, or Form 04AF003E,
Resource Family Assessment. The resource specialist consults with the CW supervisor, CWFL, and county director for assistance in reaching a decision regarding the disposition of the assessment, if needed. CFSD Foster Care Section staff is available for consultation.

(1) Postponing a disposition. The disposition of an assessment is postponed when the applicant and resource specialist make a decision to postpone the process. The resource specialist requests an exception to the 90-day assessment completion time frame from the CW supervisor and CWFL. The reason for the exception is documented in KIDS Resource Contacts screen. The assessment is denied when resolution is not possible.

(2) Voluntary withdrawal. If the applicant withdraws the application, the resource specialist follows up with a letter of confirmation of the withdrawal.

(3) Approving a family assessment. Before the assessment is discussed with the family, the CW supervisor reviews the assessment. The resource specialist:

(A) files in the resource record the original Form 04AF003E with signatures;

(B) copies the KIDS Pre-Resource to a Resource for all approved applications, except when the child in OKDHS custody is in a kinship placement. The resource specialist then end dates the KIDS Pre-Resource after conversion to a Resource;

(C) enters the request for approval of the assessment in KIDS Resource Status screen with the date Form 04AF003E is sent to the CW supervisor for approval. The CW supervisor approves the assessment in KIDS Resource Status screen and signs Form 04AF003E with the same date;

(D) files the verification in the resource record and documents receipt of Publication No. 99-17 in KIDS Resource Contacts screen; and

(E) provides a signed copy of Form 15GR008E, Notice of Grievance Rights – Foster Parents, to the foster parent and files the original in the resource record with documentation of the signature in KIDS Resource
Contacts screen.

(4) Denying a family assessment.

(A) The resource specialist staffs the information with the CW supervisor.

(B) The resource specialist documents all information obtained in the resource record and KIDS Pre-Resource or Resource Contacts screens. The resource specialist documents the disposition decision in KIDS Resource Status screen.

(C) Denial of the assessment is documented by the resource specialist in summary form with detailed information in KIDS Pre-Resource or Resource Contacts screen and a copy of the written summary is filed in the resource record.

7. Exceptions.

(1) The resource specialist submits a written request for an exception of the requirements in OAC 340:75-7 to the CW supervisor.

(2) The CW supervisor sends the request to CFSD Foster Care Section with a copy to the county director.

(3) Upon receipt of the request, Foster Care Section staff responds in writing with a decision. A copy of the response to the request is retained in the resource and child's record.

(4) The resource specialist documents the request and response in KIDS Resource Contacts screen.

8. Re-opening a foster home.

(1) The resource specialist reviews the resource record to determine the foster parent's performance history with OKDHS. The review includes:

(A) any OKDHS policy or foster care contract violations or concerns;

(B) the outcomes of any written plans of compliance and recommendations regarding continued use of the home; and
(C) the training record, to ensure that pre-service training was completed and documented.

(2) After the review, the resource specialist and CW supervisor determine the disposition of the re-application. Consultation is available with the CWFL, county director, or Foster Care Section, if needed.

(3) Re-opening a foster home requires:

(A) completion of:

(i) Form 04AF001E;

(ii) Form 04AF008E unless completed within the last 12 months;

(iii) Form 04AD003E and fingerprints for all adult members of the household, unless completed within the last 12 months;

(iv) an OKDHS records search, including CW history in KIDS and Information Management System (IMS), and Juvenile Justice Information System (JOLTS) review of any child older than 13 years of age residing in the home. This information is recorded on Form 04AF007E, Records Check, and filed in the resource record; and

(v) the resource family assessment, including an updated recommendation, if the home was closed for two years or more. If the home was closed for less than two years, an addendum to Form 04AF003E is completed;

(B) contact with three current references, if the home was closed more than six months;

(C) additional references, if new reference information is not consistent with previous references or with the requirements per OAC 340:75-7-18;

(D) re-opening the closed resource as pending in KIDS Resource Status screen and entering a new family assessment line for the new assessment or the addendum; and

(E) re-activating the contract. Upon approval, the resource specialist contacts CFSD Administrative Service Unit to re-activate the contract.
9. Dissolved marriage or relationship. If foster parents divorce or the relationship dissolves, the person who continues to foster retains the existing resource number and information. An addendum is completed and documented in KIDS Resource Contacts screen to reflect the changes in the household. A new Form 04AF010E is completed to address any change to the financial status of the household. The Out of House Date and Reason is entered in KIDS Resource Homes screens to reflect this information.

   (1) If both foster parents wish to continue to foster, the primary foster parent maintains the original KIDS resource number, and another resource is opened cross-referencing the original resource number.

   (2) If the primary foster parent does not wish to continue fostering and the designated Head of Household 2 elects to foster, he or she becomes Head of Household 1 in the existing KIDS resource. The person wishing to continue to foster signs a new foster care contract, per OAC 340:75-7-52.

   (3) If neither foster parent wishes to foster, the KIDS resource is closed.

10. Contracted home assessments.

   (1) If the referral is for a kinship resource, the CW worker or resource specialist refers the family assessment to the contractor within seven days of the child's placement. If the referral is not made within seven days after the child's placement, the resource specialist completes the family assessment in a timely manner.

   (2) The contractor completes an application packet on each foster home referred by the CWFL or contract liaison.

   (3) At a minimum, the contractor meets with the foster or kinship applicant and resource specialist assigned to the assessment prior to the initiation of and at the conclusion of the resource assessment. The identification of issues and concerns during the assessment process requires additional meetings.

11. Changes in household. The resource specialist addresses any household changes with the foster parent and documents this information. An assessment is completed regarding the foster parent's ability to continue providing care for a child in OKDHS custody.
340:75-7-19. Joint approval of foster homes

(a) **Joint approval of resource homes.** Resource families may be jointly approved to provide foster care services to children in the custody of Oklahoma Department of Human Services (OKDHS) while approved by other agencies, OKDHS divisions, or tribes. Joint approval decisions follow assessment by all involved that the child’s needs are best met in a jointly approved home. While the home is jointly approved, any changes or concerns are shared between all involved with the joint-approved home. Joint approval is child specific and occurs when:

1. a child’s need for specialized services, treatment, or placement changes;
2. a child re-enters the Child Welfare (CW) system and has a previous relationship with the placement provider;
3. the placement provider is a kin to the child;
4. siblings need to be placed together;
5. an infant of a child in OKDHS custody requires placement; and
6. a child in OKDHS custody requires specialized services or treatment in a kinship placement. 1

(b) **Joint use of Developmental Disabilities Services Division (DDSD) homes.** Joint approval of a DDSD home as a CW foster home occurs after a case-by-case assessment and approval from the Children and Family Services Division (CFSD) DDSD liaison.

(c) **Joint use of CW foster homes by Oklahoma Juvenile Affairs (OJA).** Joint use of a CW foster home occurs after a case-by-case assessment and approval from the CFSD Foster Care section.

(d) **Joint use of kinship homes.** Using a kinship foster home as a CW foster home requires that the kinship family continue to meet all the requirements of a CW foster home. 2

(e) **Joint use of adoptive home.** OKDHS advises the family of the differences in the goals of foster care and adoptive services and the differences in the roles and responsibilities that the family has to the child in foster care and the child’s family. OKDHS advises the family that a child in foster care is not moved in order to place a child for adoption and considers the needs of all children in the home when making
decisions about adoptive placements.  ■ 3

(f) Joint use of licensed family child care homes. Only a CW kinship foster home is considered for joint approval of a licensed family child care home after a case-by-case assessment.  ■ 4

INSTRUCTIONS TO STAFF 340:75-7-19

1. Joint approval of foster homes.

   (1) Process for joint approval of a therapeutic foster care (TFC) home as a foster family home.

   (A) The child's Child Welfare (CW) worker contacts the county of placement resource specialist before placement of a child.

   (B) The resource specialist then contacts the Children and Family Services Division (CFSD) TFC programs manager and verifies the TFC agency agreement to share the resource.

   (C) Following verification by the TFC agency that the resource may be shared, the CFSD TFC programs manager or designee notifies the resource specialist and CFSD Foster Care programs manager to proceed with the assessment of the home.

   (D) The resource specialist contacts the TFC agency and requests:

       (i) a copy of the family assessment;

       (ii) a copy of the most recent re-evaluation;

       (iii) training records; and

       (iv) a recommendation from the TFC agency.

   (E) Upon reviewing the documentation from the TFC agency and recommendation, the resource specialist:

       (i) has the family complete and sign Forms 04AF001E, Resource Family Assessment Application, and 04AD003E, Request for Background Check, authorizing OKDHS to conduct an investigation
into criminal and OKDHS records, including CW records, of the applicant and each adult household member, per OAC 340:75-7-15;

(ii) assesses the home using Form 04AF004E, House Assessment;

(iii) has the family send a letter to the CFSD Fingerprinting Process Section that includes the foster parent's:

(I) name;

(II) date of birth;

(III) Social Security number; and

(IV) signature;

(v) requests that a copy of the fingerprint results be sent to the resource specialist;

(iv) explains Form 04FC003E, Notice to Foster Parent Applicant(s), and has the family sign it;

(v) obtains copies of all required verification, such as driver license and liability insurance;

(vi) completes an addendum;

(vii) submits the training information to CFSD Foster Care Section via Fax; and

(viii) submits all information to the CW supervisor for approval.

(F) The resource specialist completes and attaches the addendum to the TFC agencies home assessment documenting updated information and making a recommendation regarding the approval as a foster home.

(G) Upon approval, the resource specialist has the family sign the foster care contract and Form 15GR008E, Notice of Grievance Rights – Foster Parent, creates a KIDS resource, and notifies the child's CW worker that placement may be made and payments may begin.
(H) Additional placements of children in Oklahoma Department of Human Services (OKDHS) custody are not permitted without written approval from TFC and Foster Care programs managers.

(2) Process for joint approval of a foster family home as a TFC home.

(A) The child's CW worker, following consultation and approval from the CW supervisor and CW field liaison (CWFL), contacts the county of placement resource specialist with the request and documentation of previous services before placement of a child.

(B) The resource specialist then contacts the Foster Care programs manager with all related information, verification that the foster family has adequately met the needs of the child placed, and a recommendation for joint approval.

(C) The Foster Care programs manager provides written approval to the resource specialist and the TFC programs manager. A copy of the written approval is given to the family for attachment to the TFC application.

(D) Upon TFC agency approval, the contract liaison creates a KIDS resource and the CW worker completes the KIDS Placement screens.

(E) Additional placements of children in OKDHS custody are not permitted without written approval from TFC and Foster Care programs managers.

(3) Process for joint approval of a tribal home as a foster family home.

(A) The child's CW worker contacts the CFSD tribal coordinator, county of placement resource specialist, and the tribal liaison before placement of a child.

(B) The tribal coordinator contacts the tribe to verify the tribe's agreement to share the resource.

(C) Following verification by the tribe that the resource may be shared, the tribal coordinator notifies the resource specialist and Foster Care programs manager to proceed with the assessment of the home.
(D) The resource specialist contacts the tribe and requests the resource record and recommendation.

(E) Upon reviewing the resource record and recommendation, the resource specialist:

   (i) updates all required information, including training;

   (ii) assesses the home using Form 04AF004E;

   (iii) completes an addendum; and

   (iv) submits this information to the CW supervisor for approval.

(F) Upon approval, the resource specialist creates a KIDS resource and notifies the child's CW worker that placement may be made and payments may begin.

(G) Additional placements of children in OKDHS custody are not permitted without written approval from the tribal coordinator and Foster Care programs manager.

(4) Process for joint approval of a foster family home as a tribal home.

   (A) The tribe contacts the CFSD tribal coordinator with the request before placement of a child.

   (B) The tribal coordinator contacts the Foster Care programs manager and the county of placement resource specialist.

   (C) The Foster Care programs manager provides written approval to the resource specialist and tribal coordinator. The tribal coordinator gives a copy of the written approval to the tribe.

   (D) Upon CFSD approval, the tribe completes and submits a foster home study to the tribal coordinator.

   (E) The tribal coordinator creates a KIDS resource.

   (F) The tribe notifies the tribal liaison of placement of the child in tribal custody in the tribal resource.
(G) Additional placements of children in tribal custody are not permitted without written approval from the tribal coordinator and Foster Care programs manager.

2. Process for joint approval of a kinship home as a CW foster home. The CW worker creates a separate KIDS resource prior to any placements, with the resource type as CW Foster Family Care. A new contract number is not needed.

3. Process for joint approval of an adoptive home as a CW foster home. The resource specialist:

   (1) initiates a foster home assessment update, consisting of, but not limited to:

   (A) updating Form 04AF001E, showing any changes since the original application. The family must provide references, per OAC 340:75-7-18;

   (B) completing Form 04AF004E, House Assessment;

   (C) obtaining a copy of the adoptive home assessment and reviewing and updating any information;

   (D) completing a Juvenile Justice Information System (JOLTS) review of any child older than 13 years of age residing in the home;

   (E) conducting an FBI national criminal history records search of all adults in the home, including submission of fingerprints, if not done previously;

   (F) documenting pre-service training;

   (G) explaining Form 04FC003E, Notice to Foster Parent Applicant(s); and

   (H) obtaining a copy of all required verification, such as driver license and liability insurance;

   (2) completes and attaches the addendum to the adoptive home assessment documenting updated information and making a recommendation regarding the approval as a foster home; and
(3) has the family sign the foster care contract after completion of the entire foster home update.

4. Process for joint approval of a child care home as a kinship foster family home.

(1) When the licensed family child care home requests joint approval as a CW kinship foster home, the county of placement resource specialist and Licensing staff assigned to the child care home gather data that includes:

(A) information about the child considered for placement in the child care home;

(B) the number of children, and their ages, approved in the child care home;

(C) the number of children of their own;

(D) the history of licensing compliance that includes a description of any problems;

(E) information regarding the child care home from the assigned Licensing staff; and

(F) determination of the abilities of the child care provider to handle the needs of all the children.

(2) The Licensing staff assigned to the child care home and CWFL make the final decision for joint approval of the home.

(3) For child care benefits to a child care provider for a child in the custody of OKDHS placed in the child care provider's home, refer to OAC 340:40-7-8.

(4) The child care home is continually monitored by CW and Licensing staff and all relevant information is shared.
340:75-7-24. Kinship placements

(a) Kinship care. Kinship care is considered as the first option in providing care for the child requiring out-of-home placement, provided the child’s needs are met and safety is reasonably ensured in the kinship placement. A kinship placement is assessed as a potential permanent placement for the child if reunification is not achieved. Kinship relationships do not require a blood relationship. The types of kinship relationships are identified in (1) through (6).

(1) Related by blood. Blood relatives considered as kinship, including half-blood, are:

   (A) siblings;

   (B) grandparents, including those denoted by prefixes of great and great-great;

   (C) aunts and uncles, including those denoted by prefixes of great and great-great;

   (D) nieces and nephews, including those denoted by prefixes of grand and great-grand; and

   (E) cousins.

(2) Related by marriage. Per OAC 340:75-7-24(a)(1), relationships by marriage, whether common-law or ceremonial, including step-relations and even after the marriage is terminated by death or divorce, are considered kinship.

(3) Related by adoption. Relatives by adoption, per OAC 340:75-7-24(a)(1) and (2), are considered kinship.

(4) Paternal relatives. Paternal relatives, per OAC 340:75-7-24(a)(1) through (3), of children born out of wedlock, are considered kinship.

(5) Related by emotional tie or bond. An emotional tie or bond exists when a child or the child’s parent acknowledges and accepts a person as part of the extended family or in the family’s close network of friends and relationships. The family relationship role exists prior to the necessity for out-of-home placement of the child.

(6) Noncustodial parent. A child returned to or placed with a noncustodial parent or a parent whose rights were terminated is not a kinship placement. Biological parents are not kinship resources and are not eligible for foster care reimbursement.
(b) Initial kinship placement. A child may be placed in a kinship foster home prior to completion of the resource family assessment and pre-service training, provided:

1. Form 04FC001E, Initial Kinship Placement Agreement, is completed and signed;

2. Forms 04AF001E, Resource Family Assessment Application, and 04AD003E, Request for Background Check, are completed and signed, per OAC 340:75-7-15 and 340:75-7-18;

3. an Oklahoma Department of Human Services (OKDHS) records search, including Child Welfare (CW) records, is completed and documented on Form 04AF007E, Records Check;

4. Form 04AF004E, House Assessment, is completed and approved; and

5. three personal references, only one of whom is a family member, are interviewed by phone.

(c) Kinship reimbursement option. The kinship applicant may opt for payment by OKDHS or a money payment for which the child is eligible instead of the foster home reimbursement.

1. The foster home reimbursement is reduced by the amount of the money payment if the money payment is less than the foster home reimbursement. Refer to OAC 340:75-7-52.1 for Supplemental Security Income (SSI) or Social Security Administration (SSA) benefits received for a parent who is deceased or disabled.

2. Payment may include:

   (A) other financial resources, per OAC 340:75-13-28; or

   (B) Temporary Assistance for Needy Families (TANF) benefits, per OAC 340:10-9.

(d) Kinship requirement. All kinship foster homes, paid or non-paid, must meet the same requirements as all other CW foster homes. For paid kinship foster homes, reimbursements begin at the time requirements are met and are not retroactive.

INSTRUCTIONS TO STAFF 340:75-7-24

1. Exception. An exception may be requested from the Children and Family
Services Division (CFSD) Foster Care Section when a diligent search has been completed per OAC 340:75-6-85.2 and documented in the child's KIDS case. An exception may be requested when:

1. **a specialized skill is needed to care for the child;**

2. **a teenager has found placement through a connection in the community; or**

3. **a child in permanent custody or long-term placement has a connection in the community.**

2. Kinship. Every effort is made to place a child in a kinship placement. The resource specialist carefully considers the child's physical and emotional health and safety in identifying potential kin providers.

3. Initial kinship placement. An Oklahoma Department of Human Services (OKDHS) records search, including Child Welfare (CW) records, is completed first on potential kinship providers and documented on Form 04AF007E, Records Check. If the resource specialist does not complete the initial kinship placement, the CW worker provides all necessary paperwork to the resource specialist within two working days. The resource specialist:

   1. **copies KIDS Pre-Resource screen to a Resource after the child is placed in a kinship foster home and the initial placement requirements are completed, per OAC 340:75-7-24;**

   2. **documents the relationship of the kinship provider in KIDS Resource General Information screen. When requesting an out-of-county kinship placement, a KIDS Pre-Resource is assigned to the county in which the kinship provider resides with the information from the CW records search;**

   3. **end dates the KIDS Pre-Resource after the conversion to a Resource; and**

   4. **completes:**

      A. **Form 04FC001E, Initial Kinship Placement Agreement;**

      B. **the criminal records search, OKDHS records review, background checks, and Juvenile Justice Information System (JOLTS) review for any child older than 13 years of age residing in the home, per OAC**
340:75-7-15;

(C) Form 04AF004E, House Assessment, and submits to the CW supervisor for review; and

(D) an interview by phone with three personal references, only one of whom is a family member.

4. Kinship reimbursement. The resource specialist:

(1) refers relative kinship providers to the local OKDHS office for the application of Temporary Assistance for Needy Families (TANF) benefits pending completion of the assessment process as a paid foster family;

(2) to avoid an overpayment, informs the Family Support Services worker within one day when the requirements are met for foster care;

(3) at the initial consultation, has the kinship provider sign a contract, per OAC 340:75-7-52 Instructions to Staff, or for non-paid kinship, sign Form 04FC002E, Nonpaid Kinship Agreement;

(4) enters a training stipend adjustment of $375 in KIDS for a kinship foster family at the time of enrollment in training and a final stipend adjustment of $375 upon completion of training requirements. The stipend request is made in KIDS Resource Claims screen. Stipends are entered as a claim adjustment; and

(5) consults with the CW supervisor and determines whether an exception is necessary.

(A) Exceptions for payments made before requirements are completed are considered on a case-by-case basis.

(B) A request for a one-time 60-day waiver is made only after all efforts by the county to expedite training or the home study are exhausted, and the efforts are documented in KIDS Resource Contacts screens.

(C) A written request and a waiver request on KIDS is submitted to CFSD Foster Care Section by the CW supervisor.

(i) The types of training waivers are a:
(I) temporary waiver when pre-service training is not available and all other requirements are met; and

(II) permanent waiver when a spouse is incapacitated, available only after the primary kinship provider completes the pre-service training.

(ii) A home assessment waiver is requested when:

(I) the resource specialist has not completed the home assessment timely; or

(II) any required documentation is not received.
340:75-7-37.1. Roles and responsibilities of the resource specialist

A clear understanding of the roles, responsibilities, and requirements of the resource specialist is necessary for effective coordination with foster parents and the children and families served.

(1) Recruitment. The resource specialist engages in activities designed to recruit resource families who reflect the diversity of the children in out-of-home care and who are willing and able to parent children with special needs. Every effort is made to place a child in a kinship placement.

(2) Inquiries. Inquiries into becoming a foster or kinship family are documented by the resource specialist in KIDS as a Pre-resource. The resource specialist discusses with each potential applicant the basic responsibilities and requirements expected of a resource parent, the types of children requiring out-of-home placement, and the elements of the approval process.

(3) Assessment process. The resource specialist or a contractor of Oklahoma Department of Human Services (OKDHS) completes the resource family assessment. The initial consultation with the family is completed in the family's home. The resource specialist:

(A) conducts at least two home visits with the family, excluding the final review of the assessment;

(B) evaluates the prospective foster or kinship home to assess the location, condition, and ability to accommodate children in foster care; and

(C) contacts three personal references by phone or in person.

(4) Training. The resource specialist:

(A) enrolls the applicant in pre-service training;

(B) documents all other training the resource family completes, including 12 hours of required in-service training;

(C) engages the family in completing the required 12 hours of in-service training each calendar year;

(D) provides the resource family with materials to obtain the 12 hours of in-service training; and
(E) assists the family in completing the self-study requirements, if applicable.

(5) Disposition of the assessment. The resource specialist:

(A) confirms in writing all decisions made regarding the assessment and application process;

(B) shares with the applicant the resource family assessment for the applicant's input prior to deciding to select in or out of the foster care program;

(C) provides the applicant with an explanation of the reasons the assessment is denied, if applicable; and

(D) provides the applicant with a copy of the resource family assessment, if the assessment is approved.

(6) Reimbursement. The resource specialist:

(A) refers relative kinship providers to the local OKDHS office for the application of Temporary Assistance for Needy Families (TANF) benefits pending completion of the assessment process;

(B) enters an initial training stipend of $375 when the kinship providers are enrolled in training;

(C) enters a final training stipend of $375 when the kinship providers complete training no later than seven days after the documentation of completion has been entered into KIDS;

(D) coordinates with the local OKDHS office when TANF benefits should end and foster care payments will begin;

(E) assists families in applying for Supplemental Security Income (SSI) or Social Security (SSA) for a parent who is deceased or disabled, per OAC 340:75-7-52.1; and

(F) responds to reimbursement issues timely.

(7) Retention. The resource specialist engages in activities that value and support the foster parent's role and assists the resource family in navigating the Child Welfare (CW) system.
(8) **Re-assessments.** The resource specialist timely completes the yearly re-assessments.

(9) **Visitation.** Quarterly visitation of the resource family by the resource specialist is recommended to provide ongoing support and address any concerns or issues that the resource family may have.

(10) **Placements.** The resource specialist:

    (A) carefully considers the child’s physical and emotional health and safety in identifying placements, including potential kinship providers; and

    (B) works with the resource family to place siblings together.

(11) **Investigations and policy violations.** The resource specialist works in conjunction with the resource family to address any identified issues, concerns, or policy violations through a written plan of compliance, per OAC 340:75-7-94, to ensure the placement is safe and stable for children.

(12) **Team member.** The resource specialist:

    (A) works as a professional team member with Permanency Planning, Child Protective Services, Adoption Services, and the resource family to ensure the child’s safety, well-being, and permanency; and

    (B) treats the resource family with respect and assists the resource family with any issues arising with the children placed in the home and any concerns they have as a resource family.

(13) **Closure.** The resource specialist assesses the need for closure of a resource home and timely completes all necessary documentation regarding closure of the home.

(14) **Fair hearing.** The resource specialist prepares documentation for a fair hearing, per OAC 340:75-1-12.6.
340:75-7-52. Foster care contracts and rates of reimbursement

(a) **Foster care contracts.** The rules in OAC 340:75-7-52 and the provisions of a contract for services define the responsibilities of foster parents and Oklahoma Department of Human Services (OKDHS) regarding the care of children in a foster home. Foster care contracts are signed when all conditions for approval are met, per OAC 340:75-7-18, except for kinship, per OAC 340:75-7-24.

1. Foster care contracts are perpetually renewed and considered in effect unless a specific action by one of the parties to the contract terminates the contract. Foster and kinship parents are eligible for foster care reimbursement effective the date the home is approved. Kinship parents are not paid retroactive to date of placement.

2. Reimbursements are authorized for intervals of care provided to a child in foster care placed through OKDHS or a tribe with an approved Tribal/State Agreement with OKDHS.

3. Kinship families may be approved for expedited reimbursements, per OAC 340:75-7-24.

4. Kinship families who meet the degree of relationship, per OAC 340:10-9-1, may apply for assistance through Temporary Assistance for Needy Families (TANF) at the local OKDHS office pending foster home approval and entry into a contract, per OAC 340:75-7-52(a)(1) through (3).

(b) **Foster care reimbursement.** The foster care contract authorizes reimbursement to offset the cost of each child's care and a difficulty of care (DOC) payment to address the additional expense of caring for a child with extraordinary needs. The OKDHS Committee on Rates and Standards authorizes the amount of reimbursement available through the foster care reimbursement and DOC payment rate, per OAC 340:75-7-53.

1. Foster care payments correspond to the child's age set out in OKDHS Appendix C-20, Children and Family Services Division Rates Schedule, as amended from time to time, as approved by the Commission for Human Services.

2. Foster care payments are provided to address the costs of room, board, clothing, and incidentals.

3. Foster parents receive a clothing allowance for each child, per OAC 340:75-13-45.

4. The medical expense of a child in foster care is covered through Medicaid when
private insurance is not available to the child, per OAC 340:75-13.

(5) Reimbursement received through the foster care contract is not considered income pursuant to Section 131 of Title 26 of the United States Code Annotated and the foster family does not receive Form 1099 from OKDHS at year's end. Foster parents may consult their own tax advisor for advice.

(6) Foster care reimbursement and DOC payment rates are a fixed monthly amount.

(7) When a partial month of foster care service is provided, reimbursement begins on the child's date of entry to the home and concludes on the day before the child's departure from the home. A prorated sum is paid based on the number of days of service provided multiplied by the daily rate, per OKDHS Appendix C-20.

(8) When a change in the child's age qualifies for a new rate, the new rate becomes effective on the first day of the month following the child's birthday.

(9) When a child is out of the foster home for family reunification purposes or is absent without leave (AWOL) for up to seven consecutive days, the foster parent receives reimbursement if the child is expected to return to the foster home.

(10) The foster parent is eligible for prorated foster care reimbursement and DOC payments when the child attends an Indian boarding school, Oklahoma School for the Deaf, Oklahoma School for the Blind, or a similar residential program and returns to the foster home for weekends or school vacations. When the child returns to the foster home for a summer vacation, the monthly rate is used.

(11) The foster parent is eligible for foster care reimbursement and DOC payment for up to 20 days of each event of hospitalization for the child's treatment of health or mental health concerns when there is no evidence of foster parent misconduct contributing to the event.

(12) The foster care reimbursement is an automatic electronic filing system based on the child's placement episode in the KIDS system.

(13) A foster care contract is signed for approved Interstate Compact on the Placement of children (ICPC) foster families residing in another state providing care for children in OKDHS custody, per OAC 340:75-1-86. No foster care contract is signed for ICPC foster families living in Oklahoma caring for children in the custody of another state. ■ 1

(14) There is no reimbursement after the effective date of cancellation or termination.
of the contract.

(c) Reimbursement option. The foster family may opt for payment by OKDHS or a money payment for which the child is eligible in lieu of receiving foster home reimbursement, per OAC 340:75-7-52.1.

(d) Cancellation of the foster care contract. Cancellation of the foster care contract occurs when:

1. the foster family fails to meet the terms and conditions of the contract. Cancellation of the contract results from:

   (A) a felony conviction, per OAC 340:75-7-15(h)(1);

   (B) the receipt of findings of the Oklahoma State Bureau of Investigation (OSBI) records search and Federal Bureau of Investigation (FBI) national criminal history records search when a child has been placed through kinship or in the home initially approved; or

   (C) a serious and significant violation of the foster care contract, OKDHS rule, or law. Serious and significant violations include, but are not limited to, behaviors by the foster parent or other person in the foster home that place the child at significant risk of harm;

2. OKDHS closes a foster family home that no longer meets OKDHS requirements, per OAC 340:75-7-12; or

3. the foster parent fails to implement provisions of Form 04AF023E, Written Plan of Compliance, per OAC 340:75-7-94, designed to resolve conditions that present a risk to the child and do not conform with the requirements of the foster care contract or rules, per OAC 340:75-7-52.  ■ 2

(e) Termination of the foster care contract. A foster parent requests termination of the foster care contract verbally or in writing. Verbal requests are witnessed whenever possible.

1. Contract termination occurs subsequent to a request by the foster family only when there are no pending issues of concern.

2. When the relationship between the foster parents is dissolved, and the person who wishes to continue providing foster care services, per OAC 340:75-7-18, is not the primary foster parent, that foster parent signs a new foster care contract. The
child is not removed from the home during contract transition when the foster parent is determined fit and continued placement is in the child's best interests.

INSTRUCTIONS TO STAFF 340:75-7-52

1. Foster care reimbursement.

   (1) Foster care contract. Upon approval of the home, the resource specialist:

   (A) explains the contract to the foster family;

   (B) has the foster family sign two original contracts with the foster parent's name listed on the contract;

   (C) ensures both contracts have original signatures and attaches a legible copy of the primary contractor's Social Security card to each contract. The name on the contract must be the same as the name listed on the Social Security card;

   (D) provides a copy of the signed contract to the foster family at the time of signing;

   (E) submits two contracts with original signatures to Children and Family Services Division (CFSD) Administrative Services Unit (ASU) for OKDHS signature and assignment of the contract number. ASU returns one of the two contracts to the county within ten working days; and

   (F) files the contract in the resource record.

(2) Claims. Foster care claims are generated automatically through KIDS when the child's placement is updated. Child Welfare (CW) staff approves the claims for foster families, kinship foster families, and tribal foster families. The claim must include:

   (A) the payee's Social Security number;

   (B) the payee's name and address the same as on the signed foster care contract; and

   (C) a vendor update sent to the Finance Division for any change of address.
2. Cancellation of the foster care contract. When a foster family verbally requests closure of the foster home, the resource specialist confirms the verbal request by sending Form 04FC008E, Notice of Closure to OKDHS Foster Parents, to the foster family. The resource specialist closes the KIDS resource within two working days of the contract cancellation.
340:75-7-52.1. Social Security benefits

(a) Payee. For a child in Oklahoma Department of Human Services (OKDHS) custody receiving Supplemental Security Income (SSI) or Social Security Administration (SSA) benefits, SSA, upon application, makes the kinship family the payee to receive these benefits. Upon application, the foster parent with whom the child has been placed at least one year may be the payee to receive these benefits. ■ 1

(b) Kinship family. The kinship family may receive the training stipend during the family assessment process while a child is in the home. ■ 2

INSTRUCTIONS TO STAFF 340:75-7-52.1

1. Assistance to the kinship family or foster parent. When the child is identified as a recipient of Supplemental Security Income (SSI) or Social Security Administration (SSA) benefits, the resource specialist assists the family with applying with the Social Security Administration local office. When the amount is greater than the foster care reimbursement, the resource specialist has the kinship family or foster parent sign Form 04FC002E, Nonpaid Kinship Agreement. The resource specialist:

   (1) reduces the foster care reimbursement by the amount received if it is less than the reimbursement; or

   (2) creates a non-paid resource in KIDS if the amount is greater than the foster care reimbursement, and enters the child in the non-paid resource.

2. Kinship families. If the child is receiving SSI or SSA, the resource specialist:

   (1) creates a paid resource in KIDS;

   (2) has the family sign a Fixed Rate Kinship Foster Care Contract;

   (3) enters the initial training stipend of $375 upon enrollment;

   (4) enters the final training stipend of $375 upon successful completion of the training; and

   (5) creates a non-paid resource for the child receiving SSI or SSA if the amount is greater than the reimbursement, and closes the paid resource if there are no other children placed in that resource.
PART 6. FOSTER HOME CARE SUPPORT SERVICES

340:75-7-65. Foster care child care and supportive services

Child Welfare (CW) staff arranges services that address the needs of foster parents as well as children in foster care. Foster parent needs are assessed as a component of treatment planning for each child in foster care and appropriate services are recorded on Form 04KI005E, Placement Plan. Service delivery and effect are monitored monthly to ensure intended effects. Form 04KI005E is modified as necessary to address the evolving needs of foster parents.

(1) Child care paid by OKDHS.

(A) Foster care. Services available to foster families include child care when both foster parents in a foster home are employed 20 hours a week or more and have the same work hours or when only one foster parent works and the other foster parent has a significant disability that precludes employment.  ■ 1

(i) Child care must be provided:

(I) in a licensed and contracted child care center or home; or

(II) by an approved in-home provider who cares for the child at the foster parent's home, per OAC 340:40-13-1 and 340:40-13-2.

(ii) The foster parent may request approval for child care by contacting the child's CW worker.

(iii) Child care paid by Oklahoma Department of Human Services (OKDHS) must be approved before payment may occur. ■ 2

(iv) Shelter host homes foster parents may be approved for child care paid by OKDHS.

(v) Contracted emergency foster care agencies may request, on a case-by-case basis, approval from Children and Family Services Division (CFSD) Foster Care Section to access child care.

(vi) The foster parent must provide written verification of gainful employment that includes the number of hours and days the foster parent works. In a foster family, when one foster parent works days and the other foster parent works during normal night time sleep hours, refer to OAC 340:40-7-7 and
340:40-7-8. When the foster parent operates a child care home, the child in foster care is only approved to attend an out-of-home child care home or center when:

(I) the foster parent's child care home consistently operates at licensed capacity;

(II) caring for the child during business hours will place the foster parent over licensed capacity; and

(III) the foster parent's licensing specialist confirms this.

(B) Family Support Services Division (FSSD). Child care may be available through local OKDHS FSSD staff for child care, per OAC 340:40, to:

(i) tribal foster parents providing care for children in tribal custody;

(ii) foster parents who have finalized an adoption on a foster child;

(iii) non-paid foster parents who are caring for children in OKDHS custody; and

(iv) children in the custody of another state placed in a kinship home through the Interstate Compact on the Placement of Children (ICPC).

(2) Foster care child care not paid by OKDHS. Foster care child care is not paid when the:

(A) child is placed in therapeutic foster care;

(B) foster parent has an ownership interest in the child care center;

(C) foster parent owns the child care home that the child attends;

(D) foster parent attends school or participates in training;

(E) foster parent chooses ineligible child care providers, per OAC 340:40-5-1;

(F) foster parent chooses more than one child care provider to provide service to a child on the same day;
(G) foster parent's hours of employment interfere with the provision of suitable family life; or

(H) foster parent makes informal arrangements for child care.

(3) **Child care services for a child with disabilities.** Refer to OAC 340:75-6-91.

(4) **Electronic benefit transfer (EBT) responsibilities.** Refer to OAC 340:40-10 for information regarding the EBT system that includes the manual claim process. Foster parent responsibilities include:

(A) watching the EBT training video;

(B) signing Form 08CC002E, Application for Child Care Services;

(C) swiping the EBT card every day the child attends child care;

(D) not swiping the EBT card for any day the child does not attend child care;

(E) checking the message on the point of service (POS) machine for correct times of attendance and approval;

(F) not giving the EBT card or personal identification number (PIN) to anyone, including the child care provider; and

(G) paying for care that OKDHS does not pay because:

   (i) the EBT card was not swiped for the correct days and times the child attended child care;

   (ii) swipes were denied and not corrected within ten days; or

   (iii) the provider loses the weekly rate payment for absent days because the correct attendance for every day the child attended that month was not swiped.

(5) **Therapeutic child care services.** Therapeutic child care services are paid by OKDHS when recommended by a mental health professional and supporting documentation is provided. Prior authorization from CFSD Administrative Services Unit (ASU) is required. ASU makes the determination of the availability of funds.
(6) **Overpayment of child care.** OKDHS seeks repayment for any child care paid in error to a licensed child care center, home, or professional in the foster parent's own home. The foster parent is responsible for reimbursing these costs to the child care provider when overpayment occurs due to the foster parent's ineligibility for child care paid through OKDHS. ■ 5

(7) **Informal arrangements or babysitting.** Foster parents may make informal care arrangements with friends, neighbors, or relatives for the occasional care of children, including before and after school hours.

(A) The foster parent ensures that informal care providers possess the maturity and skills to address the needs of the child in foster care.

(B) The foster parent secures prior authorization for informal care from the child's CW worker.

(C) The resource specialist considers whether the needs of the child can be met in informal care.

(D) Prior authorization may apply to multiple events using the same informal provider.

(E) A person younger than 18 years of age living outside of the home may not be an informal provider.

(F) An informal provider living in the home must be at least 16 years of age and related to the foster parent.

(G) Informal providers must be notified how to reach the foster parent and other emergency contacts.

(H) The foster parent does not permit a child in OKDHS custody to babysit a younger child, unless approved by the child's CW worker. ■ 6

(I) The foster parent:

   (i) may allow the child in OKDHS custody overnight stays with friends of the child;

   (ii) knows the family;

   (iii) reasonably believes the family and all people in the household are safe
for the child to have a relationship with;

(iv) exchanges contact information, including name, address, and phone number; and

(v) uses the same discretion as to the safety and well-being of the child as with the foster parent's own child.

(8) **Alternate care.** The foster family is required to identify an alternate provider who can care for the child in case of family emergencies, family vacations, or when the family needs a break. The foster family is responsible for identifying an alternate provider and reimbursing the alternate provider. The alternate provider must be at least 21 years of age and willing to:

(A) submit to a background assessment by Oklahoma State Bureau of Investigation (OSBI), per OAC 340:75-7-15;

(B) submit to a CW records search for past confirmations of child maltreatment involving the alternate provider, per OAC 340:75-7-15;

(C) submit to a search of Juvenile Justice Information System (JOLTS) records for any child older than 13 years of age living in the house, per OAC 340:75-7-15;

(D) engage in an evaluation of the home to assess the location, condition, and capacity to accommodate the child in foster care;

(E) provide one reference; and

(F) comply with discipline policy, per OAC 340:75-7-38, and confidentiality policy, per OAC 340:75-1-42.

(9) **Insurance for foster homes.** Liability insurance is provided for foster families for damages incurred by children in OKDHS custody.

(10) **Foster care associations.** OKDHS cooperates with and promotes the development of foster care associations for foster parents in each county. OKDHS provides names and addresses of foster families, who have provided written authorization for the release of this information, to persons who are developing a local foster care association.

(11) **Foster parent hotline.** The foster parent hotline, 1-800-376-9729, is
maintained by the CW foster parent liaison in the Office of Information and Referral. The foster parent liaison assists with problem resolution, policy clarification, and grievance information.

(12) **Foster parents' rights.** Foster parents' rights are found in Section 7206.1 of Title 10 of the Oklahoma Statutes. Information shared among CW staff, foster parents, and parents includes, but is not limited to:

(A) the child's legal status;

(B) upcoming court hearings;

(C) reason for foster care placement;

(D) the child's and parent(s)' prior and present living experiences; and

(E) the child's medical, psychological, and behavioral information, current photographs, and educational records.

(13) **Foster care grievance procedures.** Foster parents and children in foster care have access to OKDHS grievance procedures through the Office of Client Advocacy, per OAC 340:2-3.

(14) **Foster care mediation program.** Foster parents have access to the foster care mediation program through the Oklahoma Commission on Children and Youth (OCCY), per OAC 340:75-1-12.8.

(15) **Timely response to questions or needs.** OKDHS staff commits to responding to foster families' questions and inquiries within one working day. The resource specialist is the key person to provide necessary information to the foster family.

(16) **Information relevant to fostering.** Pre-service and in-service training is provided to enhance the foster family's skills, ability to foster, and interests. A quarterly newsletter is sent to all foster families informing of OKDHS, related issues, and articles with relevant information.

**INSTRUCTIONS TO STAFF 340:75-7-65**

1. **Foster parent with a significant disability.** Medical documentation from the primary physician regarding the foster parent's disability is required and documented in the child's KIDS case and resource record. The Child Welfare
(CW) worker and supervisor evaluate the need for child care every six months and document the need in the child's KIDS case and resource record.

2. Approval process for child care. When the foster parent contacts the resource specialist to request child care:

   (1) the resource specialist notifies the child's CW worker of the need for child care and provides information about local resources; and

   (2) the child's CW worker:

       (A) assesses the child to determine whether the child's needs can be met in a child care setting;

       (B) refers to the Child Care and Child Care EBTU How To's in KIDS/Help/How To's;

       (C) enters the request for child care in KIDS Child Care screens within 48 hours of the request, no exceptions allowed;

       (D) prints rights and responsibilities listed on Form 08CC002E, Application for Child Care Services, from the child's KIDS Child Care screen, reviews with the foster family, and secures the foster parent's signature; and

       (E) files Form 08CC002E in the resource record.

3. Child care in a one star center.

   (1) The child's CW worker documents in KIDS Child Care screen and the CW supervisor approves the child care request when there are no one star plus, two, or three star centers in the community.

   (2) The exceptions for child care, per OAC 340:75-7-65, are documented by the child's CW worker and approved by the CW supervisor in KIDS Child Care screen.

   (3) Exceptions may be granted on a case-by-case basis by the CW supervisor. Prior to granting an exception, the procedures in this paragraph are completed.
(A) The child’s CW worker:

(i) provides the foster parent a list of all contracted one star plus, two star, and three star centers and all contracted child care homes that meet the foster parent’s search criteria;

(ii) uses Child Care Locator, available on the Infonet under OKDHS Tools, to generate this list;

(iii) prints a list of all military base or out-of-state contracted providers bordering the county, if applicable, from Outlook Public Folder/All Public Folders/STO.Child Care/Subsidy/Out of State/Military folder; and

(iv) instructs the foster parent to contact all providers on the Child Care Locator list to see if care is available during the hours needed.

(B) The foster parent notes on the list why care is not available at any of these locations or why they did not meet the foster parent’s needs.

(C) The CW supervisor:

(i) reviews the foster parent’s notes, if the foster parent does not find a provider from those on the list, to determine whether to grant an exception; and

(ii) documents in KIDS Child Care screen whether an exception was granted and the reasons.

(4) Exceptions may be granted when none of the providers on the foster parent's list:

(A) has an opening during the times care is needed. For example, the foster parent works during the evening or overnight and no one else provides care during those hours;

(B) is willing to meet the special needs of the child. For example, the provider is unable to meet the needs of a child with disabilities or provide transportation to and from the child's school; or

(C) is within a reasonable distance from the foster parent's home.
(5) If the CW supervisor agrees that an exception is warranted per OAC 340:75-7-65 Instructions to Staff 3(4), the child's CW worker gives the foster parent a list of one star center providers. If the foster parent finds a one star center that meets the foster family's needs, payment may be approved for child care at that facility.

4. Therapeutic child care.

(1) The child's CW worker requests approval for therapeutic child care on a case-by-case basis when:

(A) a letter from a mental health professional provider documents the:

(i) goal for the child;

(ii) therapy needed to reach the goal; and

(iii) expected time frame for this treatment; and

(B) the child's CW worker staffs the case with the CW supervisor and resource specialist, and all agree that therapeutic child care is required.

(2) The child's CW worker provides a memo to Children and Family Services Division Administrative Services Unit (ASU), along with the letter from the mental health professional. The memo includes the:

(A) name of the child requiring the service and case name;

(B) name of the child care facility;

(C) number of hours to be used per day;

(D) number of days to be used per week;

(E) name of the mental health professional recommending therapeutic child care;

(F) name of the foster parent; and

(G) reason for therapeutic child care.
(3) Upon determination, ASU sends a memo notifying the child's CW worker of the approval, with specific instructions regarding payment of services.

(4) The child's CW worker documents all circumstances and actions in KIDS Contacts screen. No service line is entered in KIDS Child Care screen.

5. Repayment of child care services. Oklahoma Department of Human Services (OKDHS) seeks repayment for any child care paid in error. The child's CW worker writes a memo to Finance Division that includes:

(1) the child's case name and number;

(2) the name and date of birth of the child who received care;

(3) a short summary of the circumstances that led to the potential overpayment, including the original and new family share co-payment amounts, if applicable;

(4) the time period covered by the overpayment; and

(5) whether the overpayment was caused by agency, client, or provider error, per OAC 340:40-15-1 and 340:75-1-27.

6. Babysitting. The CW worker and the foster parent discuss in-depth the situation before a person, particularly a teen, babysits a child in OKDHS custody. The discussion helps assess the appropriateness of the person assuming responsibility for the child and ensures that the child's needs and well-being are considered.

7. Alternate care. The resource specialist:

(1) makes personal contact with the alternate provider to determine the person's ability and willingness to provide temporary short-term care.

   (A) The resource specialist identifies the alternate provider at the time of initial assessment to facilitate future placement if a need is identified.

   (B) The person recommended to provide temporary care, such as a relative or close friend, must be at least 21 years of age;
(2) completes the Oklahoma State Bureau of Investigation (OSBI) name search, Department of Public Safety check, Sex Offenders Registry check, OKDHS records review, including CW records, and Juvenile Justice Information System (JOLTS) of all children older than 13 in the home. The results are documented on Form 04AF007E, Records Check, and filed in the resource record;

(3) completes Form 04AF004E, House Assessment, and obtains sufficient information, including a recommendation from one reference for the provider;

(4) makes a decision to approve or disapprove the alternate provider after assessing the information obtained and consultation with the CW supervisor; and

(5) informs the foster parent of the decision and records all related information in KIDS Resource Contacts screen and the resource paper record.

8. Foster care associations. The foster parent's written permission is filed in the resource paper record and documented in KIDS Resource Contacts screen.
PART 8. CONTINUOUS QUALITY ASSESSMENT OF A RESOURCE HOME

340:75-7-94. Foster care reviews

(a) Concerns in a foster home. Child Welfare (CW) staff evaluates concerns with discipline practices or other issues, including, but not limited to, foster parent's judgment or supervision, at the time of observation or upon receipt of the information.

1. CW staff evaluates and determines the need for a referral, per OAC 340:75-3-8.1.

2. If a child in Oklahoma Department of Human Services (OKDHS) custody is removed from a foster home during an investigation and the decision is not to return the child to the home, the CW worker:

   A. notifies the foster family immediately by phone; and

   B. provides the foster family, within three days of the decision, Form 04MP031E, Notice of Decision Not to Return Child After Investigation.

3. When the situation does not meet the criteria for abuse, neglect, or both, per OAC 340:75-3, the resource specialist documents the information on Form 04AF022E, Report of Violation of Rules in an OKDHS Resource Home.

(b) Non-compliance issues. When non-compliance issues or rule violations in the foster home require remediation for continued use of the home, Form 04AF023E, Written Plan of Compliance, is initiated. Form 04AF023E is a joint effort between OKDHS and the foster family to identify the action steps for the foster family and OKDHS to ensure continued compliance of the foster home.

1. The resource specialist initiates Form 04AF023E:

   A. with the foster family to address issues identified as a result of an assessment or investigation, per OAC 340:75-3, or a rule violation and concern, per OAC 340:75-7-94(a); and

   B. within ten working days of the completed investigation, if no appeal is requested, per OAC 340:75-1-12.2, or, if appealed, within ten working days after a final determination of the findings is made by Children and Family Services Division (CFSD) Appeals Section.

2. When new non-compliance issues are identified, Form 04AF023E is reviewed to
determine whether additional action is warranted. If warranted, the action steps are added to the current Form 04AF023E.

(3) If the foster family disputes the identified issues and refuses to sign Form 04AF023E, the CW supervisor forwards Form 04AF023E to CFSD Foster Care Section for review. The Foster Care Section reviews and responds in writing to the CW supervisor within ten working days.

(4) When the non-compliance issue is smoking in the home or automobile while a child in OKDHS custody is present, and the foster parent refuses to comply, OKDHS may or may not:

(A) remove the child from the home;

(B) approve future placement of children in the foster home; and

(C) close the home when the child leaves the foster home.

c Yearly re-assessments. The foster parent's performance is formally assessed yearly to evaluate strengths, identify areas needing improvement, and their compliance with the requirements by providing complete, consistent, and truthful information in a timely manner. The resource remains approved, regardless of the timeliness or findings of assessments, until there is a specific action by either party to terminate the foster care contract or close the home. ■ 4

(1) Re-assessments. Resource reviews:

(A) are conducted yearly by the assigned resource specialist following initial approval of the home using Form 04FC009E, Foster Home Annual Assessment, via KIDS Resource Re-Assess screen;

(B) are arranged at a time of convenience to foster families and conducted in the foster home. The resource specialist:

(i) reviews the resource record;

(ii) completes Form 04AF004E, House Assessment, with the foster family;

(iii) reviews with the foster family OKDHS Publication No. 99-17, Foster Parent Handbook, and Form 04AF021E, Verification of Receipt of OKDHS Rules;
(iv) explains Form 15GR008E, Notice of Grievance Rights – Foster Parents. The foster parent verifies the review of Form 15GR008E by signing;

(v) asks the foster parent to complete, every three years, Forms:

(I) 04AF010E, Resource Family Financial Assessment; and

(II) 04AD003E, Request for Background Check; and

(vi) provides Form 04AF008E, Medical Examination Report, every three years or more often if circumstances warrant; and

(C) conform to rules per OAC 340:75-7.

(2) Review results.

(A) The resource specialist and CW supervisor discuss any concerns identified in Form 04FC009E.

(B) The resource specialist and foster family review Form 04FC009E, and the foster parent signs.

(C) The CW supervisor signs and approves Form 04FC009E.

(D) Signed copies of Forms 04FC009E and 15GR008E are provided to the foster family.

(E) A signed copy of Form 04FC009E and attachments are filed in the resource record.

(3) Placement of children. CW workers and resource specialists:

(A) do not place additional children until Form 04FC009E is completed;

(B) do not move children currently placed in the home, even when the foster family fails to submit the required forms timely, per OAC 340:75-7-94(c)(1); and

(C) suspend or close the home until the forms per OAC 340:75-7-94(c)(1) are received, if there are no children currently placed.

(d) Time frames regarding continued use or closure of a foster home. If the decision regarding the continued use or closure of the foster home is made based on
the findings of an abuse or neglect investigation, action is taken within ten working days of the completed investigation if no appeal is requested or if appealed, within ten working days after the findings are reviewed by the CFSD Appeals Section and the foster home is notified of the determination of the findings. If the decision to close is based on policy violation, non-compliance, or request of the resource family, action is taken immediately to proceed with notice of closure and the resource is closed in KIDS within 30 calendar days.

(e) Closure of a foster home.

(1) The foster home is closed when services are no longer needed, including a:

   (A) kinship home when kinship children are no longer placed in the home; or
   [5]

   (B) jointly approved foster home for a specific child when the child leaves the home.  [6]

(2) The resource specialist contacts the foster family in person or by phone to discuss closure of the foster home and provides Form 04FC008E, Notice of Closure to OKDHS Foster Parents, that explains the reason for closure.  [7]

(3) Foster parents retain the right to appeal closure of the home through the fair hearing process, per OAC 340:75-1-12.6. When the local OKDHS office receives a copy of the appointment letter for the fair hearing, the resource specialist distributes one copy of Form 13MP002E, Hearing Summary, with attachments, to the appellant and authorized representative, if any, prior to the hearing date.  [8]

(4) The foster care contract is either cancelled or terminated per OAC 340:75-7-52.

INSTRUCTIONS TO STAFF 340:75-7-94

1. Removal during an investigation or assessment. Child Welfare (CW) staff does not place children in a resource home when there is a pending Child Protective Services investigation or assessment. The assigned CW worker notifies the resource specialist when initiating an investigation or assessment of a foster home. The decision regarding future placements is discussed with the CW worker, CW supervisor, resource specialist, and resource specialist supervisor. The discussion is documented in KIDS Resource Contacts screen.

2. Removal during an investigation. If a child in Oklahoma Department of Human
Services (OKDHS) custody is removed from a foster home as a result of an investigation, the CW worker staffs with the CW supervisor, who consults with the CW field liaison (CWFL) or county director, as necessary, to determine whether to:

(1) return the child to the foster home immediately; or

(2) seek a different placement for the child. If the decision is not to return the child, the CW worker:

(A) notifies the foster family of the decision immediately by phone; and

(B) provides the placement plan and the rationale behind the decision in writing via Form 04MP031E, Notice of Decision Not to Return Child After Investigation, to the foster family within three working days of the decision.

3. Written plan of compliance (WPC). When preparing Form 04AF023E, Written Plan of Compliance, the resource specialist:

(1) identifies action steps that are measurable;

(2) identifies a time limit geared toward the action steps. Generally, the time frame does not extend beyond 90 days;

(3) reviews the progress on the action steps at least once during the specified time frame;

(4) signs and dates Form 04AF023E, along with the foster family. A signed copy is provided to the foster family;

(5) adds action steps to original Form 04AF023E when new issues of concern are identified. Signatures and dates are updated; and

(6) evaluates Form 04AF023E for completion and makes a recommendation for continued use of the foster home. The foster family and resource specialist sign and date the resolution. The original is provided to the foster family and a signed copy is filed in the resource record.

4. Re-assessments. The resource specialist and CW supervisor document the reasons for the untimely re-assessment in the KIDS Resource Contacts
screen. **Documents included in the resource case for a re-assessment are:**

1. signed and dated Form 04FC009E, Foster Home Annual Assessment;

2. copy of the current driver license;

3. copy of the current insurance verification on each vehicle, which must be in the file at all times;

4. signed and dated Form 04AF004E, House Assessment;

5. signed and dated Form 04FC003E, Notice to Foster Applicant(s);

6. signed and dated Form 15GR008E, Notice of Grievance Rights – Foster Parents;

7. documentation of rabies vaccination for applicable animals by a licensed veterinarian;

8. completed, signed, and dated Form 04AF007E, Records Check; and

9. every three years, Forms 04AF008E, Medical Examination Report, 04AF010E, Resource Family Financial Assessment, and 04AD003E, Request for Background Check. If these forms are due in less than 12 months, they are obtained at the re-assessment.

5. Kinship resources. The resource specialist explores with the kinship family whether they wish to continue as a foster home, if applicable, per OAC 340:75-7-19. If they wish to continue as a foster home, a new resource is opened in KIDS as Type - CW Foster Family.

6. Joint approved resources. Personal contact allows the resource specialist an opportunity to assess the joint approval process again. The resource specialist places no other children in the home unless a child meets the criteria, per OAC 340:75-7-19.

7. Reason for closure. The resource specialist documents the action in KIDS and the resource record.

   1. Personal contact with the foster family may clarify the reason for the closure.
(2) The resource specialist discusses the reason for closure and makes every effort to resolve any concerns or misunderstandings of the foster family and the circumstances are fully and truthfully explained to the foster family.

8. Closure process.

(1) Notice of closure. The resource specialist completes Form 04FC008E, Notice of Closure to OKDHS Foster Parents, by:

(A) describing the reason for closure of the home in clear and concise language;

(B) detailing any OKDHS requirements that the foster home does not meet and attaching copies of the relevant OKDHS rules, laws, or foster care contract; and

(C) mailing or hand-delivering the original Form 04FC008E to the foster family and filing a copy in the resource record.

(2) Closure summary. The resource specialist writes in clear and concise language a summary outlining the reason for closure that includes the foster family's performance history and a recommendation regarding future consideration of the foster family providing care.

(3) Fair hearing. The resource specialist prepares a fair hearing summary by completing Form 13MP002E, Hearing Summary, per OAC 340:2-5. When preparing Form 13MP002E, the resource specialist:

(A) clarifies the issue. Why is the home being closed?

(B) briefly describes the action taken, the facts supporting the action, and the information relied upon in taking the action;

(C) documents:

(i) number of children the family has cared for since certification;

(ii) number, type, and outcome of referrals and rule violation episodes that occurred during the foster family's tenure or association with OKDHS; and
(iii) whether the foster family requested an appeal of the findings of any investigation and, if so, the outcome;

(D) describes the WPC history and results;

(E) lists all training the foster family has completed and dates of completion;

(F) attaches supporting documentation, such as the foster care contract, Form 04FC008E, and Form 04AF021E, Verification of Receipt of OKDHS Rules, to support the OKDHS decision to close the foster home.

(i) Form 04KI003E, Report to District Attorney, is not used in the fair hearing process unless the administrative hearing officer (AHO) presiding over the hearing orders it disclosed, after an in camera review and based upon a finding of compelling reasons.

(ii) If Form 04KI003E is disclosed, the CW worker redacts the name of the reporting party prior to giving Form 04KI003E to the AHO;

(G) submits original Form 13MP002E to the Legal Division Appeals Unit;

(H) reviews OAC 340:2-5 regarding the administrative hearing process; and

(I) informs the CW worker who completed the child abuse or neglect investigation and CW supervisor of the hearing. The CW worker must attend the fair hearing. If the CW worker is no longer employed by OKDHS, the CW supervisor or county director must attend the hearing.
340:75-13-62. Medical services to children in own home

(a) It is the joint responsibility of the Child Welfare (CW) worker and parent(s) to:

(1) ensure the medical needs of the child in Oklahoma Department of Human Services (OKDHS) custody are met; and

(2) share all information to maximize the child's health and well-being.

(b) The parent(s) is responsible for his or her child's medical expenses when the child resides with the parent(s), regardless of legal custody.

(1) The CW worker informs the parent(s) of available medical resources and refers the parent(s) to the appropriate local OKDHS office to apply for medical assistance.

(2) At the time the parent(s) applies for medical assistance, the parent(s) must notify the person taking the application of the child's legal status to ensure proper coding in the medical case.

(3) If the family qualifies for medical assistance, the child in OKDHS or tribal custody remains fee-for-service on the medical case until the child is released from OKDHS or tribal custody.

(4) Children in their own home eligible for a medical card are eligible for Early Periodic, Screening, Diagnosis and Treatment (EPSDT) services. Eligibility, based on the parent(s)' income and resources, varies with the specific circumstances of each family.
340:75-13-63. Prior authorization and claims procedures

Prior authorization is required for medical services, per OAC 317:30-3-82. Procedures and guidelines for prior authorization are outlined in OAC 317:30-3-82, available to all healthcare providers at www.ohca.state.ok.us.

(1) **Contact OHCA.** For services, supplies, or equipment requiring prior authorization, the healthcare provider contacts the Oklahoma Health Care Authority (OHCA) contracted agency for specific instructions and assistance.

(2) **Contact ASU.** If Child Welfare (CW) staff or placement providers are referred to a collection agency for nonpayment of a medical bill for a child in Oklahoma Department of Human Services custody, CW staff contacts Children and Family Services Division Administrative Services Unit (ASU) for guidance regarding payment procedures.
340:75-13-64. Sources of funding

Medical services for children in Oklahoma Department of Human Services (OKDHS) custody are paid through a variety of funds.

(1) **Title XIX Medicaid and Children's Special Health Care Needs program.** Title XIX Medicaid, a combination of state and federal money, is administered through Oklahoma Health Care Authority (OHCA). Medicaid claims are paid from the OHCA budget through a designated fiscal agent. The Medicaid program:

   (A) has specific eligibility requirements;

   (B) covers specific services as determined by Oklahoma's State Plan; and

   (C) does not pay for experimental procedures.

(2) **Child Welfare medical - special approval.** Children and Family Services Division (CFSD) has limited funds, state monies, that are utilized when the needed service, excluding experimental procedures, is not covered by other medical programs. Utilization of these funds is considered for approval by CFSD Administrative Services Unit after denial by Title XIX and OHCA. Only services for children in OKDHS custody and out-of-home placement are eligible for payment from these funds. All expenditures paid from state funds are paid at the Oklahoma Medicaid compensable amount.

(3) **Child abuse examinations.** When a child abuse examination is warranted, the reimbursement process is dependent upon the child's medical assistance case status on the date of the examination. If the child is:

   (A) not a Medicaid recipient and the parent(s) is unable or unwilling to pay for the examination, state funds pay for the examination at established Medicaid rates. The provider completes claims per OAC 317:30-7-1. The claim is routed to the county director with an explanation for using state funds; or

   (B) a Medicaid recipient and is designated eligible for:

      (i) fee-for-service, OHCA reimburses for these services at the established rates;

      (ii) SoonerCare, OHCA reimburses for these services at the established rates with referral from the primary care physician case manager (PCPCM); or
(iii) SoonerCare, when the child is examined by a non-PCPCM without a referral from the PCPCM, state funds pay for the examination at established Medicaid rates. The provider completes claims per OAC 317:30-7-1. The claim is routed to the county director with an explanation for using state funds.

INSTRUCTIONS TO STAFF 340:75-13-64

1. Review of funding claim. The county director reviews the claim information to ensure the funding source is appropriate. After county director approval, the claim is attached to Form 10CL017E, Claim Code Slip, and forwarded to Oklahoma Department of Human Services Finance Division. When requesting payment of a child abuse and neglect examination, staff ensures that Form 10CL017E includes:

   (1) Fund: 32X;
   (2) County number: 99;
   (3) Building number: 999;
   (4) Vendor federal employer identification (FEI) number or Social Security number: provider’s federal tax identification number or Social Security number;
   (5) Purchase authorization (PA) number: XX909040;
   (6) Invoice number: child’s account number listed on claim;
   (7) Invoice date: date claim was signed;
   (8) Date received: date service was received;
   (9) HJR 1010 date: date claim and form are sent to Finance Division;
   (10) Account number: 2112;
   (11) Location code: 95060;
   (12) Object code: 511100; and
   (13) Case number: child’s KK number.
340:75-13-65. Consent for medical services

(a) Consent. Consent is informed consent, requiring an explanation of the necessity for the procedure involved, any known risks involved, and, when appropriate, any alternative course of care.

1. Information upon which consent is based must be provided by competent medical authority for care and treatment provided by health practitioners.

2. Persons authorizing care and treatment must acknowledge their understanding and willingness to assume any risks associated with care and treatment.

3. Parents, legal guardians, legal custodians, judges, law enforcement, officers of the court, and county directors may sign the consent.

4. Child Welfare (CW) workers or supervisors may provide informed consent when designated in writing by the county director.

5. Medical procedures that are experimental are not compensable through Medicaid and must be authorized by the Oklahoma Department of Human Services (OKDHS) Director, Human Services Centers chief operating officer, or Children and Family Services Division director.

(b) Emergency medical care or treatment. Emergency medical care or treatment is medical care or treatment provided by a qualified medical practitioner in circumstances presenting an imminent and substantial threat to a child's life or health.

(c) Extraordinary medical care or treatment. Extraordinary medical care or treatment is medical care or treatment provided by a qualified medical practitioner using procedures or medications that are substantially invasive or restrictive or involve significant risk of harm, including, but not limited to, surgery.

(d) Ordinary medical care or treatment. Routine physical examinations, immunizations, and treatment for minor illnesses are ordinary medical care or treatment. Ordinary medical care includes, but is not limited to, follow-up treatment and administration of prescribed medication as directed by a qualified health practitioner, administration of non-prescription medication, and treatment of minor injuries.

(e) Due diligence. The CW worker makes every effort to secure parental consent for medical services provided to children in emergency and temporary custody of OKDHS. A diligent effort includes attempts to contact parents by phone to inform them of necessary medical services. If services will be provided at a medical facility or by a
medical practitioner, the parent(s) is required to contact the facility or practitioner directly. The CW worker facilitates contact, if needed.  ■ 1


(1) Parental agreement, voluntary foster care. In parental agreement, voluntary foster care, the parent(s) retains legal custody of the child placed with OKDHS.

(A) Medical care may be authorized by the foster parent per Forms 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Family Home Placement and Medical Care of Child, and 04FC011E, Placement Agreement for Out-of-Home Care. The foster parent presents Form 04FC011E to the medical provider each time the child receives medical services.

(B) Due diligence is exercised to obtain parental consent for emergency or extraordinary medical care or treatment.

(C) If a parent or legal guardian cannot be located or refuses to consent for emergency or extraordinary care or treatment, the county director or designee authorizes the emergency care or treatment per Form 04FC007E.

(D) Persons in voluntary care older than age 18 provide their own consent.

(E) If a parent or legal guardian refuses to consent for emergency or extraordinary care, the child may be surrendered to the parent(s) or guardian or, when intervention to provide medical treatment is necessary, OAC 340:75-3-10.1 is followed.

(2) Child in protective custody. Protective custody is when a child is taken into custody by a peace officer or employee of the court, without a court order because the child's surroundings endanger the child, per Section 7003-2.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 7003-2.1).

(A) Upon admission of a child to an emergency shelter, when CW is involved, the CW worker provides the parent(s)' name, address, and work and home phone numbers, and the name, relationship, and phone number of a relative or collateral who may be contacted in an emergency.

(i) In a jurisdiction where the shelter designated by the court is operated by a youth services agency, the shelter obtains medical treatment as necessary. The CW worker assists, when requested, in locating the parent(s) on cases
where there has been CW involvement.

(ii) When medical treatment is required and information regarding the parent(s)' whereabouts is unknown or not provided to the shelter, the CW worker may be asked to assist in locating the parent(s).

(iii) Upon admission to a shelter or foster home, the CW worker makes known to the caregiver the child's current legal status.

(B) The CW worker makes every effort to have the parent(s) sign Form 04MP001E, Consent for Release of Information, to obtain information regarding previous medical treatment from the child's and family's physician. Any known medical history information is provided by OKDHS to the medical provider attending the child.

(C) Per 10 O.S. § 7003-2.3, when a child is in protective custody and appears to require medical treatment, the peace officer, employee of the court, or any other legal guardian of the child must exercise due diligence to locate the parent(s), legal guardian, or other person legally competent to authorize such treatment. Consent of the parent(s), legal guardian, or other person legally competent to authorize such treatment is not required when:

(i) emergency treatment is necessary, as determined by a competent medical authority; or

(ii) physical examinations or routine diagnostic or evaluation procedures are necessary, as determined by a competent medical authority, to determine the medical condition of the child for protection of the child and others with whom the child may be in contact while in custody.

(D) If the medical treatment is for reasons other than those described in OAC 340:75-13-65(f)(2)(C), and the parent(s), legal guardian, or other person legally competent to authorize medical treatment for the child is unavailable or unwilling to consent to the treatment, the district attorney may file an application and the court must hold a hearing no later than five days after the application is filed.

(E) Upon presenting a child for medical treatment, the hospital or medical facility is informed of the child's custody status, and provided the name and phone number of the assigned CW worker.

(F) When the child requires emergency custody for the purpose of providing medical treatment, OAC 340:75-3-10.1 is followed.
(3) Child in emergency or temporary OKDHS custody.

(A) Emergency custody is when the child is placed into custody prior to adjudication and following issuance of an order by the court, such as a pick-up order or at the emergency custody hearing.

(B) Temporary custody is when the child is in OKDHS custody following adjudication, without termination of the parent(s)' parental rights.

(i) 10 O.S. § 7003-7.1 and 7004-1.1 authorize OKDHS to consent to medical care and treatment for a child in emergency or temporary custody. The foster parent may authorize ordinary medical care pursuant to Form 04FC007E. Diligence is exercised to obtain the parent(s)' consent for extraordinary medical care or treatment, prior to authorization by OKDHS for any medical treatment.

(ii) When the parent(s) refuses or is unwilling to consent to the proposed treatment, and the medical treatment or procedure is not considered an emergency, the CW worker informs the parties to the deprived proceeding and the court for purposes of obtaining a hearing and court authorization for the medical treatment or procedure.

(iii) The county director or designee signs the consent for medical treatment when the parent(s) is unavailable and following a diligent effort to locate the parent(s) to provide consent.

(iv) Upon presenting a child for medical treatment, the hospital or medical facility is informed of the child's custody status and provided the name and phone number of the assigned CW worker.

(4) Child in permanent OKDHS custody. Permanent custody is the court-ordered custody of a child following adjudication and whose parent(s)' parental rights have been terminated. OKDHS has the authority to consent to the care and treatment of a child in permanent custody.

(A) The county director or designee signs the authorization for medical treatment.

(B) The foster parent authorizes routine medical care pursuant to Form 04FC007E.

(C) Upon presenting a child for medical treatment, the hospital or medical facility
is informed that the child is in OKDHS custody and provided the name and phone number of the assigned CW worker.

(g) Consent for child in own home. The parent(s) of a child placed in OKDHS legal custody and own home consents to ordinary medical care and treatment and hospital admission or treatment and surgery for the child. When the facility or provider requires OKDHS authorization in addition to the parent(s)' consent, the county director or designee signs the consent forms.

(h) Consent for emergency medical care for a child traveling out-of-state. The county director or designee or judge, if required by the court, authorizes the foster parent to give consent for emergency medical care to a child in OKDHS custody for travel purposes via Form 04FC006E, Travel and Medical Authorization.

(i) Medical care unavailable locally. When a child in out-of-home placement needs medical care outside the county of residence, the attending physician makes the recommendation and referral. If the physician recommends treatment he or she cannot give, but does not make the referral, the CW worker in the county where the child is receiving care makes the appointment.

INSTRUCTIONS TO STAFF 340:75-13-65

1. Due diligence. If the parent(s) cannot be reached by phone, the Child Welfare (CW) worker attempts personal contact at any known address for the parent(s). Attempts to locate the parent(s) include contacts with relatives or other persons knowledgeable about the family.
340:75-13-74. Medical identification cards

A child who is in Oklahoma Department of Human Services (OKDHS) or tribal custody in out-of-home placement and receiving Medicaid is issued a medical identification card. The card stays with the child throughout placement changes. 1

(1) The medical identification card is delivered to the OKDHS county office of the child's primary worker for that county to send to the child's placement.

(2) If the child is in tribal custody, the county of the tribal liaison does the initial certification and retains the Medicaid case.

(3) Lost cards are replaced on an individual basis upon the request of the Child Welfare worker. 2 At the time a new card is requested, the prior card is null and void.

INSTRUCTIONS TO STAFF 340:75-13-74

1. Medical identification card.

(1) The initial medical identification card is generated when the custody specialist prints Form 04KI002E, Eligibility Determination, for determination of Title IV-E (IV-E) eligibility and the Medicaid application, and the custody specialist certifies the Medicaid case.

(2) Medical identification cards are issued as outlined in (A) through (C).

(A) Children in Oklahoma Department of Human Services (OKDHS) legal custody or tribal custody and placed out-of-home receive two medical cards. One card stays with the child throughout placement changes. The other card stays in the paper case to be used when the Child Welfare (CW) worker takes the child for medical care. Children in this category include:

(i) children in OKDHS legal custody or tribal custody who are placed in Oklahoma;

(ii) youth 18, 19, or 20 years of age who have been in OKDHS custody or tribal custody and were released from custody upon turning age 18 but remain in OKDHS or tribal foster care or other living situation where OKDHS assumes full or partial financial responsibility; and
(iii) non IV-E eligible children in custody who are placed out-of-state through the Interstate Compact on the Placement of Children, if the receiving state does not provide medical assistance to other states' non IV-E eligible children.

(B) Children who receive one medical card include:

(i) children in OKDHS legal custody or tribal custody who are living in the home of a parent(s) if that child's family information qualifies the child for medical assistance. The CW worker encourages the family to apply for medical assistance;

(ii) children residing in Oklahoma who qualify for Oklahoma adoption pre-subsidy or Oklahoma adoption subsidy;

(iii) non IV-E eligible children receiving Oklahoma adoption subsidy and residing in other states if the receiving state does not provide medical assistance for those children;

(iv) children not in OKDHS custody or tribal custody if the child's family information qualifies the child for medical assistance and determination is made by the medical worker in the local county office of the child's residence. The CW worker encourages the family to apply for medical assistance; and

(v) youth 18, 19, or 20 years of age who were in OKDHS out-of-home care and custody on their 18th birthday and have left OKDHS or tribal care who meet the state's Medicaid eligibility criteria.

(C) Medical cards are not issued to:

(i) children residing in the home of a parent(s), regardless of custody status, if the family income information exceeds eligibility standards for medical assistance;

(ii) children in OKDHS custody or tribal custody who reside out-of-state and receive medical assistance in their state of residence; and

(iii) children receiving Oklahoma adoption subsidy who reside out-of-state and receive medical assistance in their state of residence.
2. The request to issue a new medical identification card is made by telephone to the company contracted by the Oklahoma Health Care Authority to provide medical identification cards.
340:75-13-75. Out-of-state Medicaid coverage

(a) **Title IV-E eligible.** A child certified for Title IV-E foster care in Oklahoma is eligible for Title XIX Medicaid coverage in the child's state of residence when placed in out-of-state placement with relatives or non-relatives. The child continues to receive Title XIX Medicaid coverage from the state of residence as long as the Title IV-E foster care eligibility remains in effect.

1. A medical plan that includes a way to provide necessary and expected medical services and payment for those services must be in place before sending a child in Oklahoma Department of Human Services (OKDHS) custody to reside out-of-state.

2. The Child Welfare (CW) worker:
   - provides Title IV-E eligibility information with the initial request sent to Children and Family Services Division (CFSD) Interstate Compact on the Placement of Children; and
   - screen prints the child's Title IV-E eligibility from KIDS for the KK case paper file.

(b) **Not Title IV-E eligible.** A child not Title IV-E eligible may be eligible for Medicaid from the receiving state, depending on that state's eligibility criteria.

1. If the receiving state does not provide Medicaid for Oklahoma's non Title IV-E children in custody, the Oklahoma medical case must remain open and the placement provider in the receiving state must locate all medical providers the child may need who are Oklahoma Medicaid providers or who may become Oklahoma Medicaid providers.

2. The Oklahoma Health Care Authority (OHCA) assists providers from other states to become Oklahoma Medicaid providers.

(c) **Out-of-state medical services.** A child in OKDHS custody requiring medical attention while traveling through or vacationing in another state must receive the needed emergency care. If the provider is:

1. an Oklahoma Medicaid provider, the provider files a claim per OAC 317:30-7-1;

2. not an Oklahoma Medicaid provider but is willing to become one, the provider is referred to the OHCA Provider Contract; or
(3) not an Oklahoma Medicaid provider and is not willing to become one, the CW worker contacts CFSD Administrative Services Unit for assistance to pay for the medical service provided.

(d) Child placed with parent(s). When a child in OKDHS custody is placed with a parent(s), the parent(s) is responsible for the child's medical expenses. The parent(s) may apply for medical assistance for the child in the parent(s)' state of residence. The child receives medical coverage from the receiving state if the family meets that state's eligibility requirements.
340:75-13-77. Potential payment from third party sources

Section 447.20 of Title 42 of the Code of Federal Regulations requires that the Oklahoma Department of Human Services take all reasonable measures to ascertain liability of a third party, for example, private insurance, to pay for care and services.

(1) Third party liability is treated as a resource if payment by a third party has been made on behalf of the recipient.

(A) In instances where such liability is found to exist after medical assistance has been made available, the Oklahoma Health Care Authority (OHCA) seeks reimbursement to the extent of such legal liability.

(B) If the applicant or recipient has already received payments from a third party, Form 08AD050E, Third Party Liability Resource, is completed and submitted to the OHCA Third Party Liability Unit.

(2) The Child Welfare worker is responsible for identifying and providing all insurance information for each child. Private insurance information is provided to the custody specialist and the custody specialist is kept current on any changes in the private insurance. OHCA accesses private insurance for payment of medical claims before Medicaid pays on the claims.
340-75-13-78. Third party liability, accident, or injury

When medical services are provided to a recipient of Medicaid as the result of an accident or injury, the Child Welfare (CW) worker determines if there has been or may be monetary settlements that affect eligibility. The Oklahoma Health Care Authority (OHCA), Third Party Liability Unit checks all paid claims for potential accident or trauma related diagnosis codes and follows up on those directly with the recipient.

(1) If the recipient fails to cooperate or does not respond to requests from OHCA, OHCA may request the local office to submit Form 08AD050E, Third Party Liability Resource.

(2) If a recipient continues to not respond to requests for information or fails to cooperate with the CW worker, the worker suspends further benefits until the recipient has supplied the necessary information to OHCA.
340:75-13-79. Transportation and subsistence

(a) Travel expenses may be defrayed only for necessary medical services not available in the community in which a child in Oklahoma Department of Human Services (OKDHS) custody and out-of-home placement resides. Oklahoma Health Care Authority (OHCA) ensures that necessary transportation is available to such children who are in need of medical services not available in the community. All children approved for Medicaid are eligible.

1. Community-based residential care contractors providing transportation do not receive reimbursement.

2. Placement providers are responsible for the child's transportation to routine medical appointments. Placement providers who must travel out of the community for necessary and non-routine medical services for the child use Sooner Ride Non-Emergency Transportation (NET) service.

   A. All NET routine services must be scheduled by advance appointment at least three business days prior to the child's health care appointment, but may be scheduled up to 14 business days in advance.

   B. Standing appointments for the child may be scheduled beyond the 14-day time frame, not to exceed 30 days. The placement provider must phone the Sooner Ride call center and identify himself or herself as the child's foster parent.

   C. The placement provider has the option of receiving gasoline reimbursement for providing transportation if the provider chooses not to use public transportation or it is not available.

(b) If it is determined the child's condition requires urgent care, the placement provider must attempt to schedule NET services through Sooner Ride.

1. Sooner Ride must be contacted on or before the date of service to allow for assignment of a trip number and mailing of a reimbursement form to the placement provider. The reservation center is open 24 hours a day, 7 days a week.

2. If Sooner Ride cannot provide transportation or the placement provider chooses not to use NET for urgent care, the placement provider may receive gasoline reimbursement.

(c) If a child requires out-of-state medical care that involves the use of a commercial
airline, approval and flight arrangements must be secured by contacting OHCA, Care Management Unit.

(d) Ambulance service is compensable for the child when other forms of transportation do not meet the medical needs of the child. Arrangements must be secured by contacting OHCA Sooner Ride coordinator.

(e) Subsistence, sleeping accommodations, and meals are paid with Title XIX funds for the child and one essential person. Any subsistence expense claimed on Form 10AD062E, Travel Claim, must be documented with receipt and is initially handled through the local OKDHS office. Completed Form 10AD062E, is sent to OHCA Finance Division Travel Claims. 1

INSTRUCTIONS TO STAFF 340:75-13-79

1. Travel expenses.

(1) Difficulty of care payment for travel. The Child Welfare (CW) worker explores a difficulty of care payment to offset the foster parent's expense when providing transportation several times a week to medical or counseling appointments for a child in Oklahoma Department of Human Services (OKDHS) custody.

(2) Reimbursed travel expenses. A foster parent, including a tribal foster parent, providing care for a child in OKDHS custody, may be reimbursed for travel expenses when the:

(A) CW worker would be required to provide transportation for the child if not provided by the foster parent, including, but not limited to:

(i) visits with a parent(s);

(ii) visits with a sibling;

(iii) court hearings; or

(iv) medical, mental health, dental, or vision appointments when not available in the community;

(B) CW supervisor prior authorizes the trip;

(C) round trip for the single event is in excess of 150 miles; and
(D) trip is documented on Form 10AD062E, Travel Claim. Form 10AD062E is submitted to the CW worker and processed through the local OKDHS office.
340:75-13-80. Referral to the custody specialist for determination of medical eligibility

(a) Determination of eligibility. Determination of eligibility for the state's medical assistance programs is required when a child:

(1) is removed from home and placed in the custody of Oklahoma Department of Human Services (OKDHS), or a federally recognized Indian tribe when the state is paying for the Indian child's care; or

(2) enters state paid care by parental agreement.

(b) Ineligible aliens. Undocumented, ineligible, or illegal aliens are not eligible for medical assistance except in emergency medical situations, regardless of custody status. If a child in OKDHS custody and out-of-home placement:

(1) requires an emergency procedure, the Child Welfare (CW) worker consults the custody specialist about submitting required documentation to Oklahoma Health Care Authority for approval; or

(2) receives routine medical services, the CW worker obtains a completed claim from the medical provider and notes ineligible alien and the child's KK number on the claim and forwards the claim to Children and Family Services Division Administrative Services Unit.

(c) Children not in OKDHS or tribal custody. Children not in OKDHS or tribal custody may apply for medical assistance.

(1) Children involved in Family-Centered Services cases must meet eligibility requirements based on the family income.

(2) Youth in voluntary OKDHS placement must notify the person taking the application of their status so they may retain the same medical coverage as children in OKDHS or tribal custody.

(3) Youth leaving OKDHS or federally recognized tribal care who are 18 years of age may receive medical assistance if their income is at or below 185% of the federal poverty level. Per Section 7004-1.6 of Title 10 of the Oklahoma Statutes, Independent Living Act, youth who were in OKDHS custody and out-of-home placement on their 18th birthday may be eligible to receive medical benefits until their 21st birthday. These youth:
(A) are managed care recipients and must meet eligibility criteria and re-apply for medical coverage every six months to have continuous coverage; and

(B) who lose medical coverage for lack of making timely application may apply for and receive medical coverage until their 21st birthday provided all eligibility requirements are met. OKDHS does not pay for services not covered by the OKDHS managed care program.  

(4) Pregnant youth 18 years of age or older may apply for medical assistance as the medical programs are extended for pregnancies.

INSTRUCTIONS TO STAFF 340:75-13-80

1. (a) Within five working days of the filing of a petition that results in the child's removal from the home, the Child Welfare (CW) worker:

   (1) completes a search of the child's and family's Oklahoma Department of Human Services (OKDHS) record history through Information Management System (IMS);

   (2) opens a KK case and completes all available information in the KK case;

   (3) submits to the custody specialist the court order removing the child from the home; and-

   (4) submits Form SS-5, Application for Social Security Number, to verify an application was submitted, if the child has no Social Security number, per OAC 340:75-13-10.

(b) The custody specialist prints Form 04KI002E, Eligibility Determination, and:

   (1) certifies the eligible child on a C case or H case in Family Assistance/Client Services (FACS) system effective:

       (A) the month the petition was filed;

       (B) the date Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Home Placement and Medical Care of Child, or Form 04IL001E, Voluntary Placement Request, as applicable, was signed; or
(C) the date of removal, if the child was a medical assistance recipient on the date of removal; and

(2) removes the child from any other medical case and updates those cases on FACS with custody information.

(c) Within 15 days, the custody specialist e-mails the child's medical identification number to the CW worker.

(d) Each child's medical case must be reviewed every 12 months, per OAC 317:35-7-62.

(1) When a review of the medical case is due, the custody specialist:

(A) may notify the CW worker of the review using an intraoffice form or e-mail;

(B) uses information from the KIDS case and IMS programs and applications; and

(C) updates the medical case information.

(2) The CW worker is responsible for immediately notifying the custody specialist via e-mail when:

(A) OKDHS or a tribe no longer has custody of the child; and

(B) there are changes in the child's:

(i) type of placement;

(ii) county of residence;

(iii) benefits;

(iv) family's income; or

(v) health insurance coverage.

(e) The medical case for a child in OKDHS or tribal paid care is retained in the county of the assigned custody specialist.
2. Youth exiting care. The custody specialist removes the exiting youth from medical coverage at the time the youth leaves OKDHS custody and out-of-home placement. The youth may apply for medical coverage at the local OKDHS office.
340:75-15-8. Responsibilities of the adoption specialist and adoption transition specialist

(a) Responsibilities of both the adoption specialist and adoption transition specialist include:

1. consulting with Permanency Planning, Foster Care, and Child Protective Services staff and serving as team members in addressing permanency issues for children in out-of-home care. Consultation may be informal between workers or occur in a multi-disciplinary team through criteria staffings and permanency planning reviews. Consultation regarding adoption issues is an ongoing process and begins with the referral for Swift adoption services, including the completion of Form 04AN022E, Child Profile Assessment for Adoption, and concludes when an adoptive placement for a child is made; and

2. recruiting adoptive homes by engaging in activities designed to recruit families who reflect the diversity of the children in out-of-home care and who are willing and able to parent children with special needs.

(b) Additional responsibilities of the adoption specialist include:

1. assessing and preparing adoptive families on an ongoing basis to parent children with special needs;

2. offering or facilitating post placement services when a child is placed in trial adoption and until the adoption is legalized, per OAC 340:75-15-103 through 340:75-15-109;

3. offering or facilitating post adoption services at the family's request after the adoption is legalized, per OAC 340:75-15-124 through 340:75-15-133;

4. completing a thorough review of the KIDS case and the accompanying paper file to include correction of inaccurate or incorrect information;

5. managing the child's case and taking the lead in a partnership relationship between the child, placement provider, and service providers to develop effective case plans that help achieve safety, permanency, and well-being. The adoption transition specialist ensures the child receives appropriate care and the child's needs for connection, closeness, and attachment are met;

6. identifying each child's needs in the assessment process and arranging services to meet the needs to enhance the child's well-being while in out-of-home care. The
specialist:

(A) works with the placement provider and service providers to ensure that the child is emotionally and psychologically prepared and ready to accept a new family; and

(B) prepares the child for adoptive placement through a series of steps and activities and seeks an adoptive family that is in the child's best interest; and

(7) collaborating with the adoption transition specialist to plan the child's transition into adoptive placement.

INSTRUCTIONS TO STAFF 340:75-15-8

1. (a) Adoption consultation. The adoption consultation process includes:

(1) monthly review of Report YI602, Adoption Permanency Plan Case Goal Report, by the adoption specialist and adoption transition specialist. Initial consultation occurs within 30 calendar days after the child's name first appears on Report YI602;

(2) scheduling criteria staffings for each child on Report YI602;

(3) documenting all adoption consultations and criteria staffings in the permanency planning case KIDS Contacts screen and all Swift services referrals in KIDS Adoption Efforts screen;

(4) sending the child's biological KK case record to Departmental Services Unit to be copied;

(5) researching all Oklahoma Department of Human Services (OKDHS) files related to the child, including any Family Support Services Division services records and medical records within the database maintained by Oklahoma Health Care Authority (OHCA);

(6) completing Form 04AN023E, Child Profile Referral, to submit to the Swift profile contractor after the criteria staffing. The referral packet includes, at a minimum:

(A) copy of the child's biological KK case;

(B) copy of child's full-certified birth certificate;
(C) copy of all legal orders pertaining to custody status and disposition of the child, including, but not limited to the:

(i) original deprived petition;

(ii) amended deprived petition;

(iii) Emergency Custody Order;

(iv) Temporary Custody Order;

(v) Adjudication Order;

(vi) Disposition Order;

(vii) Termination of Parental Rights Order for mother; and

(viii) Termination of Parental Rights Order for father;

(D) KIDS reports, including Forms:

(i) 04Kl028E, Client Information Report, attached for each child and biological parent;

(ii) 04Kl029E, Case Contacts Report;

(iii) 04Kl030E, Client Medical/Psychological; and

(iv) 04Kl010E, Placement Worksheet;

(E) signed Form 08Hl003E, Authorization to Disclose Medical Records, on each medical, dental, psychological, Form 04MP001E, Consent for Release of Information, for each educational provider identified in the case records or within the database maintained by OHCA;

(F) Form 04AN012E, Perinatal Information, that is mailed to the hospital where the child was born;

(G) Oklahoma State Department of Health Form ODH 347, Medical and Social History Report for Adoption;
(H) Form 04AN026E, Assessment of Child by Caregiver;

(I) OKDHS Publication No. 85-67, revised 7/2005, My Feelings About Adoption, for children up to 12 years of age, and OKDHS Publication No. 05-09, revised 7/2005, Adoption Guidebook, for children age 13 and older; and

(J) Form 04AN020E, Adoptive Placement Criteria Staffing;


(A) If not previously completed by the Child Welfare (CW) worker, these are completed as part of Swift services. Swift services may be completed by the adoption specialist, adoption transition specialist, or CW worker. When appropriate, former foster parents, CW workers, and relatives may be contacted for additional information.

(B) The resource assessment contractor completes Form 04AN022E, Child Profile Assessment for Adoption, including attachments;

(8) arranging for the child to be staffed at the next statewide adoption staffing, when there is no identified adoptive family;

(9) faxing copies of all recommended resource family assessments to the appropriate CW worker within three working days of statewide adoption staffing;

(10) assisting the CW worker with the selection and recommendation process; and

(11) assisting the CW worker with referrals for media recruitment, adoption parties, and adoption exchanges, when there is no recommended resource family for the child.

(b) To facilitate the recruitment of adoptive homes, the adoption specialist and adoption transition specialist:

(1) develop an annual local recruitment plan in coordination with area adoption and county foster resource staff;
(2) use a combination of child-specific and more general targeted recruitment strategies, including registration of children on www.AdoptUsKids, ensuring participation at adoption parties, and facilitating participation in the Waiting Child television campaign and photograph exhibit project;

(3) coordinate recruitment activities with Children and Family Services Division Adoption Services Section; and

(4) jointly recruit foster homes.

(c) For the assessment and preparation of adoptive families, the adoption specialist:

(1) enrolls the adoptive applicant in required pre-service training, including Behavior Crisis Management Training (BCMT); and

(2) completes Form 04AF009E, Referral for Resource Family Assessment, and sends the form to the resource assessment contractor within two weeks of receipt of the completed application along with:

(A) Form 04AN020E, if applicable;

(B) Form 04AF004E, House Assessment, completed at the initial home visit by the adoption specialist on all new inquiries. The resource assessment contractor completes Form 04AF004E on all conversion assessments;

(C) Form 04AF001E, Resource Family Assessment Application;

(D) Form 04AN022E, Child Profile Assessment for Adoption, for conversion assessments;

(E) Form 04AF007E, Records Check;

(F) Form 04AD003E, Request for Background Check, for all household members age 18 years or older;

(G) fingerprinting results, if available;

(H) copy of all KIDS Pre-Resource and Resource contacts;
(I) copy of entire resource record, including re-evaluations, for kinship and foster families applying to adopt; and

(J) any other forms or documentation that the applicant returns to the adoption specialist. The contractor completes the assessment using Form 04AF002E, Guidelines for Resource Family Assessment.

(d) The case review process begins when the adoption transition specialist receives primary assignment to any child in a Permanency Planning case and includes a review of the:

(1) case plan. The child must have a case plan goal of adoption and current Form 04KI008E, Treatment Plan, or 04KI012E, Individualized Service Plan (ISP), must reflect services and activities appropriate to an adoption goal;

(2) court information. KIDS Court Hearing, Report/Progress Report, Parental Rights, and Status screens are reviewed. Missing or inaccurate termination of parental rights and legal status data is entered or corrected;

(3) placement history and current placement;

(4) educational history and current information. KIDS Client/Education screen must reflect the child's current school information, grade level, education status, school performance, and educational strengths and needs;

(5) medical history and current information. KIDS Client/Medical screens must reflect current medical treatment and needs of the child, including all medications, immunizations, and mental health information;

(6) adoption efforts. KIDS Adoption Efforts screen is reviewed for history and updated by completing contacts related to adoption efforts. These contact purposes include adoption consultation, adoption criteria staffing, adoption matching party, and adoption statewide staffing;

(7) KIDS contacts. In order to gain a better understanding of the child and history of the case through the CW process, KIDS Contacts are reviewed especially those contacts with relatives or other important persons in the child's life that may have expressed an interest in the child's placement; and
(8) CW paper case record. The child's paper case record must contain applicable reports and information as referenced in OAC 340:75-1-26. All sections are checked and missing documents obtained, including a copy of the child's birth certificate and Social Security card.

(e) Placement services are provided by the adoption transition specialist per OAC 340:75-6-85.3 and 340:75-6-85.4. The adoption transition specialist:

(1) discusses his or her role with the child's current caregiver; and

(2) discusses the child's preparation for adoption and OKDHS adoption efforts with the child's current caregiver and requests current Form 04AN026E, Assessment of Child by Caregiver.

(f) Child assessment and preparation begins with the case review and continues with developing Form 04KI012E. Children who are old enough to participate in case planning are included in this process. Other child assessment and preparation activities include initiating the child's Life Book and completion of OKDHS Publication No. 85-67, revised 7/2005, for children up to 12 years of age, and OKDHS Publication No. 05-09, revised 7/2005, for children age 13 and older. The Companion Book for Social Workers is used to assist adoption transition specialists with OKDHS Publication No. 05-09, revised 7/2005.

(g) The adoption transition specialist for the child and adoption specialist for the family:

(1) consult with each other regarding the offer of the child to the family and full disclosure. The adoption transition specialist may be asked to assist with full disclosure either by direct participation or availability to the family in case of questions; and

(2) in the event that the resource family accepts the offer of a child, collaborate with each other to develop a pre-adoptive visitation plan that is in the child's best interest. At a minimum, the adoption transition specialist participates in the first pre-adoptive visit. Additional adoption transition specialist responsibilities include:

(A) preparing the child's case for transfer to the adoption specialist. All KIDS information must be current;
(B) maintaining an open assignment and reporting to the court as needed;

(C) requesting consent to the adoption from the court of jurisdiction; and

(D) requesting dismissal of the deprived case once the adoption is finalized.

Section 7505-1.1 of Title 10 of the Oklahoma Statutes requires that all papers and records pertaining to the adoption shall be confidential except as authorized by Sections 7504-1.2, 7505-6.6, 7508-1.2, and 7508-1.3 or upon order of a court of record for good cause shown. The adoption case record includes the child's case file and the adoptive family resource files. These files are considered an adoption record once they become part of an authorized adoptive placement. per OAC 340:75-15-103.

1) **Locked files.** Adoption records are kept in locked files or desks to ensure confidentiality. After an adoption is finalized on a child placed by the Oklahoma Department of Human Services (OKDHS), the adoption record, including the child's birth family record, adoptive placement record, and the adoptive resource file, is kept in locked storage in the State Office, Children and Family Services Division (CFSD), Post-Adoption Services Section.

2) **Non-identifying information.** All records regarding adoption assistance are confidential. Certain types of non-identifying information may be released when Form 04CI002E, Oklahoma Mutual Consent Voluntary Registry, is submitted by an adoptive family or adult adoptee. per OAC 340:75-15-132.

3) **Identifying information redacted.** The adoptive family is not identified in any form in the child's birth family record or in reports to the court in the child's juvenile court case. The Oklahoma Commission on Children and Youth (OCCY) may have access to records regarding the transition of children in the custody of OKDHS into adoptive placement from foster care status. These records are redacted by OKDHS to exclude any information identifying the adoptive parent(s). When OCCY requests access to records pertaining to a child in adoptive placement, the State Office, CFSD Post-Adoption Services Section is notified prior to the release of any information for direction in processing the request.
PART 6. ADOPTION PROCESS

340:75-15-41. Adoptive placement criteria staffing

The adoption process is a team effort that includes the adoption specialist and supervisor, adoption transition specialist and supervisor, Child Welfare (CW) worker and supervisor, and service providers.

(1) **Criteria staffing.** Within 30 calendar days of the initial adoption consultation, 04AN020E, Adoptive Placement Criteria Staffing, is completed on any child with the goal of adoption to assist in determining the type of placement that best meets the child's needs. The assessment may identify a prospective adoptive parent(s)' ability to meet the child's needs and addresses the legal status and any legal barriers to adoption.

(2) **Placement assessment.** Completion of the adoptive placement criteria staffing is not approval for adoptive placement. A child for whom there is no resource identified is referred to statewide adoption staffing. 1 Form 04AN020E is completed for the child on all interested, prospective caregivers. Factors considered when identifying the placement that best meets the child's needs are described in (A) through (K).

(A) **Siblings.** Siblings are placed together when possible. Siblings are separated in adoptive placement only in certain circumstances, in accordance with OAC 340:75-6-85.2 and 340:75-15-43.

(B) **Attachment.** The attachment of the child to the siblings, foster family, and significant others is assessed and used as an indicator of the child's ability to attach to an adoptive family. 2

(C) **Age.** Age is evaluated in relation to the applicant's ability to parent the child into adult years. 3

(D) **Health.** The health records of the prospective adoptive applicant must indicate the applicant has the health to participate with the child in normal developmental activities and parent the child into adult years.

(E) **Culture.** Oklahoma Department of Human Services (OKDHS) does not rely on generalizations about the identity needs of children of a particular race or ethnicity. OKDHS does not presume from the race or ethnicity of the prospective adoptive applicant that he or she would be unable to maintain the child's ties to another racial, ethnic, or cultural community.
(F) Adoption of an Indian child. The child who meets the definition of an Indian child under the federal and state Indian Child Welfare Act (ICWA), Section 1901 of Title 25 of the United States Code and Section 40 et seq. of Title 10 of the Oklahoma Statutes, must be placed according to the placement preferences per OAC 340:75-19-23. Prior to placing an Indian child in a non-extended family or non-Indian family, the child's CW worker must request that the court of adjudication conduct a good cause hearing. ICWA requires that:

(i) a good cause hearing is set;

(ii) prior notice is given to all parties, including the tribe; and

(iii) the court make a finding that good cause exists to not follow the placement preferences of ICWA.

(G) Religion. The child is provided an opportunity for spiritual and moral development. If the child has made a religious commitment or the parent(s) has made a specific request, OKDHS makes a reasonable effort to find an adoptive family of like faith.

(H) Language. If the child's primary language is other than English, special consideration is given to identifying an adoptive family fluent in the same language as the child, including sign language for a child who is hearing impaired.

(I) Education. The child is given the opportunity to develop his or her potential and will not be subjected to unrealistic academic expectations.

(J) Geographic location. The child is placed in a locality where the child and adoptive family are protected from identification and from undue interference by the birth family. When foster parents or relatives are considered as an adoptive family, this criterion is of special significance. An assessment is made to determine the adoptive parent(s)' ability to parent without undue interference.

(K) Resources. The adoptive family must have adequate resources to meet the child's financial, medical, health, educational, shelter, and emotional needs. Adoption assistance is a resource for the child who meets eligibility criteria, per OAC 340:75-15-128.

INSTRUCTIONS TO STAFF 340:75-15-41

1. Criteria staffing procedures.
(1) The adoption specialist schedules the time and place for the criteria staffing during the initial adoption consultation.

(2) Prior to the staffing, the Child Welfare (CW) worker and CW supervisor complete Form 04AN020E, Adoptive Placement Criteria Staffing, to the extent possible.

(3) The assigned court-appointed special advocate (CASA) reviews Form 04AN020E. Any additional information provided by CASA may be included on Form 04AN020E. The CW worker requests CASA sign Form 04AN020E indicating the opportunity to review the content and notification of the date, time, and location of the upcoming criteria staffing.

(4) The CW worker:

   (A) notifies all appropriate participants of the criteria staffing.

      (i) Recommended participants include the area adoption specialist, child’s CW worker, CW supervisor, resource specialist, Developmental Disabilities Services Division (DDSD) case manager, therapeutic foster care (TFC) therapist, and tribal social worker.

      (ii) Other persons with information that may assist in planning for the child are also invited, including, but not limited to, CW field liaison (CWFL) and SoonerStart and Office of Juvenile Affairs staff.

      (iii) All participants are required to review and sign Form 04AN020E;

   (B) attaches the most recent completed Permanency Planning Review form to Form 04AN020E;

   (C) if the court of jurisdiction has given any specific direction or court order regarding adoptive placement of the child, attaches a copy of the court order or court minute to Form 04AN020E. If not attached, it must be identified on Form 04AN020E as an action step with a due date;

   (D) prior to submitting a request for separating siblings, staffs concerns regarding sibling placement and separation with the designated Children and Family Services Division (CFSD) Permanency Planning Section programs field representative.
(i) If this is not completed prior to criteria staffing, it must be identified on Form **04AN020E** as an action step with a due date.

(ii) Requests to separate siblings for the purpose of adoptive placement must be submitted in a memo to and approved by CFSD Sibling Separation Committee;

(E) if Form **04AF004E**, House Assessment, was previously completed for a relative of the child, attaches a copy of this form to Form **04AN020E**. If not attached, it must be identified on Form **04AN020E** as an action step with a due date; and

(F) conducts a thorough Child Abuse and Neglect Information System search for prospective resources identified.

(i) The results of all Child Protective Services investigations and assessments, including any policy violations and written plans of compliance, are included on Form **04AN020E**.

(ii) If this is not completed prior to the criteria staffing, it must be identified on Form **04AN020E** as an action step with a due date.

(5) The area adoption supervisor and CW supervisor review completed Form **04AN020E**, including the documented action steps, and sign as mandatory reviewers of Form **04AN020E**.

(A) If no areas of concern are identified, the adoption specialist proceeds with the Swift services referral.

(i) If a resource for the child is identified, the resource assessment referral is made after Form **04AF001E**, Resource Family Assessment Application, is received.

(ii) The CW worker notifies the identified resource of the results of the criteria staffing and that a referral for a resource family assessment will be made.

(B) If an area of concern or placement dispute is identified, the adoption specialist or area adoption supervisor promptly notifies CFSD Adoption Services Section. If no resolution is reached after review by the Adoption Services Section, the Adoption Services Section programs
manager notifies the CWFL and county director that a grand staffing is needed.

2. Child's ability to attach. The child's CW worker is aware that an indicator of success in adoption is the child's ability to attach. The child's CW worker solicits the cooperation and assistance of the foster family and other professionals, if indicated, to help the child accept adoption and transition into the placement.

3. Age of applicant. When the age difference between the applicant and child is more than 55 years, the CWFL and Adoption Services Section are consulted.
340:75-15-42. Statewide adoption staffing

(a) A child in Oklahoma Department of Human Services custody is referred for statewide adoption staffing when the child’s permanency plan is adoption, unless a prospective caregiver is identified for the child at criteria staffing, per OAC 340:75-15-41.

(b) After a thorough review of family assessments submitted for adoptive placement consideration, the Child Welfare (CW) worker selects three families who are best able to meet the identified needs of the child and ranks the families in order of preference.

(c) If no families are identified for consideration at the initial statewide staffing, information regarding the child's continued need for an adoptive family is presented at each subsequent staffing and child specific recruitment activities are initiated to recruit an adoptive family, per OAC 340:75-15-82.

INSTRUCTIONS TO STAFF 340:75-15-42

1. Statewide adoption staffing. Statewide adoption staffing, found in the STO DCFS/Adoption/Statewide Staffing public folder on Outlook, occurs monthly and is an opportunity for Child Welfare (CW) workers to obtain resource family assessments for adoptive placement consideration. Tribal representatives are invited quarterly to statewide staffing.

(1) The CW worker:

(A) brings 50 copies of Form 04AN022E, Child Profile Assessment for Adoption, and a current color photograph of each child to be presented;

(B) gives a brief presentation of the child, five to seven minutes in length, describing:

(i) primary reason the child came into care and child's current legal status;

(ii) child's current placement, including level of care and length of time in current placement;

(iii) child's personality, including the child's positives and strengths, interests and hobbies, and activities that are important to the child;

(iv) a recent visit with the child;
(v) type of family the child desires;

(vi) child's goals for the future, if an older child;

(vii) child's health;

(viii) child's school performance and educational needs;

(ix) child's day-to-day behavior;

(x) child's progress in counseling, if applicable; and

(xi) contact with child's biological family, including placement with siblings or visitation with siblings;

(C) reads all resource family assessments submitted within 30 days of staffing the child;

(D) from the resource family assessments submitted for consideration, selects three families who appear best able to meet the identified needs of the child and prepares an adoptive placement recommendation for each family, per OAC 340:75-15-45; and

(E) if no resource family assessments are submitted for consideration, explores other recruitment opportunities, including:

(i) re-staffing the child;

(ii) scheduling the child for the next adoption party;

(iii) referral to Waiting Child; and

(iv) listing the child's profile on the Internet.

(F) forwards resource family assessments to the child's CW worker within three working days; and

(G) consults with the CW worker to facilitate the adoptive placement recommendation process.
340:75-15-43. Sibling placements

(a) Oklahoma Department of Human Services (OKDHS) supports the relationship of sibling groups by placing them together in out-of-home care when possible. Siblings who are not placed together in out-of-home care are afforded regular visitation with each other. Siblings who are separated are moved into the same placement at the first available opportunity. Siblings with the permanency plan of adoption are staffed for adoptive placement as a sibling group.

(b) Exceptions to placing siblings together for adoptive placement include children who:

   (1) are placed with relatives; and

   (2) have a documented need for separation due to extreme behavior that is or would be harmful to a sibling on a long-term basis, per OAC 340:75-6-85.3.

(c) When separation is approved by the Children and Family Services Division Sibling Separation Committee, a plan for continued contact is provided to and agreed upon by the caregivers of the children. The Child Welfare worker explains to the prospective adoptive parent(s) that authorization to separate the children for placement does not sever the sibling relationship.

INSTRUCTIONS TO STAFF 340:75-15-43

1. Sibling separation. Requests to separate siblings for the purpose of adoptive placement are:

   (1) submitted in a memo to Children and Family Services Division (CFSD) Permanency Planning Section;

   (2) reviewed by the Sibling Separation Committee that meets monthly and is comprised of representatives from CFSD:

      (A) Child Protective Services;

      (B) Permanency Planning;

      (C) Foster Care;

      (D) Therapeutic Foster Care (TFC);

      (E) Indian Child Welfare; and
(F) Adoption;

(3) approved, denied, or the committee may agree that additional information is needed to render a decision;

(4) required to include:

(A) each child's KK number, name, age, and date of birth;

(B) a brief summary of the reasons each child came into care and length of time in Oklahoma Department of Human Services (OKDHS) custody;

(C) each child's current placement, length of time in current placement, and length of time placed apart from siblings, and efforts made to place the siblings together in foster care or to reunite into one home;

(D) if siblings were placed together at any time while in OKDHS custody, the dates of placement, length of time together, and an explanation regarding the disruption of the placement;

(E) a description of day-to-day behavior of each child at home, school, and place of worship;

(F) frequency and type of contact among the siblings;

(G) recommendations of the counselors or therapists involved with each child;

(H) desires of each child regarding placement;

(I) a permanency recommendation for each child; and

(J) signatures of requesting CW worker and supervisor;

(5) justified. Reasons for the separation request and behaviors referenced in the request are thoroughly detailed. For example, rather than stating that a child is difficult, specific behaviors must be identified; and

(6) supported with appropriate documentation, as applicable, such as letters from counselors or therapists, psychological evaluations, court-appointed special advocate (CASA) recommendation, criteria staffing...
notes, Permanency Planning Review forms, and Form 04AN026E, Assessment of Child by Caregiver.

(A) Letters from the child's TFC counselor must be signed by the TFC agency director.

(B) Documentation identifying an ongoing plan of visitation and contact among siblings may be requested by the Sibling Separation Committee.

The adoption recommendation process involves professionals who have knowledge regarding the child in Oklahoma Department of Human Services custody and adoptive family, and experience in areas related to adoption and children with special needs. The professionals include the child's Child Welfare (CW) worker, CW supervisor, and area adoption specialist. Others who may be included are the area adoption supervisor, tribal worker, and CW field liaison (CWFL). The adoption authorization process involves Children and Family Services Division Adoption Services Section staff who review each recommendation submitted.

(1) When there are concerns regarding the recommendation or there is an objection to the recommendation, efforts are made to resolve the issues through communication with field staff.

(2) When no resolution is reached, the adoption placement coordinator notifies the CWFL and county director to hold a grand staffing.

(3) When the recommendation is denied, it is referred to the programs administrator for final review. ■ 1

(4) Approval of the adoption placement recommendation gives the adoption specialist the authority to offer the child for placement and complete full disclosure with the authorized adoptive family, using Form 04AN006E, Affidavit of Information Disclosure for Adoption, and to determine the family's interest in proceeding with pre-placement visits. ■ 2

INSTRUCTIONS TO STAFF 340:75-15-45

1. Placement recommendation.

   (1) The Child Welfare (CW) worker contacts the assigned adoption specialist for the county or group to answer any questions or to help facilitate the authorization process.

   (2) The resource family assessment that is submitted for consideration must be current within one year or have a current update or re-evaluation using Form 04AN007E, Guidelines for Adoptive Home Update and Annual Evaluation, per OAC 340:75-15-89.

   (A) Form 04AD003E, Request for Background Check, must be current
within one year and attached for each household member 18 years of age and older.

(B) Form 04AF007E, Records Check, must be current within one year and attached.

(3) From the resource family assessments submitted for consideration, the child's CW worker:

(A) completes Form 04AN025E, Adoptive Placement Recommendation - Supplemental Worksheet, when ten or more resource family assessments are available for consideration;

(B) selects three families best able to meet the child's identified needs;

(C) ranks the families in order of preference;

(D) completes Form 04AN024E, Adoptive Placement Recommendation Worksheet, and submits to Children and Family Services Division (CFSD) Adoption Services Section with a copy of the resource family assessment for each family; and

(E) considers information included on Form 04AN022E, Child Profile Assessment for Adoption, when assessing the appropriateness of the prospective adoptive parent.

(4) The adoption specialist for the family is notified of the authorized recommendation and contacts the child's CW worker.

2. Full disclosure and offer of child.

(1) The adoption specialist:

(A) offers the child to the adoptive family within three weeks of the authorization date;

(B) completes Form 04AN006E, Affidavit of Information Disclosure for Adoption;

(C) provides to the adoptive family:
(i) Form 04AN006E;

(ii) de-identified Form 04AN022E;

(iii) de-identified copies of Oklahoma State Department of Health (OSDH) Form ODH 347, Medical and Social History Report for Adoption; and

(iv) de-identified medical, dental, psychological, and educational records available at that time;

(D) reviews all information in OAC 340:75-15-45 Instructions to Staff 2(1)C with the family prior to initiating pre-placement visits.

(i) Non-related families who wish to proceed with pre-placement visits are referred to the local OSDH Child Guidance Center for additional review of the full disclosure packet.

(ii) Upon completion of this review, pre-placement visits are coordinated using Form 04AN021E, Preadoptive Placement Visit Agreement; and

(E) if the family declines the offer, either before or after pre-placement visits, or fails to respond to both verbal and written contact attempts, promptly notifies the child’s CW worker and Adoption Services Section placement coordinator by e-mail to proceed with review of the second recommendation.
340:75-15-47. Interjurisdictional fair hearing

The Oklahoma Department of Human Services (OKDHS) does not deny or delay placement of a child for adoption when an approved adoptive family is available outside of Oklahoma. A fair hearing may be requested if placement by OKDHS with an authorized adoptive family in another state has been denied or unreasonably delayed. The out-of-state adoptive family may request a fair hearing by filing an appeal on Form 13MP005E, Resource Family Request for a Fair Hearing, per OAC 340:75-12.6(a)(2)(C).
PART 8. ADOPTIVE PLACEMENT PROCESS

340:75-15-59. Transition to adoptive placement

(a) **Coordination of placement process.** The adoption specialist in consultation with the child's Child Welfare (CW) worker determines how to best transition the child into the adoptive family. If there are differences or issues in how best to proceed, the area adoption supervisor, in consultation with the CW supervisor, assists with a resolution. Visits between the child and adoptive family occur prior to placement.

   (1) Each visit is evaluated before a decision is made for additional visits, and to determine whether the child and family are ready for placement.

   (2) Visits may be of different duration depending on the child's age and readiness or upon the adoptive family's request.

   (3) When the adoptive family is interested but uncertain about a particular child, a blind showing, where the child is not aware that he or she is meeting with a potential adoptive family, may be arranged.

(b) **Pre-placement and placement agreements.** Form 04AN021E, Preadoptive Placement Visit Agreement, is completed with the family prior to pre-placement visitation. Form 04AN015E, Adoptive Placement Agreement, is completed with the family when the child is placed in trial adoption.

(c) **Out-of-state placements.** When an out-of-state adoptive family is identified and placement is authorized by Children and Family Services Division Adoption Services Section for a child in Oklahoma, pre-placement visits are arranged in coordination with the Adoption Services Section. The visits may include the child traveling to the adoptive family's home and visitation with the child in Oklahoma by the adoptive family.

(d) **Direct placement.** Direct placement of a child into an adoptive home requires approval by the Adoption Services Section. Direct placement is only used when the child must be moved immediately from his or her present placement, which does not allow for transitioning the child into the adoptive home.

INSTRUCTIONS TO STAFF 340:75-15-59

1. **(a) Blind showing.** The child's Child Welfare (CW) worker takes the child to a neutral setting where he or she "accidentally" runs into "friends" of the worker, such as the adoptive family and adoption specialist. A blind showing may also be arranged at a scheduled adoption party.
(b) Pre-placement visits. The adoption specialist completes, in duplicate, with the adoptive family Form 04AN021E, Preadoptive Placement Visit Agreement. It is in the child's and adoptive family's best interests for visits to occur prior to placement to assist in a smooth transition into the adoptive home.

(1) The best indicator for a successful adoption is the child's ability to attach. If the child has attached to the foster family there is good reason to believe the child can also attach to the adoptive family, if permission to do so and assistance by the foster parent is given to the child. The child must be assisted in grieving the loss and separation from the foster family.

(2) The adoption specialist and child's CW worker may consider:

(A) a daytime visit between the child and adoptive family. The CW worker and in some cases, after careful consideration, the foster parent may be included in the visit. The adoptive family is afforded some time alone with the child at every visit;

(B) an overnight visit, with the child returning to the foster home before a decision is made for placement; or

(C) an open-ended visit. If there is any concern on the part of the child, especially an older child, or on the part of the adoptive family about placement, the child may be sent on a visit with the family for a planned period of time. A decision is made prior to the end of the visit about whether the child returns to the foster home or moves into the adoptive placement.

2. Direct placement. Direct placement occurs when the:

(1) child is moved due to abuse or neglect in his or her present placement;

(2) foster parent requests the child be moved and transitioning the child would result in an additional placement; or

(3) child is placed directly from the hospital into an adoptive home.

3. Physical placement of the child. The adoption specialist and child's CW worker coordinate in determining when and where the placement occurs. At the time of placement, the documents and items in (1) through (3) are completed and routed as indicated.
(1) The adoption specialist completes, in duplicate, with the adoptive family Form 04AN015E, Adoptive Placement Agreement, and Form 15GR004E, Notice of Grievance Rights - Minors in OKDHS Custody, for each child placed. One copy of each is routed to the adoptive:

(A) family; and

(B) family record.

(2) The child's CW worker transfers the child's birth family record to the adoption specialist, per OAC 340:75-15-103 Instructions to Staff.

(3) The child's CW worker delivers to the adoption specialist the child's:

(A) medical card;

(B) immunization records;

(C) education records;

(D) shoes and at least five changes of seasonably appropriate clothes;

(E) other personal belongings; and

(F) Life Book.
340:75-15-61. Interstate placements for adoption

The Interstate Compact on the Placement of Children (ICPC) is a means to ensure protection and services to children who are placed across state lines for adoption. The Oklahoma Department of Human Services contracts for the administration of adoption ICPC services. There is a $250 fee for processing independent and private agency adoptions which is paid directly to the contractor by the independent attorney or the private agency. The contracted Deputy Compact Administrator (DCA) is authorized to conduct the necessary investigation of the proposed placement and to determine whether or not the placement is contrary to the child's interests. After the placement is approved by the contracted DCA he or she is responsible for overseeing the placement as long as it continues or until legalization of the adoption. This oversight does not include direct supervision of the placement but does include processing supervisory reports from the receiving state, facilitating communication between the states or parties involved, and notifying the agency or individual of an adoption disruption or legalization. [OAC 340:75-1-86] 1 through 4

INSTRUCTIONS TO STAFF 340:75-15-61

ITS only revised 6-1-07

1. (a) Procedures when Oklahoma is the sending state. To initiate a request for an adoptive home study in another state, the child's Child Welfare (CW) worker submits Form 04IC002E, Interstate Compact Application Request to Place Child, and a referral packet to the contracted Deputy Compact Administrator (DCA). An original and three copies of each document and five copies of Form 04IC002E are submitted. Only requests for a specific child can be processed through Interstate Compact on the Placement of Children (ICPC).

   (1) Referral packet. The referral packet is a summary of the child's background, including:

   (A) social information, which presents a clear statement of the relationship of the child to the proposed placement family;

   (B) psychological information;

   (C) educational information;

   (D) Form ODH 347;

   (E) medical information;
(F) legal documents; and

(G) Form 04AN020E, Adoptive Placement Criteria Staffing.

(2) Referral request.

(A) The contracted DCA forwards the information to the ICPC office of the receiving state.

(B) The DCA in the receiving state refers the request to the local office or to a private agency. When the adoptive home assessment is completed and sent to the ICPC office by the receiving state, it is approved or denied and sent back to the contracted DCA in Oklahoma.

(C) The child's CW worker opens an "Other Services Workload Request" to document in KIDS that a home assessment has been requested from another state. The Type of Service Request is documented as ICPC-Sending Out-of-State.

(D) The contracted DCA in Oklahoma approves, denies, or requests additional information prior to taking action on the referral. Receipt of an approved adoptive home assessment and an approved Form 04IC002E is not approval for an adoptive placement. The child's CW worker determines whether this is the best plan for the child.

(E) The adoption specialist converts the "Other Services Workload Request" to a Resource once the completed approved home assessment has been received. The Resource category is Adoption.

(F) Form 04AN024E, Placement Recommendation Worksheet, is completed for the recommended out-of-state family and submitted to the State Office along with a copy of the home assessment, Form 04AN022E, Child Profile Assessment for Adoption, Form 04AN020E, and Form 04IC002E.

(G) Prior to signing the placement affidavit, the family must be given full disclosure.

(b) Travel. The Oklahoma Department of Human Services (OKDHS) does not assist with travel arrangements for independent or private agency adoptions. For OKDHS adoptions, travel arrangements are coordinated between OKDHS
and the adoptive family. The payment for travel is negotiated between OKDHS and the adoptive family. If the adoptive family is not able to make travel arrangements and pay for travel, the State Office Adoption DCA assists in arrangement of travel for custody children in coordination with the local CW worker. The CW worker submits a signed Form 23AD001E, Application for Agency Travel, for each person who is traveling. Form 23AD001E includes the child's date of birth and KK number. A recent court order showing the child is in OKDHS custody and a travel itinerary are attached.

(c) Placement. When the child is placed in another state, Form 04IC003E, Interstate Compact on the Placement of Children Report on Child's Placement Status, is submitted by the CW worker to the contracted DCA. This form is then sent to the ICPC office in the receiving state by the contracted DCA. When a placement is approved, a copy of Form 04IC002E signed by the sending state DCA is sent to the supervising county. When the child is placed in the adoptive home, an adoption case is opened in KIDS with the case type of Adoption.

(1) When the child is placed in the home upon receipt of Form 04IC003E, post placement supervision is provided by the receiving state. Reports of supervision are submitted to the contracted DCA upon request.

(2) Documentation of the visits and services provided to the family by the receiving state is entered into the Contact Information screen of the Adoption case on KIDS.

(3) Medical expenses. A child in the permanent custody of OKDHS is eligible for Oklahoma Medicaid, which may be a resource if the adoptive family cannot provide medical care. Children who are Title IV-E eligible before placement will be eligible to receive Medicaid in the receiving state. The majority of states also cover children who are non Title IV-E eligible. A referral is made to the Interstate Compact on Adoption and Medical Assistance, State Office Adoption Assistance Section, per OAC 340:75-15-129, for assistance in obtaining medical services in the receiving state. If the receiving state does not cover children who are non Title IV-E eligible, the adoptive family is responsible for the child's medical expenses.

(4) When the adoptive parent(s) is ready to proceed with finalization of the adoption, the adoption specialist completes the ICPC Directive Authorizing Consent to Adoption found in the Outlook Public Folder STO
DCFS/Adoption/ICPC Adoptions, and sends it as an attachment by e-mail to the State Office Adoption Services Section. The form is signed by the Director's designee and is returned by mail to the adoption specialist. The completed form is sent to the receiving state through the contracted DCA.

(5) After the adoption is finalized, all records pertaining to the adoption are submitted to the State Office, in accordance with OAC 340:75-15-108.

2. Procedures when Oklahoma is the receiving state for a child who is in the custody of a public agency. OKDHS completes adoptive home assessments for ICPC requests made by the public agency in other states. When a public agency in another state requests an adoptive home assessment in Oklahoma, the adoption specialist or contractor completes an adoptive home assessment according to Form 04AF002E, Guidelines for Resource Family Assessment. The adoption specialist opens an Other Services Workload Request on KIDS. The Type of Request is ICPC - Receiving into State. Once the home assessment is completed and approved, the Other Services Workload Request is converted to a Resource. The Resource Category is Other Services. The Resource Type is ICPC/Adoptive. The completed assessment is submitted to the ICPC contracted DCA. When the child is placed in the adoptive home, an ICPC-Adoption case is opened in KIDS.

3. Procedures when Oklahoma is the receiving state for a child who is in the custody of a non-public agency. When a request for an adoptive home assessment is made by a person or private agency in the sending state, that person or agency is responsible for making arrangements for an assessment and supervision of the placement by a licensed child-placing agency or a person qualified by training or experience. Exceptions must be approved by the DCA.

4. Closure of ICPC adoption. Adoptive placements made through ICPC are closed when the adoption is finalized or the child is returned to the sending state. Form 04IC003E is submitted to the contracted DCA. If the child placed through ICPC is in the custody of OKDHS, the child’s closed case and the ICPC placement case are forwarded to State Office Adoption Services Section within 30 calendar days of finalization of the adoption. All adoptions handled through the ICPC are treated confidentially.
PART 10. ADOPTIVE FAMILY ASSESSMENT AND PREPARATION PROCESS

340:75-15-82. Recruitment of adoptive homes

(a) Recruitment program. The recruitment of adoptive homes is an ongoing, proactive component of adoption services. A combination of both child-specific and more general, targeted recruitment is used. Public service announcements are also used to inform the general public of the continuous need for adoptive families for children with special needs. ☐ 1

(b) Minority adoption recruitment. General, targeted, and child-specific recruitment methods are used to recruit minority families as well as families for any growing population within the Child Welfare system. Diligent efforts are made to recruit potential adoptive families who reflect the ethnic and racial diversity of children in the custody of the Oklahoma Department of Human Services (OKDHS) for whom adoptive homes are needed. ☐ 2

(c) Media recruitment. Options for media recruitment may include, but are not limited to television, newspapers, and public service announcements (PSA). ☐ 3

(d) Adoption exchange registrations. Sections 7510-2.1 through 7510-2.5 of Title 10 of the Oklahoma Statutes require that children be listed on an adoption exchange if they have not been placed for adoption in 90 calendar days after termination of parental rights where the child is legally free for adoption. OKDHS uses a variety of exchanges which provide the best opportunity to identify adoptive resources. ☐ 4

(e) Web site photo listing. OKDHS has an online photo listing of children who are waiting for adoptive homes. Legally free children who have been staffed at statewide adoption staffing, but for whom no adoptive home was identified, are referred to www.okdhs.org/programsandservices/adopt/ and www.adoptUskids.org. Children who object to being listed on the Internet or other exchanges are exempt. ☐ 5

INSTRUCTIONS TO STAFF 340:75-15-82

1. (a) Recruitment. Recruitment events are ongoing and coordinated with resource specialists in each county. The desired outcome of recruitment events is to increase available foster and adoptive family resources. The comprehensive recruitment plan must include, but is not limited to:

    (1) descriptions of the characteristics of children requiring placement;

    (2) specific strategies to reach all parts of the community;
(3) diverse methods of disseminating both general and child-specific information;

(4) strategies for ensuring that all prospective resource parents have access to the home study or assessment process, including location and hours of services that facilitate access by all members of the community;

(5) strategies for dealing with linguistic barriers; and

(6) procedures for a timely search for prospective resource parents for a child.

(b) The crucial coordination issue for planning recruitment activities is the extent to which the adoption staff are prepared to respond quickly and energetically to prospective adoptive applicants who contact Oklahoma Department of Human Services (OKDHS) as a result of recruitment efforts. At a minimum, adoption specialists are prepared to fully discuss:

(1) the adoption process;

(2) the types of children waiting for adoptive homes; and

(3) answer prospective applicants' questions when the first contact is made with OKDHS.

(c) Requests to apply to adopt a specific child are referred to the child's Child Welfare (CW) worker and may be reviewed through a criteria staffing, to assess whether this is an appropriate plan for the child. The inquiry is documented in KIDS Pre-Resource Contacts screen.

(d) A request by an approved adoptive family to adopt a specific child are communicated to the child's CW worker along with a copy of the completed approved adoptive home assessment.

2. Minority recruitment.

(1) The One Church, One Child (OCOC) Minority Adoption Recruitment program is a special minority recruitment program designed to find parents for children who are African American and need permanent homes. The program seeks to inform the African American community about children who need adoptive homes, dispel myths and misconceptions regarding the
adoption process, and identify families interested in adopting children. Program activities are conducted statewide. An adoption specialist in both Tulsa and Oklahoma counties is assigned to work with the program.

(A) Presentations are made in churches in the African American community regarding the need for adoptive homes. Each church is challenged to recruit from its members at least one family to adopt a child. A referral is made to the OCOC recruiter or to a master adoption coordinator regarding the family’s interest so that an intake interview may be scheduled.

(B) Master adoptive parents (MAPs):

(i) are experienced adoptive parents who have completed the adoption process and serve as a resource to prospective adoptive applicants, some of whom are trained in the OCOC program;

(ii) share information regarding the adoption process with prospective adoptive applicants from an adoptive parent perspective; and

(iii) may bridge the gap between the time a prospective adoptive applicant expresses an interest in adoption and a contact is made by an adoption specialist or OCOC recruiter. Referrals to MAPs are coordinated by the OCOC adoption coordinator.

(2) Indian adoptive home recruitment. In accordance with the Indian Child Welfare Act (ICWA), efforts to recruit Indian adoptive homes are coordinated with tribal social workers who provide a connection to Indian families.

3. Media recruitment.

(1) Waiting Child television feature. Children are referred for Waiting Child through the Area VI Adoption Unit, after they have been staffed, and are legally free, and no placement resources are available to meet the children’s needs. Each inquiry received following a Waiting Child broadcast is documented as a KIDS Pre-Resource and transferred to the appropriate adoption specialist. Referrals to Waiting Child and the resulting number of inquiries are recorded in the child’s KIDS Adoption Efforts screen.
(2) Newspaper. Referrals to appear in newspaper features are coordinated with the appropriate Area Adoption Services Unit.

(3) Public service announcement (PSA) and Swift phone line 1-877-OKSWIFT. Oklahoma families who express an interest in adopting are referred to the area adoption supervisor by Children and Family Services Division Adoption Services Section. An adoption specialist is assigned to contact these families.


(1) Referrals to appear on www.adoptUskids.org are made to the area adoption supervisor for children who meet the criteria for listing. A recent color photograph and one page profile for adoption are submitted to the area adoption supervisor.

(2) The child's CW worker discusses the listing with the child and notifies the area adoption supervisor, if the child objects. Children must be legally free to be listed on an exchange.

(3) Photographs of children listed on the exchange are updated annually, at a minimum, and when any significant change occurs in the child's appearance. Profile information is updated annually, at a minimum, and when any significant change occurs in the child's general functioning.

5. Web site photo listing. The Oklahoma Adoption Exchange Web site is www.okdhs.org/programsandservices/adopt/. Exempt from listing are children who:

(1) are age 12 years or older and do not choose to be adopted pursuant to Section 7503-2.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 7503-2.3). The child's decision not to be adopted is addressed on an ongoing basis with the child, with emphasis on giving the child information about the adoption process. Documentation of the child's refusal to be adopted is included in the child's case record that is updated yearly;

(2) are runaways whose present location is unknown;

(3) do not have adoption as the permanency plan, for example, permanent placement with relatives or long-term foster care is the permanency plan;
(4) due to medical or psychological reasons as determined by a licensed psychiatrist, psychologist, or physician, are not ready for adoption; or

(5) are currently in adoptive placement pursuant to 10 O.S. § 7505-6.3.
340:75-15-84. Application process

(a) Application to adopt. The applicant is referred to the adoption specialist for the county in which the applicant lives. The adoption specialist responds promptly to prospective applicants. The applicant is invited to attend a group orientation meeting or an individual intake interview is scheduled upon request of the applicant. If the applicant chooses to apply, the adoption specialist provides an application packet.

1 & 2 The adoption specialist discusses with the applicant information about the adoption program described in (1) through (10).

(1) The program is child focused. A family is selected who will best meet the child’s long-term best interests and individual needs. Families inquiring about adopting a child of a certain age, race, or other characteristic OKDHS reasonably believes may not be available for adoption in the foreseeable future are advised their application will not be processed.

(2) The completed resource family assessment summary is the basis for selection.

(3) Oklahoma Department of Human Services (OKDHS) contracts with licensed child-placing agencies to complete resource family assessments.

(4) There is no assurance that a child will be placed as a result of the application. This includes foster parents and relative applicants.

(5) There is no fee for services provided by OKDHS to applicants who apply to adopt a child in the legal custody of OKDHS.

(6) A family is referred to licensed child-placing agencies if the family is interested in adopting a specific type of child that is not available through OKDHS.

(7) A criminal background check is required and includes, but is not limited to:

(A) fingerprinting and a Federal Bureau of Investigation (FBI) check of each applicant and adult residing in the household if he or she has lived in the state less than ten consecutive years;

(B) an Oklahoma State Bureau of Investigation (OSBI) check that includes Department of Public Safety check and Sex Offenders Registry check for each adult household member;

(C) a Child Abuse and Neglect Information System check and OKDHS records check for each adult household member;
(D) an Oklahoma State Courts Network check at www.oscn.net;

(E) an Oklahoma District Court Records check (ODCR) at www.odcr.com;

(F) an offender information and offender lookup through Oklahoma Department of Corrections (DOC) at www.doc.state.ok.us;

(G) a Juvenile Justice Information System (JOLTS) records check for each child in the family 13 years of age or older; and

(H) a discharge from military duty, DD Form 214, Certificate of Release of Discharge From Active Duty, that is provided by the applicant.

(8) Verification of marriages, divorces, legal separations, or annulments, employment, and income are required.

(9) Applicants are required to complete 27 hours of pre-service training, including six hours of Behavior Crisis Management Training (BCMT), per OAC 340:75-7-14.

(10) Applicants are responsible for providing copies to OKDHS of any non-OKDHS assessments or evaluations, including previous adoptive, foster home, relative, divorce custody, or other custody assessments.

(11) OKDHS inquires whether the applicant has applied or been an approved foster or adoptive home in another state. OKDHS requests from all states that apply, any history of child abuse or neglect or criminal history from the appropriate state agency.

(b) Application to adopt by OKDHS employees. OKDHS employees may apply to adopt from OKDHS, though no preferential treatment is given.

(c) Reapplication to adopt. When previous adoptive parents apply to adopt again, the adoption application information is updated. ■ 3

(d) Denial or withdrawal of applications. When it becomes apparent that the applicant does not meet the resource family requirements set out in Form 04AF002E, Guidelines for Resource Family Assessment, the resource family assessment process may be discontinued and the application withdrawn or denied.

(1) The reasons for discontinuing the assessment prior to completion, per OAC 340:75-15-88, are explained to the applicant in person when possible and are stated in a letter to the applicant regardless whether personal contact is made. ■ 4
(2) The applicant may voluntarily withdraw the application. If the applicant declines to withdraw the application, local staff denies the application.

(3) Families desiring to adopt a child of a certain age, race, or other characteristic OKDHS reasonably believes may not be available for adoption in the foreseeable future are referred to licensed child-placing agencies that are more likely to place children matching this request.

(e) Out-of-state adoptive applicants. OKDHS does not process applications from adoptive applicants outside of Oklahoma, but accepts certified resource family studies or assessments from a licensed agency or the public agency in another state.

(1) In cooperation with a licensed adoption agency in another state, an adoptive family may be considered for a child in Oklahoma.

(2) Children and Family Services Division Adoption Services Section coordinates placement and supervision with an agency in the state where the adoptive family resides.


INSTRUCTIONS TO STAFF 340:75-15-84

1. (a) Response to prospective adoptive applicants. The adoption specialist:

   (1) plans the intake interview for a location that best meets the needs of the family, such as:

   (A) the local Oklahoma Department of Human Services (OKDHS) office;

   (B) the family's home. When the intake interview is done in the home, Form 04AF004E, House Assessment, is completed at this time; or

   (C) another site selected by the family;

   (2) explains the adoption process;

   (3) explains the types of children waiting for adoptive homes;

   (4) answers the prospective applicant's questions during the intake interview; and
(5) shares non-identifying information about children for whom OKDHS has responsibility for adoptive planning.

(A) The information is general and does not reveal confidential information about the child or the child's biological family.

(B) The information sharing process assists the family in gaining realistic expectations about the children available for adoption and the family's ability to parent these children.

(b) Initial screening. When an applicant inquires about adopting a child of a certain age, race, or other characteristic OKDHS reasonably believes may not be available for adoption in the foreseeable future, the adoption specialist:

(1) explains to the applicant this type of child is generally:

(A) part of a sibling group;

(B) placed with a relative; or

(C) placed with an existing approved applicant awaiting adoptive placement of sibling groups;

(2) provides information about the types of children available through OKDHS and encourages the applicant to consider these children; and

(3) refers the applicant to licensed child-placing agencies that are better able to place children matching their request.

2. (a) Application packet. The adoption specialist:

(1) reviews each form with the family to explain its purpose;

(2) advises the family that the home assessment may begin when Forms 04AF001E, Resource Family Assessment Application, and 04AN009E, Notice to Adoptive Parent Applicant(s), are returned; and

(3) explains that the other forms may be completed during the assessment process. The forms included in the packet are:

(A) Form 04AD003E, Request for Background Check and fingerprint
cards are completed by each applicant and all adult household members. All names, including maiden names, used by each adult household member must be included on Form 04AD003E.

(B) Form 04AF010E, Resource Family Financial Assessment;

(C) Form 04AF001E;

(D) Form 04AF008E, Medical Examination Report, for each adult family member and a doctor's statement of health on the children;

(E) Form 04AF017E, Family Health History;

(F) Form 04TB001E, Letter to Verify Tribal Membership of Resource Family Applicants. Resource family members who are tribal members or eligible for tribal membership submit this form;

(G) Forms 04AF020E, Family/Parent Questionnaire, and 04AF019E, Child's Questionnaire, that are an optional component of the assessment process. The family is advised they have the option of completing these forms or sharing this information through interviews with the adoption specialist;

(H) Form 04AF018E, Child Needs Information Checklist; and

(I) Form 04AN009E.

(b) Assessment procedure. The family is advised that an area subcontractor will contact the family to begin the resource family assessment.

3. The procedures for reapplication to adopt are:

(1) when an adoptive home case is reopened after a family has adopted a child from OKDHS, the adoptive home case record is requested via e-mail from Children and Family Services Division Adoption Assistance Section;

(2) current Form 04AF001E is completed by the applicant. The top of Form 04AF001E is marked "Reapplication";

(3) current Form 04AF008E, or substitute medical statement, is completed for each family member;
(4) Form 04AN007E, Guidelines for Adoptive Home Annual Evaluation and Reapplication, that reflects changes in the family situation, is completed by the adoption specialist. Included in the update are:

(A) changes in the family situation since the last home assessment;

(B) a home visit;

(C) at least one joint interview;

(D) information on any child added to the family; and

(E) family experiences;

(5) current Form 04AF010E, is completed;

(6) at minimum, three references are contacted. The appropriate references are selected from those identified in OAC 340:75-15-87 Instructions to Staff;

(7) updated Forms 04AD003E and 04AF007E, Records Check, are completed;

(8) if the family has moved or it has been over one year since finalization, a new Form 04AF004E is completed; and

(9) if the reapplication is from an employee who has a work relationship with the adoption specialist in the county, the area supervisor makes arrangements for the adoptive family assessment to be completed by an adoption specialist from outside the county or one who does not have a work relationship with the applicant.

4. Notice of closure. When possible, the adoption specialist makes face-to-face contact with the adoptive family to clarify the reason for closure of the home.

   (1) A letter is sent to the family, with the reason for closure stated in clear, concise language. Relevant OKDHS rules or procedures are cited and attached.

   (2) The adoption specialist may consult with Children and Family Services Division Adoption Services Section staff to determine whether to close an
adoptive home.
340:75-15-85. Application to adopt by a foster parent or relative

(a) Foster parents and relatives are considered for adoption of a child in their care when efforts to reunite the child with the parent(s) have failed. If the child has resided with a foster parent for at least one year, great weight is given to the foster parent in the adoption consideration for the child, unless there is an existing emotional bond with a relative of the child by blood or marriage who is willing, able, and eligible to adopt the child. 1

(b) A foster parent who wishes to be considered to adopt a child in his or her care who is part of a sibling group is advised that Oklahoma Department of Human Services rules supporting sibling relationships extend to adoption, per OAC 340:75-15-43.

INSTRUCTIONS TO STAFF 340:75-15-85

1. Application to adopt by a foster parent or relative.

   (1) Foster parent or relative inquiry. When a foster parent or relative expresses interest in adopting a child in his or her care, a criteria staffing is held and Form 04AN020E, Adoption Placement Criteria Staffing, is completed, per OAC 340:75-15-41, to determine whether this is an appropriate referral for an adoptive family assessment.

   (2) Conversion assessment. The process to begin the conversion resource family assessment starts with a review of the current resource family assessment for foster care. The conversion assessment is completed according to Form 04AF002E, Guidelines for Resource Family Assessment, within 60 calendar days of the referral to the resource family assessment contractor.
340:75-15-87. Assessment and preparation process

(a) **Assessment.** The assessment process is a tool for Oklahoma Department of Human Services (OKDHS) to assist the family in determining the family's ability to parent a child with special needs. The family is provided basic background information required to understand the adoption process, laws, and types of parenting issues faced by parents who adopt children with special needs. All services provided to the family in preparation for placement are designed to increase the family's ability to problem solve, access help, and cope with parenting a child with a unique history and needs. 1

(b) **Joint approval of foster and adoptive families.** OKDHS may jointly approve Child Welfare (CW) foster homes that are also approved as adoptive homes. Before the home may be approved as a CW foster home and an adoptive home, the home must meet eligibility standards of both programs, per OAC 340:75-7-19. The differences in the goals of the two programs are explained to the family. The family is advised that children in foster care are not moved in order to place an adoptive child in the home. All children in the home, including children in foster care placement, are considered in making placement decisions regarding an adoptive placement.

(c) **Interviews with applicants.** Individual and joint interviews are held with each family and household member with a minimum of two home visits on separate days. Information regarding the current family structure, family history, and social support is gathered through the interviews. 2

(d) **Reference information.** Signed Form 04AF001E, Resource Family Assessment Application, grants OKDHS permission to contact the listed references. Forms are mailed to appropriate references. 3

(e) **Health and age.** Form 04AF008E, Medical Examination Report, or other medical examination report by a doctor for each household member must be submitted before the assessment is complete. 4 An application to adopt a specific child elicits information to assess the adoptive applicant's ability to provide care for the child into adult years, given the applicant's health history and age. 5

(f) **Background checks.**

(1) **Authorization.** Section 7505-5.3 of Title 10 of the Oklahoma Statutes mandates a criminal background check for all public agency and private adoptive parent applicants and all other household members 18 years and older. The background check includes a search of:

(A) Oklahoma Department of Public Safety records;
(B) Oklahoma State Bureau of Investigation (OSBI) records;

(C) Federal Bureau of Investigations (FBI) national criminal history records search;

(D) Department of Corrections (DOC) files maintained pursuant to the Sex Offenders Registration Act;

(E) Oklahoma State Courts Network (OSCN);

(F) Oklahoma District Court Records (ODCR); and

(G) Child Abuse and Neglect Information System.

(2) **Fingerprint search.** A national criminal history records search based upon submission of fingerprints is required for adoptive applicants and other household members 18 years and older who have not lived continuously in Oklahoma for the past ten years.

(A) When a fingerprint search has been done in the past five years and is available for review by the person conducting the adoptive home study, then only an OSBI criminal background check is required. ■ 6

(B) A home study is not initiated if any applicant or adult household member refuses to submit the forms granting permission for the background check.

   (i) All adult household members age 18 and older complete and sign Form 04AD003E, Request for Background Check, and submit fingerprint cards authorizing OKDHS to conduct a records check. ■ 7

   (ii) Background information is considered in making a final recommendation. Information that reveals a risk to the child is used in denying the application, per OAC 340:75-15-88. ■ 8

(3) **Fingerprinting charges.** Once an applicant receives fingerprint cards, law enforcement or a private fingerprinting company may fingerprint the applicant. There is no charge to OKDHS applicants. Non-OKDHS adoptive applicants are responsible for any charges incurred for this service.

(4) **Obtaining fingerprinting services.** Law enforcement is not mandated to provide the fingerprinting service. Local law enforcement is contacted to ascertain their willingness and availability to provide this service and the cost per person.
(5) **Time frames.** If the fingerprinting is not done correctly, the cards are rejected by either the OSBI or Federal Bureau of Investigation (FBI). The applicant must be reprinted when this occurs. If the fingerprint cards are found unacceptable the second time, the applicant must pay the fee to be re-fingerprinted and non-OKDHS applicants must pay the search fee. The estimated time frame to receive all results from the OSBI and FBI is approximately eight weeks.

(g) **Marriage history.** The applicant provides copies of present marriage license and any divorce decrees, legal separations, and annulments, if applicable. Documentation of the validity of the present marriage is necessary to determine eligibility to adopt and protect the legal status of the prospective adoptive child. If there is a child from a previous marriage, the child's role in the family is discussed and child support is documented.

(h) **Financial statement.** The applicant completes Form 04AF010E, Resource Family Financial Assessment, and provides documentation of employment and income. Management of resources is more important than the family's income and is addressed in the assessment summary.

(i) **Photographs.** Recent photographs of the applicant are provided as part of the final assessment summary. ■ 9

(j) **Pre-service training.** Each adoptive applicant must complete a prescribed course of pre-service training consisting of approximately 27 hours of instruction designed to assist the applicant in evaluating the strengths, needs, and challenges in parenting a child with special needs, per OAC 340:75-7-14. ■ 10

**INSTRUCTIONS TO STAFF 340:75-15-87**

1. **Assessment time frames.**

   (1) An at-home consultation is scheduled within ten working days after receiving the application or on a date agreed upon with the family.

   (2) The assessment process begins with completion of Form 04AF004E, House Assessment, by the adoption specialist.

   (3) Form 04AF002E, Guidelines for Resource Family Assessment, is followed in completing the process.

   (A) Information is gathered in a series of interviews with persons who have applied to adopt and any other household members.
(B) Within two weeks of receipt of the completed application, a referral is made to the resource assessment contractor, per OAC 340:75-15-8 Instructions to Staff.

(C) The assessment is completed within 90 calendar days of the referral to the resource assessment contractor.

2. Interviews.

   (1) Assessment and preparation process. The resource assessment contractor assists the adoptive applicant in:

   (A) understanding the types of parenting issues faced by families who adopt children with special needs.

   (i) The family gains insight and feedback about their strengths, needs, and challenges in parenting the type of child they have applied to adopt.

   (ii) The assessment includes the gender, age range, and race of child the family wishes to adopt, and the special needs the family feels they are capable of parenting. Special needs may include being part of a sibling group, age, race, mental, physical, or emotional disabilities, or being at high risk for developing a physical or mental disability; and

   (B) reviewing Form 04AF018E, Child Needs Information Checklist, and explains the conditions listed.

   (i) If the applicant has applied to adopt a specific child, the assessment summary addresses the applicant's relationship to the child, the child's needs, and whether the applicant can meet the child's special needs on a permanent basis and into adulthood.

   (ii) When assessing an applicant, the most important criterion is the applicant's ability to parent a child not born to him or her. Marital status, income level, education, age, health, and other factors are considered only in relation to the applicant's ability to parent an adopted child.

   (2) Assessment tools. The adoption specialist or resource assessment
contractor uses the Genogram, Family Network Diagram, and Eco-Map as tools in assisting adoptive applicants to assess their strengths and challenges in parenting a child with special needs through adoption.

(A) The adoption specialist allows the applicants to determine the pace at which the process proceeds. Some applicants are ready to quickly move through the assessment, while others need more time to process information.

(B) The Genogram, Family Network Diagram, and Eco-Map are included with a narrative obtained through the interviews in the assessment summary.

3. References.

(1) The adoption specialist sends the applicant, as appropriate, Forms:

(A) 04AF015E, Resource Family Reference Letter for Adult Children;
(B) 04AF014E, Resource Family Reference Letter for School Personnel;
(C) 04AF011E, Resource Family Reference Letter for an Employer;
(D) 04AF016E, Resource Family Personal Reference Letter;
(E) 04AF013E, Resource Family Assessment Reference Letter for Mental Health Professionals; and
(F) 04AF012E, Child's Mental Health Reference Letter.

(2) References may be contacted for an interview if they fail to respond to the reference letter request or if information contained in the response requires further clarification. No additional references are contacted without the specific written permission of the applicant. If voluntary references contact the adoption specialist to provide information, this is included in the assessment.


(1) If any family member has received counseling or therapy, Form 08HI003E, Authorization to Disclose Medical Records, must be signed and:
(A) if the person is an adult, Form 04AF013E is sent requesting information about the treatment received; or

(B) if the person is younger than 18 years of age, Form 04AF012E is sent requesting information about the treatment received.

(2) The reference information is not given to the adoptive family as part of the completed assessment. If negative reference information is received, the issues are fully explored with the applicant without revealing the source of the information.

(3) Form 04AF017E, Family Health History, is completed by the applicant. The narrative summary describes the family's health history, health insurance coverage, and assesses their ability to care for a child into adult years. A statement from the family physician is required for all children in the home to verify the children are free from communicable diseases and are current on immunizations.

5. Age. If the age difference between the applicant and the child is more than 55 years, the Child Welfare field liaison and Children and Family Services Division (CFSD) Adoption Services Section are consulted at the time of the local adoptive placement criteria staffing, per OAC 340:75-15-41.

6. Fingerprinting.

(1) OKDHS adoptive applicants. Oklahoma Department of Human Services (OKDHS) adoptive applicants and household members 18 years of age and older who have not lived continuously in Oklahoma for the last ten years must be fingerprinted. If they have been fingerprinted in the last five years and the information is available for review by the person conducting the home study, then only an Oklahoma State Bureau of Investigation (OSBI) search is required. The search fee is paid by OKDHS for all OKDHS adoptive applicants and their adult household members.

(A) The adoption specialist provides the applicant and any household member 18 years of age and older who have not lived continuously in Oklahoma for the last ten years with two fingerprint cards. The cards are taken to local law enforcement or a private fingerprinting company where the fingerprinting takes place. OKDHS pays for the required fingerprinting. Tribal homes that are in the process of certification to serve children in OKDHS custody are included in this process.
(B) After fingerprints are obtained, the applicant returns the cards to the respective adoption specialist who checks the fingerprint cards for completeness and applicant's signature. The completed fingerprint cards and Form 04AD003E, Request for Background Check, are placed in a sealed manila envelope marked confidential and mailed to CFSD Fingerprint Processing Section, PO Box 268935, Oklahoma City, OK 73126.

(C) The results are returned to the CFSD Fingerprint Processing Section in approximately eight weeks. If an FBI criminal history is found on the applicant, this information is not dispersed to non-governmental agencies. The applicant may access this information by mailing a letter of request, that includes an address in which to mail the information, to the Fingerprint Processing Section.

(2) Non-OKDHS adoptive applicants. Non-OKDHS adoptive applicants and adult household members 18 years of age and older must complete Form 04AD003E. An OSBI check is required for all OKDHS and non-OKDHS applicants and includes a search of:

(A) Oklahoma Department of Corrections files maintained pursuant to the Sex Offenders Registration Act; and

(B) Oklahoma Department of Public Safety records.

(i) Non-OKDHS applicants are responsible for paying the cost of fingerprinting and OSBI name search. The cost for the FBI and OSBI search for an applicant is $50. Of this cost, $9 is for OKDHS administrative fees and $41 is the actual cost for the search. An OSBI name search is required for each member of an applicant's household who is 18 years of age or older. The cost for this search is $20 for each applicant. Of this cost, $5 is for OKDHS administrative fees and $15 is the actual cost for the search.

(ii) The private agency, private attorney, or tribal office provides each applicant with two fingerprint cards. The applicant takes the cards to local law enforcement or a private fingerprinting company where the fingerprinting takes place. Each applicant is responsible for paying the cost of fingerprinting.

(iii) After fingerprints are obtained, the applicant returns the cards to
the respective private agency, private attorney, or tribal office. Fingerprint cards are not returned to local OKDHS offices. The private agency, private attorney, or tribal office reviews the cards with the applicant for completeness and applicant's signature.

(iv) Completed Form 04AD003E must accompany each set of fingerprint cards. Completed forms and fingerprint cards for all members of the same household must be submitted together. The payment is a check or money order made payable to OKDHS. Fingerprint cards and forms received without payment by CFSD are returned. The completed fingerprint cards, Form 04AD003E, and payment are mailed by the private agency, private attorney, or tribal office in a sealed envelope marked confidential to CFSD Fingerprint Processing Section, PO BOX 268935, Oklahoma City, OK 73126.

(v) The results are returned to the private agency, private attorney, or tribal office in approximately eight weeks. A return address must be provided for results to be returned. If an FBI criminal history is found on an applicant, this information is not dispersed to non-governmental agencies. OKDHS provides the non-governmental agency with a response letter stating only that criminal history was found. The applicant may access this information by mailing a written request, that includes the address in which to mail the information, to CFSD Fingerprint Processing Section.

7. Criminal background check. A review is completed of any existing OKDHS records and information systems checks, including Oklahoma State Courts Network (OSCN) and Oklahoma District Court Records (ODCR) on each adult household member. Any significant information obtained through completed Form 04AD003E and other information systems checks is reviewed thoroughly, verbally discussed with the applicant, and included in the written assessment summary in the Verification section.

8. Child abuse and neglect information. A Child Abuse and Neglect Information System (CANIS) search is required for all OKDHS and non-OKDHS adoptive applicants. The Adoption Services Section completes all CANIS searches. CANIS search results are forwarded to the agency or other person authorized to conduct home study investigations per Section 7505-5.4 of Title 10 of the Oklahoma Statutes.

(1) OKDHS applicant. Any significant information obtained through
(2) Non-OKDHS applicant. The applicant must complete a written request for a CANIS search via Form 04AN028E, Request for Child Abuse and Neglect Information System Search, that is submitted with verification of impending adoption to the Adoption Services Section by the applicant or agency or other person authorized to conduct home study investigations.

9. Photographs. The family is encouraged to incorporate photographs, such as photographs of parents, relatives, home, work space, school, pets, activities, other children in the family, and the neighborhood, into a family Life Book. The Life Book must be 8 ½ X 11 inches and filed with the assessment.

10. Pre-Service training. The information about the adoption process provided to adoptive applicants allows them to decide whether adoption is appropriate for their family. The dates the applicants attended pre-service training, and a description of their reaction to the information provided is included in the Training section of the assessment summary. Exceptions must be requested from the Adoption Services Section.
340:75-15-88. Completed resource family assessment and recommendation

(a) Resource family assessment. The resource family assessment is conducted as outlined in Form 04AF002E, Guidelines for Resource Family Assessment. The completed assessment includes impressions of the family, their strengths and risks in adopting, and the special needs, age range, and gender of the child(ren) they wish to adopt.

(1) A copy of the resource family assessment, excluding the verification and reference sections, is reviewed with the family prior to completion of the final written assessment summary. The reference and verification sections are confidential and are not provided to the family.

(2) The family is given an opportunity to correct errors prior to completion of the final written assessment.

(3) Once the assessment is finalized, it is signed by the resource family applicant and contractor and submitted to the area adoption supervisor for approval. A copy of the final supervisor approved resource family assessment, excluding the verification and reference sections, is provided to the applicant by the adoption specialist. 

(b) Approval. The resource family assessment is approved by the area adoption supervisor if the applicant meets requirements as outlined in Form 04AF002E and Oklahoma Department of Human Services (OKDHS) policy.

(c) Resource family relocation. When a family moves to another county within Oklahoma the assigned adoption specialist transfers the resource family record. An evaluation is done to reflect the adoptive family's new home and situation.

(d) Denial. Reasons for denial may include, but are not limited to:

(1) a lack of a stable, adequate income to meet the applicant's own or total family needs or poor management of available income;

(2) a physical facility that is inadequate to accommodate the addition of children to the home or that presents health or safety concerns;

(3) the applicant or any person residing in the home has a history of alleged or confirmed child abuse, neglect, or both;

(4) the applicant or any person residing in the home has a history of arrests or
convictions.

(A) A felony conviction for any of the offenses listed in (i) through (iii) results in an automatic denial of the application.

(i) A crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding physical assault or battery.

(ii) Child abuse or neglect.

(iii) A crime against a child, including, but not limited to, child pornography.

(B) A felony conviction for physical assault, domestic abuse, battery, or a drug related offense within a five year period preceding the date of the application results in denial of the application unless special approval is obtained from the court, following initial approval by Children and Family Services Division (CFSD) Adoption Services Section, per OAC 340:75-15-88(e).

(C) The application is denied if the applicant has been convicted of a sex offense and subject to or married to or living with a person subject to the Oklahoma Sex Offenders Registration Act;

(5) the age, health, or any other condition of the applicant would impede his or her ability to provide care for a child on a permanent basis into adult years;

(6) relationships in the household are unstable and unsatisfactory;

(7) the mental health of the applicant or other family or household member would impede the applicant's ability to provide care for a child;

(8) references are guarded or have reservations in recommending the applicant;

(9) the applicant does not complete the required pre-service training within one year of application, unless the applicant has previously completed Parent(s)' Resource for Information, Development and Education (PRIDE). Exceptions must be requested from the Adoption Services Section;

(10) the applicant has applied to adopt a child of a certain age, race, or other characteristic that OKDHS reasonably believes may not be available for adoption in the foreseeable future, per OAC 340:75-15-84; and

(11) one or more other factors concerning the applicant, a family, or household
member or conditions in the home as described in the denial letter renders the applicant or home environment inappropriate as an adoptive resource.

(e) An applicant with a conviction, per OAC 340:75-15-88(d)(4)(B), may be considered on a case-by-case basis prior to initial placement of the child following consultation with and recommendation by the Adoption Services Section.

(1) If the applicant provides verifiable information that the applicant has been evaluated by a qualified professional who concluded that the applicant no longer poses a risk of harm to others, the factors listed in (2)(A) through (E) of this subsection are considered in determining whether to conditionally approve the home, subject to final approval by the court.

(2) The child is not placed in the applicant's home until evidence is presented to the court that clearly and convincingly indicates that no child will be at risk in the applicant's home and the court has given approval after reviewing the:

(A) nature and seriousness of the crime in relation to the adoption;

(B) time elapsed since the crime was committed;

(C) circumstances under which the crime was committed;

(D) degree of rehabilitation; and

(E) number of crimes committed by the person involved.

INSTRUCTIONS TO STAFF 340:75-15-88

1. Filing the assessment. Upon completion of the written resource family assessment, the assigned adoption specialist files it in his or her office.

2. Transfer of a resource record. When transferring a resource family record, the assigned adoption specialist e-mails notification to the adoption specialist with responsibility for the family's new county of residence. When contacted, the adoption specialist in the new county requests the record by completing Form 04AD002E, Transfer Between Counties. The KIDS resource is transferred through KIDS Assign screen.

3. Applicant history information.

   (1) When child abuse and neglect history of an applicant is found, full
consideration is given to the:

(A) nature of the referral;

(B) finding of the investigation;

(C) nature and seriousness of the alleged or confirmed abuse or neglect in relation to the current request to adopt;

(D) time elapsed since the referral;

(E) circumstances under which the abuse or neglect occurred;

(F) degree of rehabilitation, including verifiable documentation;

(G) number of referrals; and

(H) evidence that a child will not be at risk if placed in the home.

(2) Consultation with and prior approval by the area adoption supervisor and Children and Family Services Division Adoption Services Section is required at the application stage of the assessment in all cases with Child Welfare history.

(3) When the applicant has a history of arrests or convictions, excluding those convictions that result in automatic denial of the application:

(A) proof of disposition of those arrests or convictions is required;

(B) the circumstances surrounding each arrest or conviction are thoroughly explored with the applicant; and

(C) prior to consultation with the area adoption supervisor or Adoption Services Section, an evaluation is made based upon consideration of the:

(i) type of arrest or conviction;

(ii) elapsed time since the arrest or conviction;

(iii) length of the deferment or length and type of sentence imposed;
(iv) completion date of the sentence;

(v) assignment of a probation officer and the officer’s information;

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

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

(viii) provisions for the safety and well-being of a child in the home due to the applicant’s arrest or conviction history.

(4) A homicide includes any type of murder or manslaughter or other charge involving the death of a person. Consultation with and prior approval by the area adoption supervisor and Adoption Services Section is required at the application stage of the assessment in all cases with an arrest history.

(5) If the applicant has a history of arrests, proof of disposition of those arrests is required and the circumstances surrounding each arrest are thoroughly explored with the applicant.

(6) Notice of closure. When possible, the adoption specialist makes face-to-face contact with the adoptive family to clarify the reason for closure of the home.

(A) A letter is sent to the family, with the reason for closure stated in clear, concise language. Relevant OKDHS rules or procedures are cited and attached.

(B) The adoption specialist may consult with Children and Family Services Division Adoption Services Section staff to determine whether to close an adoptive home.
340:75-15-89. Evaluation of the adoptive home after the resource family assessment

(a) Ongoing evaluation. Adoptive homes are evaluated on a continuing basis.  

(b) Annual re-assessment. A formal re-assessment is completed on an annual basis on each adoptive home that does not have a child placed in the home.  

INSTRUCTIONS TO STAFF 340:75-15-89

1. Assessment update. The adoption specialist updates the resource family assessment when any significant changes occur within the family. Examples of significant changes are:

   (1) change in the household composition;

   (2) trial adoption disruption;

   (3) death in the family;

   (4) change of employment or income;

   (5) relocation of the family; or

   (6) update of Form 04AF018E, Child Needs Information List.

2. Annual re-assessment. The adoptive home annual assessment is completed according to the guidelines in Form 04AN007E, Guidelines for Adoptive resource re-assessment.

   (1) A copy is provided to the adoptive family and a copy is retained in the local case record. The adoptive family is given an opportunity to review the adoptive home annual assessment and make comments prior to completion. Procedures outlined in OAC 340:75-15-84 Instructions to Staff are followed.

   (2) If a national fingerprint check has been done within the previous five years, the Oklahoma State Bureau of Investigation (OSBI) name-based record search for each adult household member 18 years of age or older is sufficient.

Section 7505-5.4(D) of Title 10 of the Oklahoma Statutes states that the Department of Human Services shall not be required to make a home study and report to the court on adoptive placements made by private adoption agencies or persons providing private adoption services. 1

INSTRUCTIONS TO STAFF 340:75-15-92 
ITS only revised 6-1-07

1. The Oklahoma Department of Human Services (OKDHS) advises the court that OKDHS does not perform independent adoptive home investigations. Any exceptions must be approved by the State Office Adoption Services Section.
340:75-15-93. Centralized Paternity Registry

The Oklahoma Department of Human Services (OKDHS) is required by Section 7506-1.1 of Title 10 of the Oklahoma Statutes to maintain a Centralized Paternity Registry (CPR) to protect the parental rights of a putative father who may wish to affirmatively assume responsibility for a child(ren) he may have fathered. It is also maintained to expedite adoptions of children whose biological fathers are unwilling to assume responsibility for their children by registering with the CPR or otherwise acknowledging their children.

(1) Notice of Plan for Adoption per Section 7503-3.1 of Title 10 of the Oklahoma Statutes. Form 04AN018E, Notice of Plan for Adoption, may be used by OKDHS, a licensed child-placing agency, or attorney to notify a putative father of a child born out of wedlock that the birth mother is considering adoptive placement for the child. The notice may be served personally or sent by certified mail, before or after the birth of the child. Whether personally served or sent by certified mail, the notice may not be delivered to, or signed for, by anyone other than the putative father.

(A) The notice must include:

(i) the identity of the mother;

(ii) a statement that the mother is pregnant and the estimated date of birth;

(iii) that the notified person may be the father of the child; and

(iv) that a plan for the adoption of the child is being considered by the mother.

(B) The notice must include Form 04AN019E, Form Enclosed with Notice of Plan for Adoption, to be completed and signed by the putative father indicating his acknowledgment or denial of paternity of the child.

(C) The notice must also inform the putative father that failure to file Form 04AN019E within 30 calendar days of service constitutes waiver of right to receive further notice of adoption proceedings or proceedings to terminate parental rights and a denial of interest in the minor child can result in termination of parental rights and adoption without his consent. If Form 04AN019E is returned to OKDHS, the attorney, or child-placing agency within 30 calendar days, indicating the putative father's interest in the child, he has a right to notice of any adoption or termination of parental rights proceedings regarding the child. The return of the form within 30 calendar days is the only action by which the putative father retains the right to notice of any adoption or termination of
parental rights proceedings regarding the child.

(i) Filing Form 04AN019E alone does not establish parental rights or constitute the bearing of parental responsibilities.

(ii) Filing or failing to file the form does not affect the duty of the putative father to support the mother and child during the pregnancy or after the child's birth.

(iii) If a petition to adopt the child is not filed within 12 months of the placement of the child for adoption, failure to mail Form 04AN019E does not affect the putative father's parental rights and responsibilities.

(iv) Failure to give such notice is not grounds available to the putative father to establish that he was denied knowledge of the pregnancy.

(v) Receipt by the putative father of Form 04AN018E, Notice of Plan for Adoption, or return by the putative father of Form 04AN019E does not obligate the mother to place the child for adoption.

(D) If Form 04AN019E is not received by CPR within 30 calendar days from the date Form 04AN018E is served, it constitutes waiver of the putative father's right to receive further notice of any adoption or termination of parental rights proceedings regarding the child, and further constitutes a denial of interest in the minor which shall result in a termination of parental rights and approval for adoption without his consent.

(2) **Notice of filing of paternity action by putative father.** Per Section 7503-3.2 of Title 10 of the Oklahoma Statues, if a putative father files a paternity action after receiving notice of or having knowledge of a potential adoption from OKDHS, an attorney, or child-placing agency, he notifies the attorney for the petitioner for adoption, OKDHS, or the child-placing agency that the paternity action has been filed.

(A) This notice includes:

(i) the name of the court;

(ii) the case number; and

(iii) the date of filing.
(B) If the name or location of the attorney for the petitioner for adoption or the child-placing agency placing the child for adoption cannot be ascertained by the putative father, the putative father notifies the petitioner for adoption. If the petitioner for adoption is also unknown to the putative father, the putative father notifies CPR of OKDHS.

(C) Upon a motion of the prospective adoptive parent, the court having jurisdiction over the paternity action, if it is filed in Oklahoma, allows the prospective adoptive parent to intervene in the paternity action and have the opportunity to be heard and seek custody or visitation. If a proceeding for adoption or for termination of parental rights of the putative father and a paternity action by the putative father regarding the same minor are both pending in the courts of this state, upon motion of any party, the court having jurisdiction over the paternity action transfers the paternity proceeding to the court in which the adoption or termination proceeding is pending, whereupon the two proceedings may be considered.

(3) **Putative father per Sections 7506-1.1 through 7506-1.2 of Title 10 of the Oklahoma Statutes.** CPR protects the parental rights of a putative father who may wish to affirmatively assume responsibility for a child(ren) he may have fathered.

(A) The father or putative father of a child born out of wedlock may file Form 04AN016E, Centralized Paternity Registry, indicating:

(i) a notice of desire to receive notification of an adoption proceeding concerning the child he has fathered;

(ii) a notice of intent to claim paternity of the child he has fathered;

(iii) an instrument acknowledging paternity of the child he has fathered;

(iv) a waiver of interest concerning the child he has fathered; or

(v) any other claim for acknowledging or denial of paternity as authorized by law.

(B) The CPR is also available to any person who:

(i) has been adjudicated by a court of another state or territory of the United States to be the father of a child by filing a certified copy of the court order with the CPR; or
(ii) has been adjudicated by a court of Oklahoma to be the father of a child born out of wedlock.

(C) A person filing a notice of desire to receive notification of an adoption proceeding concerning the child, a notice of intent to claim paternity of a child, or an acknowledgment of paternity provides his current address and notifies the CPR of any change of address. If the putative father does not have an address where he is able to receive notice of an adoption, the putative father may designate another person as an agent for the purpose of receiving notice of adoption. The putative father must provide OKDHS with the agent's name and the address at which the agent may be served. Service of notice upon the agent constitutes service of notice upon the putative father. If the agent cannot be served at the address provided by the putative father, as provided in this subparagraph, and if the putative father cannot be served because his whereabouts are unknown, the putative father may be served by publication.

(D) An unrevoked notice of intent to claim paternity of a child or an instrument acknowledging paternity may be introduced in evidence in any proceeding in which it may be relevant.

(E) A putative father may waive his right to notice of termination of parental rights proceeding on Form 04AN019E filed with the CPR or by failing to register with the CPR after receiving a Notice of Plan for Adoption.

(F) A putative father may waive his right to notice of adoption proceedings by waiving notice on a form filed with the CPR or by failing to register with the Paternity Registry after receiving a Notice of Plan for Adoption.

(G) OKDHS, upon request, provides the names and addresses of persons listed with the CPR to any court, authorized agency, or other persons deemed necessary to receive such information by OKDHS. OKDHS provides CPR information to attorneys or licensed child-placing agencies upon request. The information is not divulged to any other person except upon order of a court for good cause shown.
PART 12. POST PLACEMENT SERVICES

340:75-15-103. Services to the child and family in adoptive placement

Services designed to assist the family to incorporate the child into the adoptive family are provided during the post placement period prior to legal finalization of the adoption. The adoption specialist for the adoptive family assumes case responsibility for the child at the time of placement in the adoptive home. Every effort is made to ensure that the confidentiality of the placement is maintained.

(1) Post placement period. When the child has had no prior relationship with the adoptive family, the post placement period is usually six months. In relative or foster parent adoptions when the child has been in the home, the post placement period may be shorter if the child and family have successfully adjusted to the placement.

(2) Notice to preadoptive parent of juvenile court hearing. The preadoptive parent(s) providing care for the child is provided with notice of, and an opportunity to be heard in, any review or juvenile court hearing held with respect to the child. The adoption specialist completes Form 04MP030E, Hearing Notification, and mails or hand-delivers it to the current preadoptive parent(s) no later than 15 calendar days after the hearing is set. ■ 1

(3) Case records. Both the adoption specialist and child’s Child Welfare (CW) worker are responsible for maintaining case records for the child. ■ 2

(4) Family assessment and treatment and service plan. A written case plan document is required on all children and families receiving CW services, including adoptive families.

(A) Forms 04KI006E, Family/Child Strengths and Needs Assessment, and 04KI015T, Adoption Post Placement Service Plan, are completed with the family, including the child placed for adoption, within 30 calendar days of the child's placement.

(B) Form 04KI015T is not sent to the juvenile court.

(C) The adoption specialist updates Form 04KI015T every six months. ■ 3

(5) Contacts. The adoption specialist contacts the child in the adoptive placement regularly.

(A) Adoption by non-relative. The adoption specialist contacts the child in the
adoptive placement within two weeks of the date of signing Form 04AN015E, Adoptive Placement Agreement, and at least once every calendar month thereafter, with no more than 31 days between contacts.

(B) Adoption by relative or foster parent. When there is no physical change in placement, the adoption specialist is not required to contact the child within the first two weeks of trial adoption. A contact is required prior to the end of the calendar month of placement and at least once every calendar month thereafter, with no more than 31 days between contacts.

(6) Disclosure affidavit. Form 04AN006E, Affidavit of Information Disclosure for Adoption, and all subsequent disclosures are documented and provided to the adoptive parent.

INSTRUCTIONS TO STAFF 340:75-15-103

1. Notification of court hearing. Notification of the court hearing is documented in the adoptive family’s KIDS Contacts screen.

2. (a) Birth family record.

   (1) Primary assignment remains with the county of jurisdiction and secondary assignment is made to the adoption specialist per OAC 340:75-1-26.

   (2) If no services are provided to other children or birth family members, the original paper case is maintained by the adoption specialist. A copy is retained in the county of jurisdiction in order to complete court reports.

   (3) If services are provided to other children or birth family members, the child's Child Welfare (CW) worker retains the original paper case and the adoption specialist receives a duplicate.

   (4) The adoption specialist provides information to the CW worker with juvenile court responsibility as needed.

      (A) The reports to the juvenile court in the deprived case do not include the name of the adoptive family or the county of adoptive placement to ensure confidentiality of the placement.

      (B) Upon finalization of the adoption, the juvenile court is notified that the adoption has been finalized and a request is made that the juvenile
court case be dismissed.

(b) Adoptive family record. When the child is placed in the adoptive home, a KIDS case is opened with the case type of Adoption. The case name is the adoptive family's last name.

(1) Each member of the adoptive home is added to the case including the child to be adopted. The child is added to the case using the new adoptive name.

(2) All fields on the Adoption General Information screen are completed for each child in trial adoption when the case is opened, except for the date of legalization.

(3) The KIDS adoptive family record contains:

   (A) Client General Information;

   (B) Client Demographics;

   (C) Client Employment/Education;

   (D) Client Finances;

   (E) Client Medical;

   (F) Case Plan/Family Assessment;

   (G) Case Plan/Treatment/Individualized Service Plan;

   (H) Adoption Disclosure Affidavit;

   (I) Adoption General Information; and

   (J) Adoption and Foster Care Analysis and Reporting System (AFCARS).

3. Family assessment and treatment and service plan.

   (1) The information included in Form 04KI015T, Adoption Post Placement Service Plan (APPSP), is outlined in the forms instructions located on Oklahoma Department of Human Services (OKDHS) InfoNet under Forms.
(2) Forms 04KI006E, Family/Child Strengths and Needs Assessment, and 04KI015T for the child and adoptive family are completed within 30 calendar days of the child's placement in the adoptive home.

(A) Form 04KI015T is developed and signed by the adoption specialist and the adoptive family. The adoption supervisor reviews and signs Form 04KI015T.

(B) One copy of Form 04KI015T is given to the adoptive parent(s) and one copy retained in the adoptive family case record.

4. Visits. The adoption specialist documents visits as face to face/own home in KIDS Contacts screen.

5. Disclosure affidavit. If additional information is obtained regarding the child after the adoptive placement is made, an additional Form 04AN006E, Affidavit of Information Disclosure for Adoption, is completed and copies of the additional information are provided to the adoptive parent(s).
340:75-15-106. Post placement services

Services are available to assist the adoptive family and child during the post placement period. Post placement services are identified for the family during the adoptive family assessment process. Form 04KI015T, Adoption Post Placement Service Plan (APPSP), is developed with the adoptive family at the time of placement of the child into the adoptive home, per OAC 340:75-15-103, and outlines the post placement services to be provided.  ■ 1

(1) Post placement supervision. The adoption specialist meets with the adoptive family as required per OAC 340:75-15-103.

(2) Pre-finalization adoption assistance. Adoption assistance may be provided to the adoptive family at the time the child enters the adoptive home in legal risk or legally free adoptive placement, per OAC 340:75-15-128 through 340:75-15-128.6. Adoption assistance may include a monthly payment, Medicaid, or both.

(3) Medical services. Children in adoptive post placement are eligible to receive Medicaid services.  ■ 2

(4) Counseling. The adoptive family is fully informed of the child's history of psychological counseling and referred for services at the time of placement, if needed. Under Medicaid, all outpatient psychological services except for the first hour of psychological evaluation must have prior authorization.  ■ 2

(5) Comprehensive Home-Based Services. Comprehensive Home-Based Services (CHBS), per OAC 340:75-1-176, are available to assist trial adoptive and post adoptive families who are experiencing difficulty and are at risk of having the child disrupt from the placement.

(6) Adoptive parent support groups. Adoptive parent support groups provide social and emotional support to the adopted child and his or her parent(s). The adoption specialist informs the adoptive parent(s) of the benefits of support groups.  ■ 1

INSTRUCTIONS TO STAFF 340:75-15-106

1. Post placement services. The adoption specialist:

   (1) assists the adoptive parent(s) in developing his or her strengths and decision-making skills regarding parenting the child;
(2) helps the family understand adoption-related issues during the post placement period and after finalization of the adoption. The adoptive parent(s) is encouraged to access services:

(A) during the post placement period to aid in the adjustment of the child and family; and

(B) after legal finalization, if needed; and

(3) refers the adoptive family to a support group during the adoptive family preparation and assessment process. If the family is not involved with a support group prior to placement, the family is referred when the child is placed in the home.

2. Medical and psychological assistance.

(1) If the adoptive family requests medical assistance, the adoption specialist sends Form 04AN001E, Adoption Assistance Application, and Form 08MA002E, SoonerCare Health Benefits Application, to Children and Family Services Division Adoption Assistance Section.

(2) To receive approval for psychological services provision, the provider submits to Oklahoma Health Care Authority:

(A) Form HCA-12-A, Prior Authorization Request, with effective date, projected frequency, and time span;

(B) a description of the necessity for psychological treatment; and

(C) any evaluation information the psychologist may have.
340:75-15-107. Adoption disruption

Disruption of the adoption may occur due to a request by the family that the child be moved from the home or when Oklahoma Department of Human Services determines that the placement poses a risk to the child.

(1) When the adoptive family requests removal of the child, the family signs Form 04AN017E, Affidavit of Adoption Disruption, documenting the request.

(2) When the decision to separate is made, the child is removed from the family as soon as possible.

(3) The Child Welfare county of jurisdiction worker is responsible for notifying the court and the child's attorney of the disruption, per OAC 340:75-6-86.

INSTRUCTIONS TO STAFF 340:75-15-107

1. Adoption disruption.

(1) Request for removal of child. Form 04AN017E, Affidavit of Adoption Disruption, documents the removal request, and is routed according to form instructions.

(A) Prior to the child's removal from the home, or as soon as possible thereafter, the adoption specialist consults with Children and Family Services Division Adoption Services Section regarding planning for the child. No attempt is made at this time to assess with the adoptive family the adoption failure or decide why it happened.

(B) The adoption specialist and adoption supervisor staff the disruption with the designated Adoption Services Section programs field representative.

(2) Assessment of disruption. Once the family and child are resettled and the grief process is underway, the reassessment of the adoptive home may begin. The reassessment focuses on why the adoption did not work and whether the adoptive family will continue to be recommended for placement.

(A) Some common reasons that adoptions do not succeed are:

(i) the adoptive parent(s) and child were unable to form an
attachment to each other;

(ii) the child or adoptive parent(s) was not ready for the adoptive experience;

(iii) the adoptive parent(s) lacks the capacity to be an adoptive parent to any child; and

(iv) the child lacks the capacity to function in any adoptive family.

(B) The decision to attempt another adoptive placement with the family must allow for the resolution of the earlier failure. This includes coming to terms with the reasons for the failure, and mourning the loss.

(C) The adoptive home assessment is updated and a recommendation is made regarding continued approval of the adoptive home.
340:75-15-108. Legal finalization of the adoption

The post adoptive placement period is normally six months for a child placed with a non-relative(s), and may be a shorter period when the child is in adoptive placement with a foster parent(s) or relative(s) with whom there is an existing relationship.

(1) At the point the child is placed in the adoptive home the adoptive parent(s) is advised to retain the services of an attorney who is knowledgeable of adoption law.

(2) A petition for adoption may not be granted until a copy of Form ODH 347, Medical and Social History Report for Adoption, is filed with the court.

INSTRUCTIONS TO STAFF 340:75-15-108

1. (a) Questions about the legal status of the child, such as whether the child is legally free to be adopted, and the legal procedures to finalize the adoption, are all directed to the private attorney selected by the adoptive parent(s). The adoption specialist does not give legal advice to the prospective adoptive parent(s). The adoption specialist provides information about the length of the post placement period prior to legal finalization of the adoption process.

(b) Procedure for finalization of the adoption. The adoptive parent(s) is advised to provide the attorney with the name and phone number of the adoption specialist. The adoption specialist contacts the private attorney and advises him or her that necessary documents will be provided upon request or when they become available, whichever is applicable.

(1) The documents provided to the adoptive parent(s)' attorney upon request, but no later than the hearing on the Final Decree of Adoption are:

(A) certified copy of the child's birth certificate;

(B) copy of Form ODH 347, Medical and Social History Report for Adoption;

(C) copy of the adoptive home assessment and any other home study or professional custody evaluation conducted regarding the adoptive parent(s). This includes any foster home studies, relative home studies or divorce custody home studies. The adoptive parent(s) is responsible for providing any non-Oklahoma Department of Human Services (OKDHS) studies or evaluations to OKDHS during the adoptive family
assessment process;

(D) copy of the adoptive home report providing information about the child's adjustment to the home during the post placement period, including the adoption specialist's observations and any circumstances which may have a bearing on the granting of the Final Decree of Adoption.

(i) The report includes a recommendation by the adoption specialist for or against the proposed adoption and reasons for the recommendation. This report is in addition to the adoptive family assessment and any other home studies listed above.

(ii) The report may contain the adoption specialist's recommendation that an Interlocutory Decree of Adoption be entered or waived. If an Interlocutory Decree of Adoption is entered, the adoption specialist provides supervision with at least monthly visits in the home and a second report is provided to the court.

(I) The adoptive home report must contain a certification by the adoption specialist that the final examination of the child in the adoptive home has been made since the granting of the Interlocutory Decree of Adoption. The adoption specialist makes a final recommendation for or against the adoption.

(II) The adoptive home report must contain a determination of the legal availability or status of the child for adoption. The adoption specialist obtains this information from the private attorney for the adoptive parent(s) and states that this information was obtained from the attorney;

(E) certified copy of the Order of Consent obtained from the court of jurisdiction in the juvenile deprived action, if the juvenile court has retained the right to consent to the adoption. In the event the juvenile court has authorized OKDHS to consent to the adoption, the adoption specialist advises the attorney that a Directive Authorizing Consent to the Adoption will be provided by OKDHS. The attorney is responsible for preparing a consent to the adoption to be signed by the adoption specialist;

(F) copy of Form 04AN002E, Adoption Assistance Agreement, if
applicable;

(G) Form 04AN006E, Affidavit of Information Disclosure for Adoption, which reflects that the adoptive parent(s) has been provided with a copy of Form ODH 347;

(H) information regarding the child's membership in an Indian tribe which is not part of the juvenile deprived case. The adoption attorney obtains from the juvenile court file a determination whether the child is a member of an Indian tribe or eligible for membership in a tribe. If the adoption specialist obtains information regarding membership or eligibility for membership which was not known during the juvenile proceeding, the adoption specialist immediately reports this information to the attorney for the adoptive parent(s) and includes the information in the adoptive home report.

(2) Directive Authorizing Consent to the Adoption. When the adoptive parent(s) is ready to proceed with finalization of the adoption, the adoption specialist completes Form 04AN013E, Directive Authorizing Consent to Adoption, and sends it as an attachment by e-mail to the State Office Adoption Services Section. The form is signed by the OKDHS Director's designee and is returned by mail to the adoption specialist.

(3) Hearing on Final Decree of Adoption. The adoption specialist appears at the hearing on the Final Decree of Adoption to sign the consent for adoption which the adoption attorney will have prepared. Any documents not already provided to the attorney for the adoptive parent(s) for filing in the adoption case are provided at this hearing.

2. Form 04AN010E, Finalized Adoption Case Transmittal, is submitted with records to the State Office for storage. The records submitted are:

(1) resource family record. The paper file is sent to the State Office. The KIDS resource is closed by the adoption specialist. If the family chooses to re-apply to adopt other children, the KIDS resource is reopened and a copy of the paper file is retained by the adoption specialist;

(2) birth family record. The paper file is sent to the State Office. The electronic KIDS file is closed by the primary Child Welfare (CW) worker if there are no other children in the case receiving services;
(3) adoptive family case record. Within 30 calendar days of the adoption finalization, the paper file and the electronic file are submitted to the State Office;

(4) legal documents. Two complete sets of legal documents related to the finalization of the adoption, including:

(A) Petition for Adoption;

(B) Statement of Attorney Fees;

(C) Original and Amended Deprived Petition;

(D) Emergency/Temporary/Adjudication/Disposition/Termination orders;

(E) Consent to the Adoption; and

(F) Adoption Decree; and

(5) AFCARS. All required Adoption and Foster Care Analysis and Reporting System (AFCARS) fields are completed and the KIDS adoptive family case record is electronically transferred to the State Office Adoption Assistance Section through the AFCARS screen assign button.

When children in tribal custody require therapeutic foster care (TFC), per Part 1 of OAC 340:75-8, the:

(1) tribal Child Welfare (CW) worker:

   (A) completes Form 04KI010E, Placement Worksheet, and contacts APS Healthcare for a telephonic review of the case and a determination as to whether the child may meet medical necessity criteria for TFC; and

   (B) faxes Form 04KI010E to the CW tribal liaison if APS Healthcare indicates that the child may meet medical necessity criteria for TFC. The CW tribal liaison enters information from Form 04KI010E in the child's CW case via KIDS to generate a referral to the area resource coordinator (ARC). APS Healthcare faxes the OKDHS ARC worker a notice that further evaluation for TFC is deemed necessary;

(2) ARC contacts TFC agencies within the ARC's respective area to seek placement for the child;

(3) TFC agency contacts the tribal CW worker with available TFC placements;

(4) tribal CW worker accepts the appropriate placement and notifies the CW tribal liaison of such; and

(5) CW tribal liaison enters the TFC placement in the child's KIDS case and notifies the ARC of the child's placement.

WORKING WITH INDIAN CHILDREN REVISED 6-1-07