

SUBCHAPTER 6. PERMANENCY PLANNING

PART 1. GENERAL PROVISIONS

340:75-6-1. Purpose for permanency planning

Revised 6-1-12

- (a) **Purpose.** Permanency planning services are provided to the:
- (1) child in Oklahoma Department of Human Services (OKDHS) legal custody or under OKDHS legal supervision; and
 - (2) child's parent(s), legal guardian(s), or legal custodian(s) to assist in changing behaviors and correcting the conditions that led to the child's removal and court involvement.
- (b) **Guiding principals.** The guiding principles of planning for the child in OKDHS custody or under OKDHS supervision are:
- (1) safety;
 - (2) permanency; and
 - (3) well-being.
- (c) **Outcomes.** Addressing the child's needs is critical in attaining the desired safety, permanency, and well-being outcomes.
- (1) Permanency planning services are initiated immediately following the child's removal from the home and continue until the child is safely returned to the home or other safe, permanent placement is finalized. ■ 1
 - (2) Services are provided on the basis of the individualized needs of the child and family, whenever possible. A full range of community-based program options are provided in order that the child may remain in his or her own home or community, whenever possible.
 - (3) When it is not safe for the child to remain in his or her own home, every effort is made to place the child with a suitable relative, per Section 1-4-706 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-706).
 - (4) When siblings are in OKDHS custody, every reasonable attempt is made to place the siblings together, per 10A O.S. § 1-4-204.
 - (5) Children are placed in residential settings only after all other less restrictive settings have been attempted or considered.

INSTRUCTIONS TO STAFF 340:75-6-1

Issued 9-1-11

1. **Case review.** Prior to making any case-related decisions or recommendations regarding visitation, placement, reunification, or termination of parental rights, the newly assigned primary or secondary permanency planning specialist reviews, no later than five days after assignment:
- (1) Form 01KI003E, Report to District Attorney, and Form 04KI030E, Assessment of Child Safety, related to the most recent case opening; and
 - (2) all child welfare history.

340:75-6-4. Definitions ■ 1

Revised 7-1-11

The following words and terms when used in Section 1-1-105 of Title 10A of the Oklahoma Statutes or in this Subchapter have the following meanings unless the context clearly indicates otherwise:

"Alleged father" means *a man who alleges himself to be, or is alleged to be, the genetic father or a possible genetic father of a child, but whose paternity has not been determined.* The term does not include a presumed father. [10 O.S. § 7700-102]

"Child Advocacy Center" means an entity that is an associate or full member in good standing of the National Children's Alliance.

"Concurrent permanency planning" means when indicated, the implementation of two plans for a child entering out-of-home placement. One plan focuses on reuniting the parent and child; the other seeks to find a permanent out-of-home placement for the child and both plans are pursued simultaneously.

"Independent Living program" means a program specifically designed to assist a child in Oklahoma Department of Human Services (OKDHS) custody or an Indian tribe in developing and enhancing the skills and abilities necessary for successful adult living, per Part 13 of OAC 340:75-6.

"Kinship care" means full-time care of a child by a kinship relation.

"Kinship relation" means relatives, stepparents, or other responsible adults who have a bond or tie with the child and to whom have been ascribed a family relationship role with the child or the child's parent.

"Multidisciplinary team" means any team of three or more persons involved in the provision of services, treatment, or both, to a child and the child's family and who meet to assess the progress on the treatment and service plan.

"Permanent guardianship" means a judicially created relationship between a child, a kinship relation of the child, or other adult pursuant to 10A O.S. 1-4-709.

"Presumed father" means a man who, by operation of law under Section 7700-204 of Title 10 of the Oklahoma Statutes, is recognized as the father of a child until that status is rebutted or confirmed in a judicial proceeding. A man is presumed the father of a child when:

(A) he and the mother of the child are married to each other and the child is born during the marriage;

(B) he and the mother of the child were married to each other and the child is born within three hundred (300) days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution of marriage, or after decree of separation;

(C) before the birth of the child, he and the mother of the child married each other in apparent compliance with law, even if the attempted marriage is or could be declared invalid, and the child is born during the invalid marriage or within 300 days after its termination by death, annulment, declaration of invalidity, or after a decree of separation, or dissolution of marriage;

(D) after the birth of the child, he and the mother of the child married each other in apparent compliance with law, whether the marriage is or could be declared invalid, and he voluntarily asserted his paternity of the child; and:

(i) the assertion is in a record with the Oklahoma State Department of Health, Division of Vital Records or OKDHS;

(ii) he agreed to be and is named as the child's father on the child's birth

certificate; or
(iii) he promised in a record to support the child as his own; or
(E) for the first two years of the child's life, he resided in the same household with the child and openly held out the child as his own.

"Risk" means the conditions in the child's home that put the child in danger of abuse, neglect, or both.

"Safety threat" means the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and without the intervention of another person, a child would likely or in all probability sustain severe or permanent disability or injury, illness, or death.

"Sibling" means a biologically or legally related brother or sister of a child.

INSTRUCTIONS TO STAFF 340:75-6-4

Revised 7-1-11

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

"Alternate permanent plan" means a permanent living arrangement for a child in Oklahoma Department of Human Services (OKDHS) custody, other than reunification with the parent(s), and requires an assessment of the child's needs and a treatment and service plan that addresses the child's permanent plan, per OAC 340:75-6-31.

"Case plan" means the overall plan for the placement of the child and treatment needs of the child and the child's family, per OAC 340:75-6-40.

"Closest geographic proximity as possible" means placement of a child in OKDHS custody in the nearest geographic location to the child's own home that will meet the child's needs.

"Family team meeting" means a structured, facilitated meeting among all possible family members and a case specific multidisciplinary team including tribes, as applicable, to collaboratively create plans that effectively address safety, permanency, and well being; also referred to as family group decision making, family group conferencing, or team decision making.

"Initial Meeting" means a meeting between foster and birth parents, occurring within seven days of placement, for the purpose of holding a facilitated discussion regarding the needs of the child and to begin the process of creating a professional relationship between foster and birth parents.

"Least restrictive" means the placement of a child in OKDHS custody in the most home-like situation that meets the child's needs per OAC 340:75-6-85.

"Movement" means changing a child in OKDHS custody from one living arrangement to another.

"Out-of-home placement" means a living arrangement for a child other than the home of the child's parent(s), legal guardian, or legal custodian from whose custody the court has removed the child.

"Protective capacity" means a skill or resource that can be mobilized to contribute to the ongoing protection of a child.

"Reasonable efforts" means the reasonable exercise of diligence and care,

with regard to a child who is in out-of-home placement or who is at imminent risk of harm, to:

(A) refer to, arrange for, or develop reasonable supportive and rehabilitative services for the child's family that are required both to prevent unnecessary placement of the child outside of the home and to foster, whenever appropriate, the safe reunification of the child with the child's own family; or

(B) place a child who cannot return home into a permanent placement in accord with the child's permanency plan.

"Reunification" means a permanent plan for the child that involves the return of the child to any person who retains parental or legal rights to the child after removal for child abuse, neglect, or both, regardless of the custody arrangement prior to the child entering out-of-home care per OAC 340:75-6-31.

PART 5. PERMANENCY PLANNING SERVICES

340:75-6-30. Child's visitation with parents and siblings

Revised 6-1-12

(a) **Visitation is a right.** ■ 1 The child and parent(s) have a right to regular visitation. A court may not deny visitation based solely on the failure of a parent to prove that the parent has not used legal or illegal substances or complied with an aspect of the court-ordered individualized service plan per Section 1-4-707 of Title 10A of the Oklahoma Statutes. If the court determines that reunification services are appropriate for the child and a parent, the court shall allow reasonable visitation with the parent or legal guardian from whose custody the child was removed, unless visitation is not in the best interest of the child, taking into consideration:

- (1) protection of the physical safety of the child;
- (2) protection of the life of the child;
- (3) protection of the child from being traumatized by contact with the parent or sibling; and ■ 3 & 4
- (4) expressed wishes.

(b) **Frequency of parent-child visitation.** Family visitation begins no later than one week after the child's removal from the home. A visitation schedule that considers the needs of the child is developed and includes more than one time per month visitation thereafter, until the child is returned or the permanency plan is no longer reunification.

■ 1 Exceptions to the frequency of visitation, including the termination of visitation are made when the:

- (1) parent fails or declines to cooperate with visitation arrangements;
- (2) court orders no visitation;
- (3) whereabouts of the parent is unknown;
- (4) visitation, even when supervised, endangers or is determined by a behavioral health professional to submit the child to highly damaging psychological stress;
- (5) court orders a different frequency of visitation; or
- (6) the permanency plan is not reunification.

(c) **Mail and phone contact.** Contact with the child's parent, extended family, and friends through phone calls and letters is encouraged. Mail, including email, and phone

calls are not monitored or restricted unless it is essential for the child's protection. ■ 5
The court is advised when restrictions are warranted. Restrictions are court ordered and may be considered when:

- (1) threats are made to the child;
- (2) the contact causes harm to the child's emotional well-being;
- (3) there is an attempt to influence the child's testimony; or
- (4) an attempt is made to undermine a present or future placement.

(d) **Contact with siblings.** Reasonable efforts are made to place sibling groups, who have been removed, together in both temporary and permanent placements, per OAC 340:75-6-85.3. When this is not possible, on-going contact such as face-to-face, phone calls, letters, or email contact between siblings is arranged. ■ 2

(e) **Child's visits and contacts with relatives and others.** When a child is in Oklahoma Department of Human Services emergency, temporary, or permanent custody, the CW specialist evaluates requests for visitation or contact from relatives, extended family members, or others considering information from the child's parent(s) and the significance of the relationship to the child's well-being. ■ 6

INSTRUCTIONS TO STAFF 340:75-6-30

Revised 9-1-11

1. (a) Right to visitation.

(1) The parent is notified of the right to visit their child via, Form 04KI012E, Individualized Service Plan (ISP), or Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, as applicable.

(2) Denial of family visitation, sibling contact, or the exchange of letters and phone calls is not used to reward or punish the child or family.

(b) **Parent-child visitation.** Family visitation begins no later than one week after the child's removal. Frequent, purposeful visitation contributes to successful placement and reunification and reduces the time to reunification. Visitation is the single most predictive factor in whether a child is successfully reunified. Parent-child visitation is a high priority of the Child Welfare (CW) specialist and serves to:

- (1) reassure the child that the parent(s) has not abandoned him or her and still cares for him or her;
- (2) reassure the parent that CW is committed to maintaining family relationships and helping the parent;
- (3) strengthen familial relationships;
- (4) create an environment for the parent to demonstrate new parenting skills;
- (5) create an opportunity where parenting skills may be evaluated;
- (6) allow the CW specialist to:
 - (A) assess parent-child interaction;
 - (B) assess the parent's level of interest and protective capacities;
 - (C) prepare the family for reunification; and
 - (D) identify continued risks to child safety that make reunification unfeasible.

(c) **Visitation schedule.**

(1) A visitation schedule is developed by the family, placement provider, and CW specialist within two weeks of the child's removal from the home. Visitation increases in length and frequency and decreases in the level of supervision as the parent demonstrates a change in the behaviors that caused the child to be unsafe.

(2) A visitation schedule provides a measure of certainty for parent-child interaction time and allows the parent a reliable routine for practicing new parenting and relationship techniques. The schedule promotes parent-child relationship and allows the CW specialist an opportunity to observe the parent-child interaction and to gauge the parent's level of commitment to the child.

(3) The family, placement provider, and CW specialist determine the frequency, location, and arrangements for visitations. A family team meeting (FTM) may be utilized to develop a visitation schedule, allowing the informal supports for the family, such as relatives, kin, friends, or neighbors, to assist the parent, when appropriate.

(A) When safety is ensured, the placement provider participates in visitation and supports, mentors, and helps the parent work towards reunification.

(B) The visitation schedule is written and signed by the family, placement provider, and CW specialist.

(C) The parent, placement provider, child, and others as appropriate, are provided a copy of the visitation schedule.

(D) The visitation schedule is attached to Form 04KI012E, Individualized Service Plan (ISP), or Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report.

(d) Frequency. The CW specialist attempts to facilitate the most frequent visitation schedule possible.

(A) When the court orders the frequency of visitation, the schedule includes the number of court-ordered visits.

(B) Contact with the child occurs according to the child's safety needs.

(C) Visitation frequency is increased by adding a schedule for letters and phone calls, followed by an increase in visits. Phone calls and visits are arranged by the parent, placement provider, and age-appropriate child.

(e) Length. Initial visits may be of short duration, one to two hours. Length of visits gradually increase as agreed to by the parents, resource parents, and CW specialist based on the planned activities and the best interests of the child and family.

(1) Increased frequency and duration of visitation is encouraged.

(2) Successful unsupervised all day, overnight, and weekend visits are completed prior to planning for the child's return home.

(f) Location. In the beginning stages of a case, visits may require supervision by the CW specialist, and when necessary, held in a controlled environment such as the Oklahoma Department of Human Services (OKDHS) office or the home of an approved relative or kin. When a home-like setting is not available

or appropriate, visits may be held in locations such as parks, restaurants, and shopping malls.

(1) As the parent progresses in developing protective capacities and in eliminating safety threats, the frequency and length of visits increase and the location moves to the home of the parent, placement provider, or an approved relative or kin, as appropriate. Visits may also be held in locations such as parks, restaurants, and shopping malls.

(2) The length, frequency, and location of visits are based on the needs of the child and the abilities of the parent.

(g) Activities. Visits include planned, structured, and age-appropriate activities with the child that strengthen the parent-child relationship and allow the parent an opportunity to learn about the child's development. As parental involvement progresses, school conferences, and doctor appointments may be combined with the family visits.

(h) Importance of visitation. The Child Welfare (CW) specialist stresses to the parent the importance of regular visits with the child. The parent is informed that a child in out-of-home placement anticipates and is positively or negatively affected by family visits. The CW specialist explains:

(1) when a parent fails to attend a scheduled visit, it is harmful to the child;

(2) the parent's attendance, behaviors, and interactions with the child at scheduled visits is documented on 04KI014E, Individualized Service Plan (ISP) Progress Report, to report the parent's progress toward improved parenting; and

(3) frequent parent-child visitation increases the likelihood of early reunification.

(i) Suspension or termination of visitation. Prior to discontinuing or recommending discontinuation of visitation between the parent and child, the CW specialist consults with the district attorney, child's attorney, and child's therapist, when applicable.

(1) When visitation is implemented by the CW specialist and is not court-ordered, the CW specialist provides written notice of the decision to suspend or terminate visitation with a detailed explanation, including efforts made by OKDHS to improve the quality of family contacts, to the:

(A) court

(B) child's attorney;

(C) parent;

(D) court-appointed special advocate (CASA), when applicable; and

(E) tribe, when applicable.

(2) When visitation is court-ordered, visits between the child and parent are not suspended or terminated by OKDHS. The recommendation to suspend or terminate visitation between the child and parent, that includes a detailed explanation including efforts made by OKDHS to improve the quality of family contacts, is provided to the:

(A) court;

(B) child's attorney;

- (C) parent;
 - (D) CASA, when applicable; and
 - (E) tribe, when applicable.
- (j) Protocol for visitation facilitation for multiple county assignments.**
- (1) No later than ten business days after secondary assignment, the CW county of jurisdiction specialist begins an email exchange between all assigned CW specialists and supervisors to develop a visitation schedule, and make child-focused case decisions regarding specific specialist responsibilities.**
- (A) Decisions regarding the visitation schedule include consideration of:**
- (i) who will be involved in the visitation;
 - (ii) when and where visitation will be held;
 - (iii) who will provide transportation;
 - (iv) who will be responsible for documentation of visitation in KIDS; and
 - (v) visitation cancellation and suspension issues.
- (B) Issues that may impact decision-making are:**
- (i) court orders regarding visitation, such as frequency and supervision;
 - (ii) needs of child and parent;
 - (iii) suggested activities;
 - (iv) input from family and kin during family team meetings; and
 - (v) any other pertinent information.
- (2) The CW county of jurisdiction specialist and the CW county of placement specialist review the decisions regarding visitation and address issues during the mandatory monthly phone contact.**
- (3) When there is disagreement regarding visitation decisions, the CW specialist not in agreement consults with his or her CW supervisor and schedules a teleconference or face-to-face staffing among all assigned CW staff to determine necessary action.**
- (k) Visitation documentation. The occurrences and interactions during family visitation provide essential information utilized in case decisions.**
- (1) Visits are documented:**
- (A) in the KIDS Contacts and Visits screens;
 - (B) in the Visitation Section of Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report; or
 - (C) on Form 04KI014E to provide information to the court regarding visitation.
- (2) Documentation includes, but is not limited to:**
- (A) the parent's progress in demonstrating parenting skills during visitation;
 - (B) the development of the parent-child relationship;
 - (C) efforts to place siblings, who have been removed, together and efforts to provide ongoing visitation or other contact between siblings,

- when siblings are not placed in the same home; and
(D) other significant events.
- (l) Failure to attend visitation. When the parent does not attend a scheduled visit, the CW specialist discusses the absence with the parent to determine the cause.
- (1) When the parent was unable to attend due to circumstances beyond his or her immediate control, another visit is scheduled as soon as it can be arranged and services, such as transportation, are provided to alleviate the cause of the missed visit and promote future visits.
 - (2) When frequent absenteeism occurs after services are offered:
 - (A) the reasons for the parent's absence are evaluated with the parent's participation;
 - (B) the parent is informed that failure to keep scheduled visits is harmful to the child's emotional and mental well-being and to the parent-child relationship; and
 - (C) when feasible, the CW specialist attempts to minimize harm to the child due to the parent's failure to attend. One method requires the parent to arrive at the visitation location prior to the child.
 - (3) When the parent chronically misses visits after services are offered and is aware of resulting harm to the child, this indicates the parent may be unwilling or unable to assume parenting responsibilities.
 - (4) Visit absenteeism may be accompanied by arriving late, leaving early, or poor parent-child interaction. This information is considered by the CW specialist during permanency planning for the child.
- (m) Anxiety demonstrated during visitation. Visits with parents are often stressful to a child.
- (1) The child may:
 - (A) be upset by the parent's behaviors;
 - (B) have a loyalty conflict between the parent and placement provider;
 - or
 - (C) feel anger, fear, or uncertainty about the separation and the future.
 - (2) Placement providers often attribute a child's difficult behaviors before and after visits to negative feelings the child may have toward the parent or to negative events that might have occurred during the visit.
 - (3) Pre- and post-visit behaviors are documented in KIDS Visits screen and, when appropriate, Form 04KI009E, Court Report, or 04KI014E.
 - (4) When a child demonstrates anxiety surrounding family visits the actions in (A) and (B) are considered.
 - (A) The CW specialist holds a discussion with the parent, placement provider, child, and appropriate professionals, such as a counselor or therapist, to determine whether changes will make the visits more satisfactory. With the parent's participation, the CW specialist designs a plan of action to correct the situation and assists the parent in making necessary changes.
 - (B) When the behavior persists after the CW specialist has talked to the

child, counseling is provided to determine the cause for the reaction. The CW specialist maintains awareness of the child's feelings, fears, and desires by conducting visits with the child and observing family visitation a minimum of once every four weeks.

(i) When abuse or neglect occurs during visitations, a report is made to the OKDHS Abuse and Neglect Hotline and a new investigation is conducted, per OAC 340:75-3.

(ii) Significant events and reactions by the child are documented in the appropriate KIDS screens and Form 04KI009E or Form 04KI014E.

2. Sibling visitation.

(1) When sibling groups, who have been removed, are not placed together in temporary or permanent placements:

(A) on-going face-to-face contact is arranged a minimum of once every four weeks until the siblings are reunited in out-of-home placement or the permanency plan is achieved.

(B) In addition to face-to-face contact, phone, letter, or email contact between all siblings is arranged as frequently as possible until the siblings are reunited in out-of-home placement or the permanency plan is achieved.

(2) Sibling contacts approved by the CW specialist may be arranged by placement providers.

(3) The CW specialist verifies the face-to-face and other types of contacts with the placement provider at each monthly contact.

(4) When sibling contact is detrimental to one or more of the siblings, a temporary exception to visitation is documented in the case record. The CW specialist:

(A) arranges services, including counseling, when indicated, to correct the situation; and

(B) reports the status of sibling contact in the Visitation section of Form 04KI009E or 04KI014E.

(5) When sibling contact is not feasible due to behavioral health needs, such as a sibling receiving inpatient care, the CW specialist:

(A) maintains contact with the unavailable sibling's service provider to resume face-to-face siblings visitation or other forms of sibling contact as soon as it is in the best interests of the siblings; and

(B) reports the status of sibling contact in the Visitation Section of Form 04KI009E or Form 04KI014E.

3. Continuation of visitation. After a judicial finding that reasonable efforts to reunite are not required or have been made and failed, visitation between the child and parent is evaluated on a case-by-case basis to determine whether to continue visitation.

(A) These findings alone do not cease or limit visitation.

(B) At the court hearing when the finding is made, the CW specialist:

(i) makes a recommendation regarding termination of parental rights; and

- (ii) recommends whether visitation continues, is limited, or ceases.
- 4. Visitation with a parent whose rights are terminated. In some cases, contact and visitation between an older child or teenager and a parent whose rights are terminated may be appropriate. Teens and older children in other permanent placements, excluding adoptive homes, may desire a relationship with a parent who has made changes and matured since parental rights were terminated.
- 5. Opening and reading the child's mail. Mail for a child in Oklahoma Department of Human Services (OKDHS) custody is not opened or inspected except by the child. When the CW specialist believes the mail contains:
 - (1) contraband, the specialist opens the mail in the child's presence without reading; or
 - (2) inappropriate or harmful information, the specialist immediately notifies the CW supervisor. Court approval is required to open or read the child's mail.
 - (A) The CW supervisor consults with the CW field liaison (CWFL) regarding any concerns for the child and procedures to open or inspect the mail.
 - (B) When necessary, the CW supervisor contacts the district attorney for assistance in obtaining a court order providing appropriate restrictions.
- 6. (a) Visitation with relatives, extended family, and significant others. When contact and visitation with relatives and extended family is important for the child's well-being, the CW specialist:
 - (1) encourages, when appropriate, the child's relatives and kin to maintain or strengthen their relationship with the child through visitation and other forms of contact, and facilitates the contact and visitation; and
 - (2) considers the parent's viewpoint, wishes of the child, and permanency plan when school teachers, church personnel, or other members of the community who know the child request ongoing visitation or contact with the child.
 - (b) Child's visits or contacts from outside entities. The CW specialist determines who is appropriate to have visitation or contact with a child in out-of-home placement. When the child is in emergency or temporary OKDHS custody, the parent and relatives have input into the decision. For the child in permanent OKDHS custody, the CW specialist may approve contact from outside entities, based upon the child's wishes and the permanency plan.
 - (c) When the parent disagrees with the child's contact or visitation with relatives or others, the child's attorney is consulted.

340:75-6-31. Permanency planning for the child in Oklahoma Department of Human Services (OKDHS) custody ■ 1 through 12

Revised 6-1-12

(a) **Legislative intent.** Pursuant to Section 1-1-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-102), whenever it is necessary for a child to be placed outside

of the home pursuant to the Oklahoma Children's Code, it is the intent of the Legislature that:

- (1) each child be assured of the care, guidance, and supervision in a permanent home or foster home that serves the best interests of the child including, but not limited to the development of the moral, emotional, spiritual, mental, social, educational, and physical well-being of the child; and
 - (2) permanent placement is achieved as soon as possible for the child.
- (b) **Permanency planning and placement preferences.** The purpose of permanency planning is to develop an appropriate plan addressing the child's immediate and long-term needs for safety, permanency, and well-being. Permanency planning begins immediately when a child is placed in OKDHS custody and continues until the child is living in a permanent home and the Child Welfare (CW) case is closed.
- (c) **Efforts to place the child with a suitable relative.** In accordance with 10A O.S. § 1-4-706, every effort is made to place the child with a suitable relative of the child.
- (d) **Consideration given to child's initial out-of-home placement.** Careful planning and consideration is given to the child's initial placement so that in the event reunification fails or is delayed, the first placement made is the best available placement to provide permanency for the child per 10A O.S. § 1-4-706.
- (e) **Concurrent permanency planning.** Pursuant to 10A O.S. § 1-4-706, when a child is removed from the custody of the child's parent, OKDHS immediately assesses the need for permanency planning with the intention that permanency occurs for the child at the earliest opportunity. ■ 2 & 6
- (f) **Permanency hearing.** Permanency hearings are held as required per 10A O.S. § 1-4-811, and in accordance with OAC 340:75-1-18.1.
- (g) **Permanency plan preferences.** ■ 4 The permanency plan preferences in order are:
- (1) reunite the child with the child's parent or legal guardian;
 - (2) terminate parental rights and place the child for adoption;
 - (3) establish guardianship; or
 - (4) provide a planned alternative permanent placement.
- (h) **Reunification.** ■ 4 & 7 In most situations, the initial permanency plan is to reunite the child with the family. Per 10A O.S. § 1-7-103, the child may be returned to the home of the parent or legal guardian from whom the child was removed with prior court approval. When the permanency plan is reunification, services are implemented until:
- (1) the child is returned home, the family home has stabilized, and the court case is dismissed; or
 - (2) it is determined the conditions that necessitated intervention have not been corrected, although sufficient time and services have been provided.
- (i) **Exceptions to reunification as the preferred permanency plan.** Exceptions to reunification as the preferred permanency plan include:
- (1) voluntary relinquishment of parental rights by all parents, biological, legal, presumed, and alleged;
 - (2) a Petition for Termination of parental rights is filed; or
 - (3) the court finds reasonable efforts to reunite the child and family are not required as outlined in 10A O.S. § 1-4-809 and OAC 340:75-1-18.4.
- (j) **Priority for reunification with the custodial parent or placement with the non-**

custodial parent. When the child's parents do not live together, the priority for reunification is primarily with the custodial parent; however, a home assessment may be conducted regarding the noncustodial parent to assess the possibility of placement or custody with the noncustodial parent, when appropriate. ■ 3

(k) **Placement with the noncustodial parent.** The court may place the child with the noncustodial parent when it is in the best interests of the child pursuant to 10A O.S. § 1-4-707. When the child is placed with the noncustodial parent, the court may order the noncustodial parent to assume:

- (1) sole custodial responsibilities for the child; or
- (2) custody of the child under OKDHS protective supervision. ■ 3

(l) **Final permanency order.** Pursuant to 10A O.S. § 1-4-707, when the court orders the noncustodial parent to assume sole custodial responsibilities for the child, the court may also:

- (1) order reasonable visitation and the payment of child support by the child's other parent; and
- (2) terminate its jurisdiction in the deprived action by entering a final permanency order determining custody, visitation, and child support. The final permanency order:

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

(B) may be docketed and filed in the prior, existing, or pending administrative or district court action; or

(C) when there is no administrative or district court action in existence, the surviving order may be used as the sole basis for opening a new administrative or district court action.

(m) **Adoption.** When a child cannot return safely to his or her own home, in most cases adoption is the preferred permanency plan. ■ 4

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

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

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

(o) **Planned alternative permanent placement.** A permanency plan of planned alternative permanent placement may be appropriate for a child when OKDHS documents a compelling reason for the court to determine that returning home, or placement of the child for adoption or guardianship is not in the child's best interests.

(p) **Emancipation.** The federal definition of emancipation is the age at which the child reaches majority. In Oklahoma, 18 years of age is the age of emancipation. ■ 5

INSTRUCTIONS TO STAFF 340:75-6-31

Revised 12-15-11

- 1. Sources and tools used to determine the permanency plan. The Child Welfare (CW) specialist informs the parent of each permanency plan alternative and works with the parent to choose the plan that is in the best interests of the child. Sources that assist the CW specialist and supervisor with determining the best permanency plan for the child include, but are not limited to:**
 - (1) Form 04KI012E, Individualized Service Plan (ISP), or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, containing current documentation of the parent's progress, correspondence, family team meetings, consultations, or conferences with service and placement providers and professionals who interact with the child and parent;**
 - (2) KIDS Contacts and Visits screens, containing pertinent information gained from visits and CW specialist contacts with the child, parent, placement provider, and service providers;**
 - (3) statements by the parent that indicate the parent's perceptions of:**
 - (A) the child;**
 - (B) parenting the child;**
 - (C) the abuse and neglect issues that require correction; and**
 - (D) the parent's protective capacities and corrected behaviors and conditions;**
 - (4) statements by the:**
 - (A) child obtained from the CW specialist's monthly visitation with the child; and**
 - (B) placement provider and service providers regarding the parent and child's desire to reunite;**
 - (5) consultation with the CW supervisor;**
 - (6) recommendations by the post adjudication review board (PARB);**
 - (7) conclusions or recommendations from a multidisciplinary staffing or family team meeting as outlined in OAC 340:75-6-31.1;**
 - (8) consultation with Children and Family Services Division (CFSD) Permanency Planning Section or Adoption Services Section;**
 - (9) the permanency roundtable process;**
 - (10) consultation and coordination with tribal officials, for a child subject to the Indian Child Welfare Act, to explore the tribe's interest and ability to provide for the child's permanent placement;**
 - (11) Form 04KI030E, Assessment of Child Safety, that reflects whether the level of safety threats have increased or decreased compared to the safety threats identified at the time of the investigation that resulted in the child's removal; and**
 - (12) Form 04KI028E, Family Functional Assessment, that is updated as needed, including but not limited to when:**
 - (A) there is a substantial change in the family structure; or**
 - (B) safety threats continue to affect the child.**
- 2. Concurrent permanency planning. Concurrent planning provides for reunification services while simultaneously developing an alternative plan, if**

reunification efforts fail or are no longer feasible. Concurrent planning is required for cases with current or historical familial circumstances that indicate a poor prognosis for reunification. To determine whether concurrent planning is appropriate, the CW specialist completes Form 04MP040E, Safe Progressive Permanency Tool, within 30 days of the child's removal.

(1) When concurrent planning is appropriate, the CW specialist:

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

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

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

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

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

(iii) ongoing efforts to place siblings together; and

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

(D) documents concurrent planning activities on Form 04MP040E, Safe Progressive Permanency Tool, and files in the case within 60 days of determination that concurrent planning is appropriate.

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

3. Assessment of the custodial or non-custodial parent.

(1) In non-Interstate Compact on the Placement of Children (ICPC) assessment of a custodial or non-custodial parent, a home study is not required as would be required when evaluating a placement resource. The CW specialist:

(A) assesses the parent's appropriateness and ability to meet the child's by utilizing Form 04KI028E, Family Functional Assessment;

(B) conducts a Child Abuse and Neglect Information System (CANIS) check; and

(C) conducts a home visit.

(2) When the court orders a home study of the custodial or non-custodial parent who is a party to the deprived case, the CW specialist completes the study as ordered by the court.

4. Selecting the appropriate permanency plan. The permanency plan that meets the child's best interests and long-term safety, permanency, and well-being

needs is selected on Form 04KI012E, Individualized Service Plan (ISP), and Form 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable. The CW specialist reassesses the appropriateness of the permanency plan each time Form 04KI014E is updated. The permanency plan options are listed in paragraphs (1) through (6).

(1) Maintain in own home. When the child is in the legal or physical custody of the parent, "maintain in own home" is selected as the permanency plan when:

- (A) the safety threats of abuse or neglect are under control and a safety plan is in place;
- (B) the family is cooperating with CW to reduce the long-term risk of abuse or neglect; and
- (C) it is determined the child's own home is an appropriate, safe, and permanent living arrangement for the child.

(2) Return to own home. When the child was removed from the home for protection from abuse or neglect, "return to own home" is selected as the permanency plan when:

- (A) the court has authorized the child in OKDHS custody to return to the parent's home for trial reunification;
- (B) services are provided to the family to control safety threats;
- (C) the family is willing and able to reduce the risk of abuse or neglect to the child and comply with a safety plan; and
- (D) it is determined the child's own home is an appropriate, safe, and permanent living arrangement for the child.

(3) Adoption. When the child was removed from the home for protection from abuse or neglect and the child's parent is unwilling or unable to demonstrate the protective capacities necessary to reduce the risk of abuse or neglect allowing the child to safely return home, "adoption" is selected as the permanency plan when:

- (A) reunification no longer appears feasible;
- (B) the adoption consultation process has been initiated, regardless whether termination of parental rights has been recommended, to discuss permanency planning options for the child;
- (C) it is determined that an adoptive family is the appropriate, safe, and permanent living arrangement for the child; and
- (D) one of the conditions in (i) through (v) has or will occur in the near future.

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

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

(iii) A motion or petition to terminate parental rights is filed.

(iv) The parent has relinquished parental rights.

(v) Parental rights are terminated.

(4) Adoption preparation. When placement with an adoptive family is

determined as the appropriate, safe, and permanent living arrangement for the child, but barriers to adoption exist, "adoption preparation" is selected as the permanency plan.

(A) A plan for the child's adoption is strictly related to the child's behaviors and readiness for placement in a permanent family situation.

(B) Barriers to address prior to adoption may include, but are not limited to:

(i) the child's unresolved psychological issues; or

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

(C) Once the barriers to adoption are resolved through progressive casework, the responsible CW specialist changes the plan from adoption preparation to adoption.

(5) Guardianship.

(A) When the child was removed from the home for protection from abuse or neglect and the child's parent is unwilling or unable to demonstrate the protective capacities to reduce the risk of abuse or neglect that would allow the child to safely return home, "guardianship" is selected as the permanency plan when:

(i) adoption is not feasible and guardianship in the home of a relative, kin, or other person is determined as the appropriate, safe, and permanent living arrangement for the child; and

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

(B) The selection of guardianship as the permanency plan is not appropriate for children 11 years of age and under unless, upon review by the Children and Family Services Division (CFSD) director, conditions show that the best interest of the child is met by a guardianship and adoption is not an appropriate option.

(6) Planned alternative permanent placement.

(A) Planned alternative permanent placement is selected as the permanency plan only when:

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

(ii) the child chooses not to be adopted after adoption has been thoroughly explored, explained, and the opportunities demonstrated; or

(iii) placement in out-of-home care in the care of a supportive adult is determined as the appropriate, safe, and permanent living arrangement for the child.

(B) When the child is in an above foster care placement resource, the CW specialist documents the on-going concerted efforts made to locate a resource able to provide a permanent connection for the child.

- (C) The CW specialist facilitates a conversation with the youth to identify possible permanent connections, including a supportive adult who is:
 - (i) willing to commit to a life-long relationship with the youth;
 - (ii) a positive role model; and
 - (iii) able to provide specific support to the youth.
 - (D) When the youth resides with a supportive adult, the CW specialist:
 - (i) contacts CFSD Permanency Planning Section to obtain a Permanency Pact certificate, that documents the pledge by the supportive adult to provide care and specific supports to the youth during and after the transition to adulthood;
 - (ii) facilitates a family team meeting with the identified permanent connection and the youth to solidify the specific supports;
 - (iii) completes the Permanency Pact between the youth and the adult permanent connection and adds the statement "a commitment to provide care for the youth until adulthood" on one of the blank lines on the bottom right of the document; and
 - (iv) provides the original Permanency Pact to the youth, with a copy to the adult permanent connection, paper case record, and youth's life book.
5. **Emancipation.** Emancipation occurs when the child reaches the age of majority. In Oklahoma, certain rights of majority may be given to a child in certain circumstances, but this is not the purpose of emancipation as a permanency plan.
6. **Indicators to proceed with an alternate permanency plan.** The conditions in paragraphs (1) through (8) may indicate a need to expedite an alternate permanency plan for the child.
- (1) Completion of the individualized service plan is irregular or sporadic, and the parent has not addressed the safety threats in the home that may indicate a lack of interest in or commitment to reunification.
 - (2) The parent:
 - (A) lacks a close and positive relationship with the child;
 - (B) visits the child irregularly;
 - (C) frequently misses scheduled visits with the child; or
 - (D) arrives late for visits with the child and leaves early.
 - (3) Maltreatment during unsupervised visitations is reported. Examples of maltreatment include, but are not limited to referrals regarding the reoccurrence of abuse or failure of the parent to comply with any recommended treatment for the child.
 - (4) The child was returned to the home and removed again due to safety threats.
 - (5) The parent receives negative reports from service providers or other entities such as family team meeting members, post-adjudication review board (PARB) members, and court-appointed special advocate (CASA).
 - (6) Reunification has been the permanency plan for an extended period of

time.

(7) The finding from the permanency hearing indicates a poor prognosis.

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

7. Reunification services. Court approval is required prior to return of the child to the home of the parent or legal guardian from whom the child was removed. In preparation for reunification and to provide the court information for consideration of a request for reunification, the activities in paragraphs (1) through (8) of this subsection occur.

(1) Visitation is increased in frequency and duration with reduced supervision as described in OAC 340:75-6-30.

(2) The age appropriate child is made aware that the parent has progressed to the point that, with the court's approval, reunification may occur.

(3) Issues involving the child's apprehensions, indecisiveness, or reluctance to return home are managed through family consultation, family team meetings, counseling, or all three.

(4) Support services utilized include, but are not limited to:

(A) temporary child care;

(B) community service providers;

(C) in-home services; and

(D) continued Temporary Assistance for Needy Families (TANF) eligibility, if applicable, per OAC 340:75-6-31.2.

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

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

(7) The case is staffed with the CW supervisor.

(8) A family team meeting for reunification is held per OAC 340:75-6-31.1.

8. Criteria for reunification. Indications for reunification are listed in paragraphs (1) through (6) of this subsection.

(1) The safety threats that necessitated the intervention are minimized.

(2) The parent's protective capacities have increased.

(3) A plan is in place to address the child's safety and is documented on Form 04KI030E, Assessment of Child Safety.

(4) The parent has complied with the individualized service plan.

(5) The parent has demonstrated a change in the behaviors or circumstances that necessitated the removal, in such a manner that the conditions the court determines essential and fundamental to the child's health, safety, and welfare are met.

(6) Visitation is successful and has increased in length and frequency per OAC 340:75-6-30.

(7) The child has resolved issues related to separation from the parent

through counseling or some other effective means.

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

(9) The court gives prior approval of the return of the child to the parent's home in accordance with Section 1-7-103 of Title 10A of the Oklahoma Statutes.

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

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

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

(3) When the abuse or neglect that precipitated intervention was severe, brutal, or cruel:

(A) has the parent made sufficient progress in completing the plan established to address the safety threats;

(B) is the parent responsible for the abuse or neglect no longer present in the home; or

(C) does the non-offending parent have the protective capacities to keep the child safe?

(4) When the child has special needs, does the parent have the ability and willingness to meet the child's special needs and access community resources, when necessary?

(5) Are the child's feelings about the child's family and placement discussed during regular visits between the child and the CW specialist?

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

(7) Has the parent responsible for the abuse or neglect assumed responsibility?

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

(9) Are there relatives, neighbors, child care centers, and community services who are active participants in the safety plan who are willing to report safety threats?

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

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

(12) Is there healthy, age-appropriate communication between the parent and the child?

(13) Have the behaviors or conditions identified on Form 04KI028E, Family Functional Assessment, changed or decreased compared to the behaviors and conditions identified at removal?

- 10.(a) Protocol utilized when a child wants to return home but safety threats are present. In some cases, the child expresses a strong desire to return home when the parent has not sufficiently reduced the safety threats to the child and increased protective capacities to allow the child to be safely returned to the home. In these circumstances the CW specialist:**
- (1) informs the parent of the child's desire to return home;**
 - (2) explains to the parent the consequences of failure to:**
 - (A) eliminate the safety threats;**
 - (B) comply with the individualized service plan; and**
 - (C) meet the child's need for a permanent home;**
 - (3) examines the individualized service plan to determine if revisions are necessary and encourages the parent's input. When changes to the plan are required, refer to OAC 340:75-6-40.4;**
 - (4) assesses whether the services are available, realistic, and necessary to address the safety threats and increase the parent's protective capacities; and**
 - (5) arranges a consultation through a family team meeting with the parent, child, when appropriate, CW specialist, and key service providers to eliminate confusion or uncertainty for the parent.**
- 11. Protocol utilized when a child is reluctant to return home.**
- (1) When the parent has corrected the conditions leading to the CW intervention but the child is reluctant to return home, the parent is informed of the child's preference and is involved in the resolution through:**
 - (A) family counseling;**
 - (B) consultation with the CW specialist; or**
 - (C) a gradual reunification process.**
 - (2) The CW specialist facilitates a family team meeting to discuss a resolution. The family team meeting requires involvement of the placement provider, child's counselor, or other service provider to explore the possibility of:**
 - (A) abuse or neglect that has not been disclosed or discovered;**
 - (B) family violence, substance abuse, or conflicts that have not been resolved;**
 - (C) fears about the parent's treatment of the child;**
 - (D) belief that the parent, stepparent, or other adults and children in the home feel negatively toward the child;**
 - (E) fear or disapproval of the stepparent or other adults and children involved or living with the parent;**
 - (F) concerns that conditions in the home, such as reliable meals, cleanliness, housekeeping conditions, appropriate clothing, and similar necessities, are not available; and**
 - (G) preferential treatment by the parent of other children or persons who are involved with the parent.**
- 12. Reunification - OKDHS supervision. When the court returns custody to the parent under the supervision of OKDHS, the CW specialist end dates the**

current KIDS placement episode with the exit reason of Reunification. The removal episode automatically end dates.

340:75-6-31.1. Family team meeting (FTM) process ■ 1 through 6

Revised 6-1-12

The purpose of the family team meeting (FTM) is to plan and make decisions for and involve and engage families of children in Oklahoma Department of Human Services custody. The court may require facilitation of a meeting no later than 30 days prior to a permanency hearing when a child has been in out-of-home care for 12 months or longer, per Section 1-4-810 of Title 10A of the Oklahoma Statutes and a FTM is used for this purpose. FTMs may include parents, caregivers, children, relatives, family friends, Child Welfare specialists, service providers, members of community groups, and other appropriate community partners

INSTRUCTIONS TO STAFF 340:75-6-31.1

Revised 6-2-12

1. (a) Family team meeting (FTM) purpose and requirements. The FTM is designed to:

(1) assist Child Welfare (CW) specialists with achieving permanency in the shortest possible time for the child in Oklahoma Department of Human Services (OKDHS) custody or under OKDHS supervision; and

(2) help ensure the:

(A) child is placed or moved timely into a placement resource:

(i) preferably with the child's relatives;

(ii) where all siblings, who were removed from the home, are placed together; and

(iii) that can, when necessary, provide a permanent home; and

(B) essential elements of the case are communicated when the case is transferred between specialists, counties, and when a child is in an out-of-state Interstate Compact on the Placement of Children (ICPC) placement.

(b) FTM process. The FTM process is initiated for each child in OKDHS custody or under OKDHS supervision who is placed outside of the parent, legal guardian, or custodian's home, including out-of-state ICPC placements.

The process:

(1) begins after the child is removed from the home;

(2) continues while the child remains outside the parent, legal guardian, or custodian's home; and

(3) addresses placement issues and essential case elements, including efforts to place:

(A) the child with relatives; and

(B) siblings together. At each FTM:

(i) a placement review is conducted for each sibling to determine whether each child is placed with relatives and whether all siblings are placed together;

- (ii) when siblings are not placed together, a plan is developed or updated to reunite the siblings, when feasible, in placement; and
- (iii) when placing siblings together is not feasible, a plan is developed or updated to maintain, when possible, sibling connections.

(c) Sibling placement review. After the first FTM and at each subsequent FTM until Children and Family Services Division (CFSD) permanency planning (PP) staff concur with the sibling placement plan, the CW supervisor emails completed Form 04MP046E, Family Team Meeting Report, to the Sibling Placement Review folder in Outlook to trigger a sibling placement review by CFSD PP when siblings are not placed together.

- (1) CFSD PP staff review Form 04MP046E and concur with the plan or determine that further sibling placement review is needed.
- (2) When CFSD PP staff concurs with the sibling placement plan, CFSD PP staff notifies the assigned CW specialist and supervisor and document the decision in KIDS using picklist option "Sib Plc Rev – CFSD – Resolved."
- (3) When further review is needed, CFSD PP staff document the need in KIDS using picklist option "Sib Plc Rev – CFSD – Further Rev Needed."
- (4) CFSD PP staff contact the CW specialist and supervisor to request additional information or to further discuss the case. The CW specialist provides the additional information to CFSD PP staff within 10 business days.
- (5) When CFSD PP staff does not concur with the sibling placement plan, another FTM is scheduled to discuss sibling placement and CFSD PP staff attend the meeting.

(d) Required FTMs. A FTM is held:

- (1) following the assessment of child safety when an in-home or out-of-home safety plan is necessary. The purpose of the FTM in this situation is to engage families in identifying supports or resources that can assist in keeping the child safely in the home, or assist in the identification of possible kinship caregivers for the child when necessary;
- (2) within 30 days after the court determines reasonable efforts are not required;
- (3) as part of the ongoing assessment process and Individualized Service Plan (ISP) development to:
 - (A) identify barriers to the child's permanent placement; and
 - (B) propose and implement solutions to the barriers;
- (4) when efforts are needed to maintain the stability of the child's current placement;
- (5) when a decision is made to actively implement concurrent planning or an alternate permanency plan to ensure the family understands the poor prognosis indicators for reunification and the need to identify an alternate permanent caregiver. Form 04MP040E, Concurrent Planning Determination

- Tool, is utilized for this FTM;
- (6) prior to reunification when a decision is made to reunify the child and person responsible for the child (PRFC) to identify the supports the PRFC needs from the extended family to enhance child safety; or
 - (7) a minimum of once every six months.
2. **FTM responsibility.** The county with court jurisdiction is responsible for coordinating and conducting the FTM. The Child Welfare (CW) county of jurisdiction specialist:
- (1) contacts the appropriate persons to participate as members of the FTM for each case;
 - (2) obtains input from each county involved when services are provided to the child and family by more than one county;
 - (3) informs any FTM member, who is unable to attend the meeting, that written or verbal information from the member provided to the CW specialist at least 24 hours prior to the FTM is presented at the meeting;
 - (4) documents the results of each FTM in KIDS Contacts screen no later than 30 days after completion of each FTM. The detailed summary of FTM results included in the KIDS Contacts screen, at a minimum, includes:
 - (A) attendees;
 - (B) discussions regarding each identified barrier to permanency; and
 - (C) action steps identified, the name of the person responsible for completing the action step, and the completion time requirement for each action step; and
 - (5) reporting FTM results to the court. The CW specialist attaches Form 04MP046E, Family Team Meeting Report, or includes a summary of the FTM on Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, for the next court hearing following the FTM.
3. **FTM process.**
- (1) FTM participants include, but are not limited to the:
 - (A) child;
 - (B) child's:
 - (i) parents;
 - (ii) legal guardian, if any;
 - (iii) extended family and kinship relations as requested by the family;
 - (iv) caregivers;
 - (v) court-appointed special advocate (CASA) or guardian ad litem, when applicable;
 - (vi) tribal representative, when applicable;
 - (vii) attorney; and
 - (viii) assigned CW specialist and CW supervisor;
 - (C) service providers;
 - (D) Developmental Disabilities Services Division (DDSD) staff, when applicable;
 - (E) SoonerStart staff, when applicable;
 - (F) post adjudication review board (PARB) member; and

- (G) district attorney.
- (2) Prior to case discussion, the FTM facilitator:
 - (A) explains the confidential nature of the meeting;
 - (B) requests all team members sign the confidentiality section of Form 04MP046E, Family Team Meeting Report; and
 - (C) uses Form 04MP046E as a reference source for discussion by the team.
- 4. FTM, permanency meeting, and permanency report. When a FTM is held as a permanency meeting to discuss recommendations regarding the child's permanency plan, information gathered during the meeting is included in Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report. Refer to OAC 340:75-1-18.1. The progress report includes, but is not limited to:
 - (1) efforts and progress by the child's parent to:
 - (A) comply with the ISP requirements;
 - (B) change behaviors or conditions; and
 - (C) develop protective capacities;
 - (2) the status of the child, including the child's behavioral, physical, and emotional health; and
 - (3) a recommendation regarding the child's placement, whether it should be extended, and the reasons for the recommendation.
- 5. FTM during trial reunification. A FTM is not required for the child placed in trial reunification unless the court orders an extension of trial reunification beyond six months. During the trial reunification FTM, the team:
 - (1) identifies issues and concerns that have necessitated an extension of trial reunification;
 - (2) proposes a plan to address the issues including, but not limited to:
 - (A) recommendations for services;
 - (B) initiation or modification of safety plans; and
 - (C) other strategies to meet identified family needs as applicable and appropriate.
- 6. FTM and adoption criteria staffing. When the paid or non-paid relative or kinship placement resource or child's foster parent requests adoption of the child, a local adoptive placement criteria staffing is required.
 - (1) The criteria staffing may occur concurrently with the FTM when the FTM is held within 30 days of the relative, kinship, or foster parent's request. The adoption specialist's attendance at the FTM is mandatory.
 - (2) Forms 04MP046E, Family Team Meeting Report, and 04AN020E, Adoptive Placement Criteria Staffing, are completed by the CW county of jurisdiction specialist. Upon completion of the FTM, the CW specialist provides a copy of Form 04AN020E to the adoption specialist in attendance for processing.

340:75-6-31.2. Reunification services for Temporary Assistance for Needy Families (TANF) recipients

Revised 3-26-10

When a parent or needy caretaker receiving TANF has the only dependent child removed by a child protection action and the reasonably anticipated return of the child is to occur within four months of the child's removal from the home, the parent or needy caretaker continues eligible for adult only TANF benefits, if other conditions of eligibility are met. [OAC 340:10-3-56(2)(B)(ii) and 340:10-3-57(j)] ■ 1 through 4

INSTRUCTIONS TO STAFF 340:75-6-31.2

Revised 3-26-10

- 1. For cases where continuation of the Temporary Assistance for Needy Families (TANF) is appropriate, the CW worker:**
 - (1) notifies the assigned Family Support social services specialist within five working days from the filing of the petition that continued adult only TANF benefits for the adult(s) is requested;**
 - (2) assembles a team consisting of, at a minimum, the parent or needy caretaker, the social services specialist or supervisor, or both, and the Child Welfare (CW) worker to develop an individualized service plan within 15 working days from the filing of the petition. This plan must address the conditions that caused the child to be removed from the home and include any TANF requirements. This plan must identify the behavioral changes needed, and steps necessary to address the safety threats to allow the child to return home safely;**
 - (3) holds monthly staffings with the team to discuss the parent or needy caretaker's progress on the individualized service plan and assist the parent or needy caretaker in elimination of any barriers to completion of the plan. The CW worker immediately notifies the assigned social services specialist when the child is returned home or when reunification will not occur within the four-month period;**
 - (4) immediately notifies the assigned Family Support social services specialist if the anticipated return of the child changes; and**
 - (5) when the child is returned home within the four month period, continues to have monthly contact with the assigned social service specialist until the CW case is successfully closed.**
- 2. If the child remains out of the home longer than four months, the parent or needy caretaker's eligibility discontinues.**
- 3. If the child is placed in a relative's home and TANF benefits are requested by this relative for the child, the parent or needy caretaker is eligible for continuing adult only TANF. If the relative also requests adult benefits, the parent or needy caretaker is not eligible for continuing adult only TANF benefits.**
- 4. In situations where a family-centered services case is opened by CW and the child is placed voluntarily by the parent or needy caretaker, the continued eligibility of the parent or needy caretaker is addressed in OAC 340:10-3-56(b)(5).**

340:75-6-31.3. Trial home reunification ■ 1 through 13

Revised 6-1-12

(a) **Trial home reunification - supervision of child in Oklahoma Department of Human Services (OKDHS) custody. ■ 1 through 4** Per Sections 1-4-806 and 1-7-103(A)(2)(f) of Title 10A of the Oklahoma Statutes (10A O.S. §§ 1-4-806 and 1-7-103(A)(2)(f)), the court may order a trial home reunification by returning the child to the care of the parent or legal guardian from whom the child was removed for a period not to exceed six months, provided when determined necessary, the court may extend the period of trial reunification to a specific date, by entering an extension order prior to the expiration of the initial six-month trial reunification period. During the period of the trial reunification, OKDHS:

(1) continues to have legal custody of the child, permitting OKDHS to visit the child in the home of the parent, at school, in a child care facility, or any other setting OKDHS deems necessary and appropriate;

(2) continues to provide appropriate services to the parent, when eligible, and the child;

(3) terminates the trial home reunification and removes the child to out-of-home placement, without court order or authorization, when necessary to protect the child's health, safety, or welfare; and ■ 13

(4) advises the court and parties within three judicial days of the termination of the trial home reunification when terminated by OKDHS without a court order.

(b) **Trial home reunification - supervision of child not in OKDHS custody.** Per 10A O.S. § 1-4-806:

(1) upon completion of the six-month trial home reunification period or any extension of the trial home reunification, the court may extend supervision of the child in the home by awarding legal custody of the child to the parent or legal guardian with whom the child is reunited and order OKDHS to provide supervision per OAC 340:75-6-48; and ■ 3

(2) the duration of the extended supervision may not exceed six months except in circumstances the court finds appropriate and necessary to protect the health, safety, or welfare of the child.

(c) **Report required when trial home reunification terminated.** When trial home reunification is terminated by OKDHS or by court order, OKDHS prepares a report for the court describing the circumstances of the child during the trial home reunification period and recommends court orders, when appropriate, to provide for the safety and stability of the child, in accordance with 10A O.S. § 1-4-806.

(d) **Required criminal background check prior to trial home reunification. ■ 5** Per 10A O.S. § 1-4-806, OKDHS conducts a criminal background check of any adult in the home prior to any trial reunification. The background check includes inquiries into Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) records for a national criminal history record check, per provisions of 74 O.S. § 150.9. OKDHS notifies the court that the parent received a copy of the national criminal history record check results.

(e) **Notice to individual subject to criminal background checks.** OKDHS provides Form 04MP060E, Notice to Individual Being Fingerprinted, as required by Section 50.12

of Title 28 of the Code of Federal Regulations (28 C.F.R. §50.12) to individuals requiring fingerprinting. Form 04MP060E notifies the individual being fingerprinted:

- (1) that the fingerprints are used to check the criminal history records of the FBI;
- (2) of a date range in which the individual must get fingerprinted;
- (3) of the individual's right to challenge the accuracy of the information contained in the FBI identification record;
- (4) that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in 28 C.F.R. §16.34; and
- (5) of the use-and-challenge requirements placed on all records disseminated under the FBI program.

(f) **Exception to fingerprinting.** Per Section 10A O.S. § 1-7-111, the OKDHS Director or designee may authorize an exception to the fingerprinting requirement and authorize use of an alternative procedure for obtaining a national criminal history record check for any adult residing in the home who has a severe condition precluding such individual from being fingerprinted. In limited, case specific circumstances OKDHS may not be able to obtain:

- (1) an individual's fingerprints due to the individual's disability; or
- (2) legible fingerprints due to low quality fingerprint characteristics as a result of the individual's age, occupation, or otherwise resulting in the inability for the national crime information databases (NCID) to provide results. ■ 10

(g) **Confidentiality of national criminal history record check obtained for trial home reunification consideration.** ■ 12 The report of the national criminal history record check obtained prior to trial home reunification is confidential per 28 C.F.R. § 50.12 and is used only for purposes related to trial reunification and cannot be disseminated outside OKDHS or authorized entities such as the court. The report of the national criminal history is placed in a separate envelope for each individual and maintained in a locked file cabinet.

INSTRUCTIONS TO STAFF 340:75-6-31.3

Revised 12-15-11

1. Trial home reunification – Oklahoma Department of Human Services (OKDHS) custody. When requesting the court's approval for reunification with a parent, the Child Welfare (CW) specialist recommends on Form 04KI014E, Individualized Service Plan (ISP) Progress Report, the child remain in OKDHS custody for up to six months, to continue the child's Title IV-E eligibility. When the court authorizes trial reunification and the child remains in OKDHS custody, the CW specialist:

- (1) end dates the current placement episode with the exit reason of Trial Reunification (TR); and
- (2) enters a TR placement episode in KIDS. The case turns blue in the CW specialist's workload prior to the expiration of the TR episode and remains blue until action is taken to either extend or end date the TR episode. When no action is taken, the TR episode and the removal are automatically end dated in KIDS two weeks after the end date of the TR.

2. Protocol when trial home reunification - OKDHS custody is successful. When, at any time during trial reunification, the reunification process appears

successful, the CW specialist asks the court to return legal custody to the parent or legal guardian and relieve OKDHS of legal custody and supervision. The CW specialist:

- (1) end dates the KIDS Trial Reunification episode with the exit reason of Reunification and closes the CW case when OKDHS is relieved of legal custody, supervision, or both. The removal episode automatically end dates; or
- (2) follows the contact requirements outlined in OAC 340:75-6-48 when the court orders OKDHS to continue custody, supervision, or both.

3. Trial home reunification supervision.

- (1) Case type. The Child Welfare (CW) specialist changes the case type to Aftercare - permanency planning, effective the date of the court order granting permission to return the child to a parent or legal guardian. When any child of a family with more than one child remains in out-of-home care, the case type in KIDS is changed to Aftercare - permanency planning, when the last child of the family has returned home or obtained some other form of permanency.
- (2) Contact requirements. Refer to OAC 340:75-6-48 for contact requirements. When case circumstances indicate, contacts are conducted more frequently.
- (3) Protocol when contact cannot be made with the family. When the CW specialist's attempts to contact the child and family are not successful, intensive search efforts are made to locate the family and assess the child's safety per protocol in OAC 340:75-6-48.3 Instructions to Staff (ITS) # 1(a).
- (4) Protocol when the family is located. When the family is located, the protocol per OAC 340:75-6-48.3 ITS # 1(d) is followed.
- (5) Protocol when the CW specialist is unable to locate the family through intensive search procedures. When a child or family cannot be located, the CW specialists follows the protocol per OAC 340:75-6-48.3 ITS # 1(e).
- (6) Changes in family household. When changes in the family household occur, the CW specialist:
 - (A) documents changes in the family household in KIDS;
 - (B) obtains an Oklahoma State Bureau of Investigation (OSBI) records check only on the new adult member of the household;
 - (i) The results of the OSBI records check are reviewed upon receipt.
 - (ii) When child safety threats are indicated, the CW specialist develops a voluntary safety plan or takes appropriate action to remove the child from the home when necessary;
 - (C) updates Form 04KI028E, Family Functional Assessment; and
 - (D) immediately notifies the court when any change in the family household results in a concern for the child's safety.
- (7) Court reviews. Form 04KI014E, Individualized Service Plan (ISP) Progress Report, is prepared for review hearings.

4. Trial home reunification supervision period.

- (1) When trial home reunification is ordered, OKDHS supervises a minimum of three months. At any time after the three month period, when the child is determined safe the CW specialist recommends OKDHS be relieved of legal custody, supervision, or both. An exception to this time requirement may be granted by the CW supervisor in consultation with the county director. The exception is documented in KIDS Contact screen.
- (2) The CW case is closed no later than five business days after OKDHS is relieved of legal custody, supervision, or both and the deprived case is judicially closed.
5. Required national criminal history record check prior to trial home reunification. Section 150.9 of Title 74 of the Oklahoma Statutes states, *"a national criminal history record check means a check of criminal history records entailing the fingerprinting of the individual and submission of the fingerprints to the United States Federal Bureau of Investigation (FBI) for the purpose of obtaining the national criminal history record of the individual from the FBI. A criminal history record check may be obtained only when a check is authorized or required by state or federal law."* This includes any parent, legal guardian, or adult household member who is an undocumented foreign national.
- (1) An OSBI and national criminal history record check is requested when:
- (A) the child's parent or legal guardian is actively complying with the individualized service plan (ISP); and
 - (B) there appears to be a good prognosis for reunification.
- (2) When an adult is in the household more than 30 days per year or engages in a pattern of overnight visitation of more than two nights per month, the adult is subject to a national criminal history record check prior to the trial reunification.
- (3) OSBI record of arrest and prosecution (RAP) reports are maintained by OSBI. RapBack is a service offered to Oklahoma non-criminal justice government agencies for non-criminal justice purposes such as trial home reunification and Bridge resource parent application decisions.
- (A) The RapBack service is not associated with national criminal history and details only subsequent Oklahoma arrests after an individual's fingerprints have been submitted to OSBI and FBI for non-criminal justice purposes.
 - (B) RapBack reports are received and distributed by the CFSD Fingerprint Processing Section to the appropriate CW or resource specialist when a trial reunification or resource case is open.
 - (C) When trial reunification does not occur within six months of receipt of the national criminal history search results or is contemplated for a second time in the same household during the pendency of the same deprived case, a new national criminal history search is not required, but a new name-based OSBI background check is necessary. The OSBI RapBack program is automated and is not used in place of a new name-based background search.

6. Confidentiality of national criminal history record check obtained in anticipation of trial reunification. Per Section 50.12 of Title 28 of the Code of Federal Regulations (28 C.F.R. § 50.12) an individual's national criminal history record check obtained under this Section of law may be used solely for the purpose requested and the record cannot be disseminated outside OKDHS unless ordered by the court.
 - (1) A copy of the FBI report regarding the individual may be provided to the individual who has been fingerprinted. The CW specialist advises the individual that the Individualized Service Plan contains a standard "To-Do" requiring, that upon the court's request, the parent or legal guardian coordinates the release of each adult household member's FBI report to the court.
 - (2) OKDHS does not provide a copy of the national criminal history record check to:
 - (A) the child's attorney;
 - (B) the district attorney (DA);
 - (C) court-appointed special advocate;
 - (D) tribal representative;
 - (E) the parent's or legal guardian's attorney;
 - (F) the child's guardian ad litem;
 - (G) placement provider;
 - (H) other trial reunification household members; or
 - (I) any other individual providing services to or associated with the deprived case.
7. Extended trial visit ordered by court prior to receipt of FBI report. When the court orders an extended trial visit in the parent or legal guardian's home with no expectation for the child to return to out-of-home care prior to receipt of the national criminal history record check, the CW specialist:
 - (1) enters a begin date in the KIDS Placement/Trial Visit icon;
 - (2) notifies the appropriate county personnel who approves the payment of resources, of the begin date of the trial visit to deduct the appropriate trial visit days from the monthly foster care maintenance payment; and
 - (3) enters an end date in the trial visit icon when the court orders trial reunification or the child returns to care.
8. Re-use of FBI report for trial home reunification purposes. When a child is removed from a trial home reunification episode and is later returned to the same home for a subsequent trial reunification episode, the national criminal history record obtained for each adult in connection with the previous trial reunification along with all OSBI RapBack information for each individual is reviewed for potential child safety threats by the appropriate CW specialist. When OSBI RapBack criminal history information is received, the CW specialist:
 - (1) discusses the information with the applicable CW supervisor, in consultation with the county director, Child Welfare field liaison (CWFL), CFSD Permanency Planning Section, and OKDHS Legal Division as

- needed; and
- (2) documents the OSBI open-record information in the Crime Information section in the KIDS Client – General Info. – Other Details tab.
9. Fingerprint-based criminal history record search procedure. A report of the fingerprint-based criminal record check is received in approximately four weeks after submission of accepted fingerprints. The procedure for obtaining, a name and fingerprint-based criminal history record search is outlined in paragraphs (1) through (10) of this Instruction. For each adult residing in the home considered for trial reunification, the responsible CW specialist:
- (1) prepares and provides, to each individual being fingerprinted, for the individual's signature, Form 04MP060E, Notice to Individual Being Fingerprinted;
 - (2) requests the parent and each adult household member sign Form 04AD003E, Request for Background Check, to authorize the OSBI and FBI records searches;
 - (3) provides two fingerprint cards to each adult;
 - (4) provides an automated fingerprinting authorization obtained through Finance AS400;
 - (5) instructs the adult to be fingerprinted to:
 - (A) take the authorization and fingerprint cards to local law enforcement or a fingerprinting agency for fingerprinting services; and
 - (B) return the fingerprint cards to the CW specialist once fingerprinting is completed;
 - (6) upon return of the fingerprint cards, checks the fingerprint cards for accuracy and forwards the cards with Form 04AD003E to the CFSD Fingerprint Processing Section for the OSBI records search and FBI national criminal history records search. The completed fingerprint cards and Form 04AD003E:
 - (A) are placed in a sealed manila envelope marked confidential; and
 - (B) sent via inter-office mail to CFSD Fingerprint Processing Section;
 - (7) files a copy of Form 04AD003E in the case file;
 - (8) when the fingerprint cards are rejected and reprinting is necessary, returns the cards to and instructs the individual whose fingerprints were rejected to take the cards to the original vendor, who reprints the individual at no additional charge;
 - (9) when the fingerprint cards are rejected after the second submission and the rejection is not related to low quality fingerprints due to lack of technological capacity or use of improper techniques, requests approval to use the name-based check in place of the results that would have been obtained through fingerprinting per OAC 340:75-6-31.3 ITS # 5; and
 - (10) stores the report of the national criminal history record check for each person in a locked file cabinet in a separate manila envelope with the name and permanency KK case number written on the outside.
10. Exception to fingerprinting. When the prospective caretaker's fingerprint impressions are rejected by the FBI due to low quality fingerprint

characteristics or an individual does not have fingers, an alternate procedure to conduct a name-based check of the National Criminal Information Database (NCID) is conducted by the FBI to obtain a national criminal history record check. The alternative results are used for limited and case-specific situations. The alternative background check results are not acceptable when fingerprint impressions are of low quality due to lack of technological capacity or use of improper techniques.

(1) Individuals without fingers must submit fingerprint cards with the identifying information completed, stating the reason the individual does not have fingers.

(2) When the individual has no fingers or has low quality fingerprint characteristics, the CFSD Fingerprint Processing Section submits a request to the FBI for a name-based check of the NCID.

(3) When the NCID name-based check results are obtained, the CFSD Fingerprint Processing Section submits a written request for an exception to the fingerprint requirement to the CFSD Foster Care Section, designated as the Oklahoma Department of Human Services (OKDHS) Director's designee for this purpose.

(4) Individuals with a severe disability that prevents the person from caretaking are not required to submit a fingerprint card and a national criminal history records search is not conducted.

(A) The CW or resource specialist submits an email to the CFSD Fingerprint Processing Section requesting an exception to fingerprinting for the severely disabled non-caretaker.

(B) The CFSD Fingerprinting Processing Section conducts an OSBI criminal history check only and submit the request for an exception to the Foster Care Section for approval.

(C) When the CFSD Fingerprint Processing Section receives a determination regarding the exception for the prospective caregiver or non-caregiver, the appropriate CW specialist is notified by email and a copy of the document granting the permanent exemption to the fingerprint requirement is mailed to the CW specialist.

(D) The CFSD Foster Care Section enters a KIDS contact with the determination.

(E) The CW specialist places the written determination in the paper file.

11. Failure of parent or other adult household member to submit to national criminal history record check. When the parent or other adult household member fails to submit to a national criminal history record check for purposes of trial reunification, the responsible CW specialist:

(1) attempts to determine the cause for the failure to cooperate;

(2) addresses the barriers, such as transportation, fear, or other type of concern;

(3) does not request court approval for trial reunification without a national criminal history record check of all adult household members; and

(4) reports the details of the failure to obtain the national criminal history

record check in Form 04KI014E, Individual Service Plan (ISP) Progress Report, to the court, DA, and child's attorney for the next scheduled court hearing.

12. Assessment of national criminal history record check report obtained for trial home reunification.

(1) The report of the national criminal history record check regarding each adult in the household is:

(A) reviewed by the responsible CW specialist. When the report contains any misdemeanor or felony arrests or convictions, the CW specialist consults with the CW supervisor, the county director, CWFL, Children and Family Services Division (CFSD) Permanency Planning Section, and the OKDHS Legal Division as needed to determine whether any potential safety threats are present and whether arrests or convictions are discussed with the parent or adult household member. The report is discussed in detail, when necessary, with the individual when the nature of the arrest or conviction is for:

- (i) child abuse or neglect;**
- (ii) physical assault, battery, or a drug-related offense within the five-year period preceding the national criminal history record check;**
- (iii) domestic abuse;**
- (iv) a crime against a child including, but not limited to child pornography; or**
- (v) a crime involving violence including, but not limited to rape, sexual assault, or homicide, but excluding those crimes specified in this unit. Homicide includes manslaughter. A crime involving violence means an offense that:**
 - (I) has as an element of the use, attempted use, or threatened use of physical force against the person or property of another; or**
 - (II) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; or**
- (vi) a misdemeanor or felony arrest or conviction that occurred after the child's removal from the home;**

(B) not reviewed by the area or state committees that review criminal history for Bridge resource applicants;

(C) prior to discussing the criminal history with the parent or adult household member, evaluated after the CW specialist obtains additional information regarding the criminal history including:

- (i) the in or out-of-state police report of the incident;**
- (ii) whether the out-of-state arrest or conviction is an open record in that state, when applicable by conducting an Accurant records search. Accurant obtains only criminal records from jurisdictions where the information is publically available; and**
- (iii) the official disposition of the arrest or conviction from court or police records;**

- (D) addressed in a report to the court when the results indicate a safety threat or risk to the child with a recommendation to implement safety measures or modify the individualized service plan as indicated;
 - (E) not used as the sole basis for denying a trial reunification recommendation; and
 - (F) not documented in KIDS.
- (2) When the decision is made, after consultation with the CW supervisor and CWFL, to discuss the report of the arrest or conviction with the parent or adult household member, the individual's response is documented in the KIDS contact screens and in the ISP progress report indicating:
- (A) the individual's explanations of the criminal history; and
 - (B) the CW specialist's assessment of the charges detailing any potential child safety threats.
- (3) When an out-of-state arrest or conviction is determined not to be an open record in the state of occurrence the CW specialist takes care when documenting in the KIDS Contacts screen not to reveal the information recorded is based on the FBI report because:
- (A) the FBI report is confidential and may not be disclosed; and
 - (B) certain persons, who are not authorized to receive the FBI report, are authorized to review OKDHS records without a court order.
- (4) The CW specialist considers issues that may be relevant in assessing appropriateness of the parent or adult household member that 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 or parole officer and the officer's information;
 - (F) positive changes the individual has made in his or her lifestyle and the individual's description of how and why the changes occurred; and
 - (G) provisions for the safety and well-being of a child in the home due to the criminal history.
- 13. Protocol when child must be removed from the home while in trial home reunification status.**
- (1) When removal of the child from trial home reunification is necessary due to abuse, neglect, or both, the CW specialist completes a referral and investigation, per OAC 340:75-3.
- (A) When the child is in OKDHS custody, the CW specialist completes for the court, prior to or within one business day after the removal of the child, Form 04PP002E, Request for Termination of Trial Reunification, with the reasons trial reunification must be terminated.
- (i) The CW specialist requests an ex parte order authorizing OKDHS to terminate the trial reunification and offers to the court Form 04PP003E, Order Terminating Trial Reunification. Form 04PP003E is

utilized at the court's discretion.

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

(B) When the child is not in OKDHS custody, the CW specialist completes Form 04PP002E with the reasons the child must be removed from the home.

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

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

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

340:75-6-31.4. Permanent guardianship, non-funded or funded through supported permanency (TANF), IV-E, or state subsidy ■ 1 through 8

Revised 7-1-11

(a) **Permanent guardianship.** The court may establish a permanent guardianship between a child and a relative or other adult per Sections 1-4-709 and 1-4-710 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-709 and 1-4-710) when the guardianship is in the child's best interests and when all conditions listed in 10A O.S. § 1-4-709 are substantially satisfied.

(1) When the child is in Oklahoma Department of Human Services (OKDHS) custody, OKDHS conducts an assessment of the proposed guardian's home and provides a report to the court regarding:

(A) the suitability of the proposed guardian; and

(B) whether guardianship is in the child's best interests. ■ 1

(2) When a permanent guardianship is terminated due to the guardian's abuse or neglect of the child, the guardian's death or inability to care for the child, the court must order the child returned to OKDHS legal custody pending further hearing.

(A) OKDHS develops a new permanency plan for the child to present to the court within 30 days from the permanent guardianship termination date.

(B) Unless parental rights have been terminated, the child's parent(s) are notified and are entitled to participate in the new permanency planning hearing.

(3) The court may order reunification services again be provided to the parent(s) or consider the parent(s) for custody of the child with OKDHS supervision when the parent can prove conditions previously existing at the time the permanent guardianship was granted have been substantially corrected and reunification is the best alternative for, and in the best interests of, the child.

(4) A permanent guardianship may be non-funded or funded through:

(A) Supported permanency through Temporary Assistance for Needy Families (TANF);

(B) Title IV-E; or

(C) state funded.

(b) **Supported permanency.** When a child in Oklahoma Department of Human Services (OKDHS) custody is placed in a paid kinship foster home with a relative who resides in Oklahoma and meets the specified degree of relationship as defined by the Temporary Assistance for Needy Families (TANF) program, per OAC 340:10-9-1(a), supported permanency may be explored, subject to the availability of funds. When a child is not eligible for the TANF Supported Permanency Program, the director of the Children and Family Services Division (CFSD), for good cause, may waive an eligibility requirement of the TANF Supported Permanency Program and approve a supported guardianship payment for the child, provided the payments to the guardian are pre-authorized by CFSD and funded with non TANF dollars. ■ 1

(1) Supported permanency is appropriate when the:

(A) child is 12 years of age or older or has a sibling 12 years of age or older who resides in the same relative foster home. The CFSD director reviews and may, for good cause, approve supported permanency for a child eight years of age through 11 years of age and his or her sibling(s) when the child has no older eligible sibling; ■ 6

(B) court makes a finding that reasonable efforts to reunite are not required or have been made and failed, and the permanency plans of reunification and adoption have been ruled out;

(C) relative has completed all requirements to be an approved OKDHS foster home;

(D) child is currently residing with the relative in Oklahoma and has been for four of the previous six months;

(E) relative is willing to assume legal responsibility for the child; and ■ 3

(F) court and, if appropriate, the child are in agreement with the plan for the relative to obtain legal responsibility for the child.

(2) Supported permanency provides the relative with:

(A) limited monetary reimbursement to an attorney for the legal fees and costs incurred in the transfer of legal responsibility for the child from OKDHS to the relative; ■ 4

(B) a monthly payment standard for the child, per OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XVII; ■ 5

(C) a medical card for the child; and ■ 6

(D) an assigned Family Support Services worker who provides referrals for services, if needed.

(c) **Title IV-E Subsidized Guardianship.** Guardianship assistance is available to any child who meets eligibility for Title IV-E relative guardianship assistance payments under Section 473(d)(3)(A) of Title IV-E of the Social Security Act. Relative guardianship eligibility requirements are met when the:

(1) child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child and is IV-E eligible per OAC 340:75-13-13 for at least six consecutive months;

(2) child is a sibling to a child eligible for or receiving Title IV-E relative guardianship assistance and is residing or planning to reside in the same placement;

(3) permanency plans of reunification and adoption have been ruled out; ■ 7

- (4) relative has completed all requirements to be an approved OKDHS foster home;
- (5) child is currently residing with the relative and has been for six consecutive months;
- (6) relative is willing to assume legal responsibility for the child and has a strong commitment to permanently care for the child;
- (7) child who is 14 years of age or older has been consulted regarding the kinship guardianship arrangement;
- (8) child demonstrates a strong attachment to the prospective relative guardian; and
- (9) prior to the transfer of legal responsibility, a written agreement, Form 04MP049E, Title IV-E Subsidized Guardianship Agreement, is signed by OKDHS and the prospective relative guardian, outlining the assistance provided to the relative that includes:
 - (A) a monetary reimbursement to an attorney for the legal fees and costs that will be incurred in the transfer of legal responsibility of the child not to exceed \$500;
 - (B) a monthly payment for the child in an amount that is consistent with the monthly payment standard, per OKDHS Appendix C-20, Children and Family Services Division Rates Schedule, not to exceed the foster care maintenance payment the child would have received if still in care;
 - (C) the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child;
 - (D) a medical card for the child;
 - (E) a right to a fair hearing per OAC 340:75-1-12.1;
 - (F) the additional services and assistance for which the child and relative guardian are eligible under the agreement;
 - (G) the procedure by which the relative guardian applies for additional services; and
 - (H) assurance that the agreement will remain in effect if the relative guardian moves to another state;
- (10) the case plan describes:
 - (A) how the child meets the eligibility requirements;
 - (B) the steps the agency has taken to determine that return to the home or adoption is not appropriate;
 - (C) the efforts OKDHS has made to discuss adoption with the child's relative foster parent and the reasons why adoption by the relative foster parent is not an option;
 - (D) the reason a permanent placement with a prospective relative guardian and receipt of a guardianship assistance payment is in the child's best interests;
 - (E) the efforts made by OKDHS to discuss with the child's parent(s) the relative guardianship assistance arrangements or why efforts were not made; and
 - (F) when the child's placement with the prospective relative guardian does not include siblings, a description of the reasons the child is separated from siblings during placement.

INSTRUCTIONS TO STAFF 340:75-6-31.4
Revised 7-1-11

1. (a) The court may establish a permanent guardianship between a child and a relative or other adult per Sections 1-4-709 and 1-4-710 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-709 and 1-4-710), if the guardianship is in the child's best interest and when all of the conditions listed in 10A O.S. § 1-4-709 are substantially satisfied.
 - (1) The child has been adjudicated a deprived child.
 - (2) The parent has:
 - (A) consented to the guardianship;
 - (B) had his or her parental right terminated;
 - (C) failed to substantially correct the conditions that led to the adjudication of the child;
 - (D) been adjudicated as incompetent or incapacitated by a court;
 - (E) abandoned the child;
 - (F) failed to be identified or has not been located despite reasonably diligent efforts to ascertain the whereabouts of the parent; or
 - (G) died.
 - (3) The child consents to the guardianship when the court finds the child of sufficient intelligence, understanding, and experience to provide consent.
 - (4) Termination of the parent's rights is either not legally possible, not in the best interests of the child, or adoption is not the permanency plan for the child.
 - (5) The child and prospective guardian do not require protective supervision or preventive services to ensure the stability of the guardianship.
 - (6) The prospective guardian agrees not to return the child to the care of the person from whom the child was removed nor allow visitation without the approval of the court.
 - (7) The child has been residing or placed with the proposed guardian for at least the six preceding months or the proposed permanent guardian is a relative with whom the child has a relationship.
- (b) An assessment of the proposed guardian's home is completed and a report is provided to the court regarding the suitability of the proposed guardian and whether guardianship is in the best interests of the child. The CW worker:
 - (1) when the proposed permanent guardian is a Bridge resource parent, updates Form 04AF003E, Resource Family Assessment - Bridge Family Profile; or
 - (2) completes Form 04PP008E, Proposed Permanent Guardian Assessment of Non-Resource Parent, when the proposed guardian is not an OKDHS resource parent; and
 - (3) includes in the report:
 - (A) information as to whether the proposed guardianship is in the best interests of the child; and
 - (B) other information requested by the court of jurisdiction; and
 - (4) provides the report to the court as directed by the court or no later than two weeks prior to the permanent guardianship hearing.

(c) A permanent guardian is vested with all the rights and responsibilities as set forth in Title 30 of the Oklahoma Statutes relating to the powers and duties of a guardian of a minor, other than those rights and responsibilities retained by the child's parent, if any, that are set forth in the decree of permanent guardianship.

(d) A permanent guardianship may be terminated or modified.

(1) Section 1-4-711 of Title 10A of the Oklahoma Statutes allows the child to be returned to OKDHS legal custody if there has been a substantial change in circumstances and the permanent guardianship is terminated.

Substantial change of circumstances includes, but is not limited to the:

(A) parent is presently able and willing to properly care for the child;

(B) permanent guardian is unable to properly care for the child;

(C) child has been abused or neglected while in the care of the permanent guardian; or

(D) permanent guardian of the child is deceased.

(2) When the modification of the permanent guardianship results in removal of the child from the home of the guardian, the court determines whether:

(A) continuation of the child in the home of the guardian is contrary to the welfare of the child; and

(B) reasonable efforts have been made to prevent the removal of the child from the home; or

(C) an absence of efforts to prevent the removal of the child from the home is reasonable due to an emergency.

2. (a) Guardianship payment. When the Child Welfare (CW) worker and supervisor determine guardianship is the appropriate permanency plan and a guardianship payment will be requested, the CW supervisor contacts the Children and Family Services Division (CFSD) permanency planning section to obtain guidance. When the child is not eligible for either Title IV-E or supported permanency guardianship assistance, the permanency planning section consults with the CW supervisor to determine if approval of a state-funded guardianship payment by the CFSD director is requested. When the CFSD director approves state funded guardianship assistance, the CW worker completes the steps as outlined in Instructions to Staff # 8.

(b) Exploration of permanency options. Prior to the consideration of a supported guardianship, either through Title IV-E, supported permanency, or state funded guardianship assistance, the child's CW worker facilitates a family team meeting (FTM), per OAC 340:75-6-31.1 and explains the differences between adoption and guardianship to the child, as appropriate for the child's age, and foster parent in order that the child and foster parent understand the various forms of permanency available in consideration of the long-term best interests of the child. In addition, the CW worker provides the foster parent with Oklahoma Department of Human Services (OKDHS) Publication No. 01-40, Supported Permanency, and OKDHS Publication No. 03-18, Permanent Connections.

- (c) Eligibility for supported permanency. To be eligible for supported permanency a child must be:**
- (1) 12 years of age or older;**
 - (2) between eight and 11 years of age and have the prior approval of the CFSD director; or**
 - (3) a sibling of an eligible child residing in the same relative foster home.**
- (d) Funding and approval protocol.**
- (1) Within five days of the determination that supported permanency is an option for the child the CW worker e-mails the CFSD Permanency Planning Section to determine availability of funding and, when applicable, approval of the CFSD director for a child between eight and 11 years of age;**
 - (2) The CFSD permanency planning staff, within five days of the request from the CW worker, notifies the CW worker of funding, and when applicable, the decision of the CFSD director.**
- (e) supported permanency protocol for the CW worker. After all other forms of permanency have been explored and supported permanency is determined appropriate, the CW worker e-mails CFSD Permanency Planning Section to verify the availability of funding. Upon notification of available funds and approval, when applicable, the CW worker:**
- (1) obtains the approval of the court and, if appropriate, the child to proceed with guardianship as the permanency plan;**
 - (2) assists the relative in locating an attorney to obtain legal responsibility;**
 - (3) obtains authorization for the attorney's service and payment through the Finance system, obtains required signature(s), and sends the authorization form to the attorney. There is a \$500 limit for the reimbursement of attorney fees and court costs.**
 - (A) The worker authorizes contingency funds, per OAC 340:75-1-28, using the object code designated for attorney fees for the Temporary Assistance for Needy Families (TANF) Supported Permanency program.**
 - (B) These funds are only used for a relative obtaining guardianship for supported permanency;**
 - (4) addresses visitation during the FTM with parents and siblings who are not placed together, if appropriate, and child support and provides recommendations to the attorney for inclusion in the guardianship order;**
 - (5) e-mails the Permanency Planning Section within five calendar days of the relative assuming legal responsibility to obtain an e-mail authorization to attach to Form 04PP006E, Supported Permanency Referral;**
 - (6) makes a referral to TANF using Form 04PP006E within five calendar days of the relative assuming legal responsibility.**
 - (A) The CW worker includes in the referral or attaches information regarding the identified needs of the child(ren) and suggestions for continued services for the family and attaches:**
 - (i) the order transferring legal responsibility to the guardian;**
 - (ii) e-mail authorization from the Permanency Planning Section; and;**
 - (iii) when applicable, e-mail approval from the CFSD director, for a**

child between eight and 11 years of age.

(B) A face-to-face staffing between the CW worker and the Family Support Services (FSS) worker is recommended;

(7) informs the relative to contact the local human services center to complete the TANF application for supported permanency if the relative has not had a personal contact from an FSS worker within ten calendar days of assuming legal responsibility; and

(8) closes the CW case upon completion of the custody transfer and referral to TANF.

- 3. Types of guardianship. The transfer of legal custody may be through a permanent, guardianship under Title 10A or traditional guardianship under Title 30 of the Oklahoma Statutes.**
- 4. Attorney fees. The \$500 limit applies to each transfer of legal responsibility, not to each child. Requests are not made to override the \$500 limit when a relative is obtaining legal responsibility for more than one child. When there are multiple relatives obtaining legal responsibility for different children in the case, each legal action has a limit of \$500.**
- 5. Monthly payment standard. The monthly payment standard is based on the age of the child and current foster care rate. The payment standard is automatically adjusted when the child enters a different age category to an amount that is consistent with the applicable foster care maintenance payment for the same age foster child. Difficulty of care rate payments are not included in the supported permanency monthly payment standard. Other income, such as Social Security disability, death benefits, and child support, reduces the amount of the payment standard, or, if in excess of the payment standard, eliminates the child's eligibility for supported permanency, per OAC 340:10-3-26.**
- 6. Medical coverage. The child's medical coverage remains SoonerCare Choice. Transportation for medical appointments is available through the SoonerRide program.**
- 7. The selection of guardianship as the permanency plan is not appropriate for children, ages 11 and under, unless, upon review by the director of the CFSD, conditions show the best interest of the child is met by a guardianship and adoption is not an appropriate option.**
- 8. State funded guardianship protocol for the CW worker. Upon notification of approval of the CFSD director and funding availability, the CW worker:**
 - (1) obtains the approval of the court and, if appropriate, the child to proceed with guardianship as the permanency plan;**
 - (2) assists the prospective guardian in locating an attorney to obtain legal responsibility;**
 - (3) obtains authorization for the attorney's service and payment by requesting a purchase authorization from the Permanency Planning Section and sends the purchase authorization form to the attorney. There is a \$500 limit for the reimbursement of attorney fees and court costs;**
 - (4) during the FTM addresses visitation with parents and siblings who are**

not placed together, if appropriate, and child support and provides the recommendations to the attorney for inclusion in the guardianship order;

(5) provides the prospective guardian with Form 04PP007E, Request for State Funded Guardianship Assistance, and submits completed form to Permanency Planning Section no later than seven calendar days prior to the hearing to transfer legal responsibility to the legal guardian;

(6) notifies the Permanency Planning Section no later than five days after the transfer of legal responsibility and provides a copy of the guardianship order;

(7) informs the relative to contact the Permanency Planning Section if the legal guardian has not received a guardianship payment within 10 calendar days after the month the legal guardian assumes legal responsibility; and

(8) closes the CW case upon completion of the transfer of legal responsibility and notification to the Permanency Planning Section.

340:75-6-31.5. Establishment of paternity

Revised 3-26-10

- (a) In cases where paternity has not been legally established for a child in the custody of Oklahoma Department of Human Services (OKDHS), Child Welfare (CW): ■ 1
- (1) requests the court to establish paternity in the juvenile court action; or
 - (2) cooperates with Oklahoma Child Support Services (OCSS) to establish paternity per the Uniform Parentage Act. ■ 2
- (b) CW does not pursue a paternity action or request genetic testing when:
- (1) paternity is voluntarily acknowledged in Oklahoma or another state and not rescinded within 60 days, per Sections 7700-301 through 7700-314 of Title 10 of the Oklahoma Statutes (10 O.S. §§ 7700-301 through 7700-314);
 - (2) the child has a presumed father and a party initiates a challenge more than two years after the child's birth, per 10 O.S. §§ 7700-204 and 7700-607; or
 - (3) paternity is established by a district or administrative court order, per 10 O.S. §§ 7700-636.
- (c) If no other conclusive presumption of paternity or court determination of paternity exists for a child, the parent(s) may complete and sign Form 03PA209E, Acknowledgment of Paternity. The CW worker refers the parent(s) to OCSS.
- (1) OCSS provides Form 03PA209E, for voluntary acknowledgment of paternity, per 10 O.S. § 7700-312 and 63 O.S. §§ 1-311 and 1-311.3.
 - (2) Signed and witnessed forms must be filed with Oklahoma State Department of Health, Division of Vital Records. ■ 2

INSTRUCTIONS TO STAFF 340:75-6-31.5

Revised 3-26-10

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

determine whether paternity has been established and documented by OCSS.

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

(A) contacts the father;

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

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

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

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

(A) contacts the alleged father, if applicable;

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

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

(D) continues to pursue information from the mother and any other

person who may have information regarding paternity of the child; and

(E) notifies the court and assistant district attorney of all alleged fathers.

2. A list by county of OCSS district office staff is located on the Infonet.

PART 7. CASE PLANS

340:75-6-40. Case plan

Revised 3-26-10

The case plan consists of multiple reports that comprise the individualized service plan. ■ 1 The information included in these reports guides and documents the connection between the identified safety threats, the family's functioning, and the behaviors or conditions that require change for the child to remain safely in, return to, the home, or obtain permanency through adoption or guardianship.

INSTRUCTIONS TO STAFF 340:75-6-40

Issued 3-26-10

1. Case plan components. The components are:

(1) Form 04KI005E, Child's Individualized Service Plan (ISP), per OAC 340:75-6-40.1;

(2) Form 04KI004E, Placement Provider Information, per OAC 340:75-6-40.2;

(3) Form 04KI028E, Family Functional Assessment, per OAC 340:75-6-40.3;

(4) Form 04KI012E, Individualized Service Plan (ISP), per OAC 340:75-6-40.4;

(5) Form 04KI009E, Court Report, Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, per OAC 340:75-6-40.5;

(6) Form 04MP015E, Important People in the Child's Life;

(7) KIDS Contacts screen information, per OAC 340:75-6-40.6; and

(8) visitation information, per OAC 340:75-6-30.

340:75-6-40.1. Child's Individualized Service Plan

Revised 3-26-10

Per Section 1-4-704 of Title 10A of the Oklahoma Statutes, each individualized service plan specifically provides for the safety of the child, in accordance with state and federal law, and clearly defines what actions or precautions will, or may, be necessary to provide for the safety and protection of the child. Forms 04KI005E, Child's Individualized Service Plan (ISP); 04KI012E, Individualized Service Plan (ISP); 04KI004E, Placement Provider Information; and 04KI014E, Individualized Service Plan (ISP) Progress Report, are the components of the case plan that comprise the Child's ISP. The information included in at least one of these reports is:

- (1) a history of the child, including identification of the problems or conditions leading to the deprived child adjudication; ■ 3
- (2) identification of the specific services to be provided to the child including, but not limited to: ■ 4
 - (A) educational;
 - (B) vocational educational;
 - (C) medical; and
 - (D) drug or alcohol abuse treatment, or counseling, or other treatment services;
- (3) the most recent available health and educational records of the child upon the court's request, including:
 - (A) the names and addresses of the child's health and educational providers;
 - (B) the child's grade-level performance;
 - (C) the child's school records;
 - (D) the child's immunization records;
 - (E) the child's known medical problems, including any known communicable diseases;
 - (F) the child's medications; and
 - (G) any other relevant health and education information.
- (4) a schedule of the frequency of services and the means by which delivery of the services will be assured or, as necessary, the proposed means by which support services or other assistance will be provided to enable the parent or the child to obtain the services;
- (5) the name of the CW worker assigned to the case;
- (6) a projected date for the completion of the individualized service plan;
- (7) performance criteria that measures the progress of the child toward completion of the individualized service plan including, but not limited to, time frames for achieving objectives and addressing the identified problems;
- (8) the name and business address of the attorney representing the child;
- (9) if the child is placed outside the home, the individualized service plan includes:
 - (A) the sequence and time frame for services to be provided to the child and if the child is placed in foster care, the services to be provided to the foster parent to facilitate the child's return home or to another permanent placement. ■ 4
 - (B) a description of the child's placement and explanation of whether the placement is the least restrictive, most family-like setting available, and in as close proximity as possible to the home of the parent or parents or legal guardian of the child when the case plan is reunification, and how the placement is consistent with the best interests and special needs of the child;

(10) a description of the independent living plan for a child age 16 or older that includes how the following objectives will be met: ■ 2

- (A) education, vocational, or employment planning;
- (B) health care planning and medical coverage;
- (C) transportation including, where appropriate, assisting the child in obtaining a driver license;
- (D) money management;
- (E) planning for housing;
- (F) social and recreational skills; and
- (G) establishing and maintaining connections with the child's family and community.

(11) for a child in placement due solely or in part to the child's behavioral health or medical health issues, diagnostic and assessment information, specific services relating to meeting the applicable behavioral health and medical care needs of the child, and desired treatment outcomes;

(12) a plan and schedule for regular and frequent visitation for the child and the child's parent(s) or legal guardian and siblings, unless the court has determined that visitation, even if supervised, would be harmful to the child; and

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

- (A) assurances the placement of the child considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement; and
- (B) where appropriate, an assurance that OKDHS has coordinated with appropriate local educational agencies to ensure the child remains in the school in which the child was enrolled at the time of placement; or
- (C) if remaining in the school in which the child was enrolled at the time of placement is not in the best interests of the child, assurances by OKDHS and the local educational agencies to provide immediate and appropriate enrollment in a new school with all of the educational records of the child provided to the school;

(14) the permanency plan for the child, the reason for selection of that plan and a description of the steps being taken by OKDHS to finalize the plan. If the permanency plan is adoption or legal guardianship, OKDHS describes, at a minimum, child-specific recruitment efforts such as relative searches conducted and the use of state, regional, and national adoption exchanges to facilitate the orderly and timely placement of the child, whether in or outside of the state; and

(15) when a child is committed for inpatient behavioral health for substance abuse treatment pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, the individualized service plan is amended as necessary and appropriate, including, but not limited to, identification of the treatment and services to be provided to the child upon discharge of the child from inpatient behavioral health or substance abuse treatment.

INSTRUCTIONS TO STAFF 340:75-6-40.1

Revised 3-26-10

1. Form 04KI005E, Child's Individualized Service Plan (ISP) is:

- (1) completed within 30 days of the initial removal and placement of a child and updated within 14 days when subsequent changes, or a change of placement occurs, excluding a child returning to own home or placed in a shelter. Changes and updates are submitted to the court at dispositional, review, and permanency hearings;
 - (2) filed with the court in conjunction with Form 04KI012E, Individualized Service Plan (ISP), attached to Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report when filed with the court.
- 2. The Conditions of Removal and Why Out-of-Home Placement is Necessary are the sections of Form 04KI005E, Child's Individualized Service Plan (ISP), that assist the judge in making the finding of whether continuation of the child living in the home is contrary to the health, safety, and welfare of the child and whether reasonable efforts were made to prevent removal, or that an emergency existed that required the removal of the child.
- 3. Preventive services. The Child Welfare (CW) worker documents all preventive services provided to the family by the Oklahoma Department of Human Services (OKDHS) or any other community resource.
- 4. Targeted Case Management (TCM) services. CW ensures that every child receives the services required to meet the child's medical per OAC 340:75-6-88, educational per OAC 340:75-6-50, and social services needs. The CW worker documents the provision of these services to the child by completing Form 04KI005E that includes selecting:
 - (1) medical and educational services from the picklist in KIDS/Placement/Place Plan/Child Info./Services tab; and
 - (2) any other service needed by the child.

340:75-6-40.2. Placement provider information ■ 1

Revised 3-26-10

Form 04KI004E, Placement Provider Information, is a component of the case plan and accompanies the child placed in out-of-home care. This form includes information about the child required by Section 1-7-104 of Title 10A of the Oklahoma Statutes, but is not limited to, the most recent information available regarding:

- (1) demographic information;
- (2) strengths, needs, and general behavior of the child;
- (3) circumstances necessitating placement;
- (4) type of custody and previous placement;
- (5) pertinent family information including, but not limited to:
 - (A) names of family members who are and who are not, by court order, allowed to visit the child; and
 - (B) the child's relationship to family that might affect placement;
- (6) known and important life experiences and relationships that may significantly affect the child's feelings, behavior, attitudes, or adjustment;
- (7) whether the child has third-party insurance coverage that may be available to the child;

- (8) education history including present grade placement, last school attended, and special strengths and weaknesses. OKDHS assists the foster parents in getting the child admitted into school and obtaining the child's school records;
- (9) known or available medical history including, but not limited to:
 - (A) allergies;
 - (B) immunizations;
 - (C) childhood diseases;
 - (D) physical handicaps;
 - (E) psycho-social information; and
 - (F) the name of the child's last doctor, if known; and
- (10) sufficient medical information to enable the placement providers to care for the child safely and appropriately, including, but not limited to:
 - (A) any medical or psychological conditions;
 - (B) diseases, illnesses, accidents, allergies, and congenital defects;
 - (C) the child's SoonerCare card or information on any other third-party insurer, if any; and
 - (D) immunization history.

INSTRUCTIONS TO STAFF 340:75-6-40.2

Revised 3-26-10

1. Placement provider information. When a child in the custody of Oklahoma Department of Human Services (OKDHS) is placed in out-of-home care or moved from one placement to another, the Child Welfare (CW) worker has specific responsibilities to provide the placement provider certain information as soon as the information becomes available. The CW worker furnishes the placement provider with all known information concerning the child at the time of the placement. When any information is not available, the CW worker takes immediate steps to acquire and furnish the information to the placement provider, with all required information furnished no later than 14 days from the time of placement. Form 04KI004E, Placement Provider Information, is printed from the reports icon in KIDS, and builds from information input into the KIDS system. This report is dynamic and will change as information is added or modified within KIDS. Re-printing of this report for the provider is recommended every six months.

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

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

340:75-6-40.3. Family Functional Assessment ■ 1 through 6

Revised 7-1-11

Form 04KI028E, Family Functional Assessment, is a component of the case plan. The family's strengths and protective factors are evaluated during the family functional assessment to identify resources that may support the family's ability to meet its needs and protect the child. The family functional assessment incorporates information collected through the assessment of safety and integrates the information into a

behaviorally-based individualized service plan. The process of assessment is ongoing as information is gathered, obtained, and added to the assessment document.

INSTRUCTIONS TO STAFF 340:75-6-40.3

Revised 9-1-11

- 1. (a) Family Functional Assessment (FFA) foundation. Form 04KI028E, Family Functional Assessment, is the most important step in the permanency planning process. Information obtained during the Assessment of Child Safety (AOCS) is the foundation for the behaviorally-focused individualized service plan (ISP).**
 - (b) When reunification is not the permanency plan. When the initial permanency plan is not reunification, such as when a petition includes a request for immediate termination of parental rights or a court finds reasonable efforts to reunite are not required, a FFA of the child is conducted rather than of the family.**
 - (c) Case review. Prior to initiating the assessment, the Child Welfare (CW) specialist reviews the entire CW record, including previous child abuse or neglect investigations, reports to the district attorney, and all other previous Oklahoma Department of Human Services (OKDHS) history with the family.**
- 2. Assessment procedure. The assessment is conducted in the family home no later than 60 days from removal or 60 days from date the petition is filed, or sooner when the family is willing to begin the process earlier.**
 - (1) The assessment is completed with as many members of the household present as possible.**
 - (2) A child in placement may be brought to the home for the assessment when case circumstances and safety permit, affording an opportunity to observe parent-child interaction.**
 - (3) Assessment information is obtained from immediate family, extended family, tribes, placement providers, service providers, schools, other Oklahoma Department of Human Services (OKDHS) units or divisions, and the Office of Juvenile Affairs, when applicable.**
 - (4) The assessment assists in establishing rapport and learning the family's history and current functioning patterns to identify resources, support systems, and strengths that support the family's ability to protect the child and meet the child's needs.**
- 3. Assessment results. The assessment provides a list of the safety threats to the child. The interventions needed to best address the safety threats are incorporated into the parent's individualized service plan along with desired results that demonstrate the parent has corrected the conditions that posed a safety threat to the child and developed the protective capacities necessary to keep the child safe.**
- 4. (a) Establishing rapport. To establish rapport during the assessment process, the parent is informed that the initial goal of the process is to assist the parent in developing the ability to protect and care for the child in order for reunification to occur in a timely manner. The CW specialist:**

- (1) informs the parent that CW will assist in obtaining the required services and encourages the parent to access needed services immediately;
 - (2) discusses with the family the importance of the court and permanency planning process; and
 - (3) provides the parent with OKDHS Publication No. 99-27, Away From Home, A Parent's Guide to Out-of-Home Placement, that explains what happens with the child, the parent's rights, and what is expected of the parent.
- (b) Problem resolution. When the parent and the CW specialist disagree and the CW specialist is unable to resolve the parent's complaint, the CW specialist:
 - (1) advises the parent that staff performance and other staff-related complaints are addressed within the Field Operations Division chain of command; and
 - (2) provides the parent information regarding reporting complaints to the Office of Information and Referral.
- 5. Helpful assessment tool. Form ODH 347, Medical and Social History Report for Adoption, is a tool that assists in the assessment process and is an essential piece of concurrent planning. Form ODH 347 helps identify child and family needs and facilitates the identification and documentation of relative resources.
 - The CW specialist:
 - (1) requests current addresses and phone numbers for relatives identified during completion of Form ODH-347; and
 - (2) removes the first page of Form ODH 347 that refers to adoption and files the page in the paper case record when reunification is the permanency plan.
- 6. (a) Subsequent family functional assessments. When a child moves from temporary to permanent custody, a subsequent family functional assessment is conducted of the child to identify specific services and activities to enable completion of the child's permanency plan. An additional assessment is completed when needed, such as when there is a substantial change in the family structure or safety threats continue to affect the child.
- (b) Pregnancy and newborns in an open or closed permanency planning case.
 - (1) A newborn is at serious risk of harm when:
 - (A) reunification of a sibling currently in out-of-home care is not recommended;
 - (B) there is a pending request for termination of parental rights to a sibling; or
 - (C) termination of parental rights to a sibling has occurred and there is no evidence of a correction of the conditions that caused parental rights to be terminated to the sibling.
 - (2) When a CW specialist learns of a pregnancy involving a mother or father who is a party to an open permanency planning case, the CW specialist:
 - (A) requests the mother or father provide the name and phone number

- of the mother's physician and requests the mother sign a release of information for the CW specialist to consult with the physician. When the mother or father refuses to provide the information or the mother refuses to sign the release of information, the CW specialist contacts the district attorney to request a court order to obtain the physician's information and allow the CW specialist to release information to the physician;
- (B) contacts the physician and provides pertinent information regarding the mother's or father's CW history;
 - (C) requests the mother or father and physician notify the CW specialist immediately upon delivery of the child;
 - (D) establishes contact with other known family members or service providers who may provide information about the birth of the newborn when the mother or father refuses to disclose or provide information and the district attorney declines to request a court order;
 - (E) maintains weekly contact with the mother or father during the month prior to delivery;
 - (F) When at any time during the pregnancy, the location of the mother or father is unknown, requests a protective service alert, per OAC 340:75-3-10.1 Instructions to Staff (ITS) # 17;
 - (G) upon delivery of the newborn, immediately makes a referral for an investigation, per OAC 340:75-3-6.1.
 - (i) The safety threats for the referral and investigation are based on the CW history of the mother, father, or both. New allegations are not required to initiate court intervention on behalf of the newborn.
 - (ii) Inclusion of information regarding the newborn on Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, is not sufficient and does not replace the need for an investigation and a determination of child safety and the need for court involvement; and
 - (H) documents all contacts in the KIDS Contacts screen.
- (3) When a CW specialist becomes aware of a pregnancy involving a mother or father who previously participated in a permanency planning case where reunification was not successful, the CW specialist follows OAC 340:75-6-40.3 ITS # 6(b)(2).

340:75-6-40.4. Individualized Service Plan (ISP) ■ 1 through 11

Revised 7-1-11

(a) **General ISP requirements.** Form 04KI012E, Individualized Service Plan (ISP), and Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, are components of the case plan. Oklahoma Department of Human Services (OKDHS) prepares and maintains a written individualized service plan per Section 1-4-704 of Title 10A of the Oklahoma Statutes, for any child that has been adjudicated a deprived child and furnishes the plan to the court within 30 days after the adjudication of the child. A copy is made available by OKDHS to counsel for the parties and any applicable tribe.

(1) The (ISP) is based upon a comprehensive assessment and evaluation of the child and family and is developed with the participation of the child, when appropriate, and the child's, parent, legal guardian, legal custodian, attorney, guardian ad litem and tribe, when applicable. The health and safety of the child is the paramount concern in the development of the ISP.

(2) When any part of the ISP is disputed or not approved by the court, an evidentiary hearing may be held and the court determines the content of the ISP in accord with the evidence presented and in the best interests of the child.

(3) The ISP is signed by:

- (A) the parent or parents or legal guardian of the child;
- (B) the attorney for the parent or parents or legal guardian of the child;
- (C) the child's attorney;
- (D) the guardian ad litem of the child, if any, that may be a court-appointed special advocate;
- (E) a representative of the child's tribe;
- (F) the child, if possible; and
- (G) OKDHS.

(4) Every ISP is individualized and specific to each child and the family of the child.

(5) The ISP is written in simple and clear English. If English is not the principal language of the parent, legal guardian, or custodian of the child, and the person is unable to read or comprehend the English language, to the extent possible, the ISP is written in the principal language of the person.

(6) The ISP may be modified based on changing circumstances consistent with the correction of the conditions that led to the adjudication of the child or other conditions inconsistent with the health, safety, or welfare of the child.

(7) The ISP is measurable, realistic, and consistent with the requirements of other court orders.

(b) **ISP for the parent or legal guardian.** The ISP for the parent or legal guardian includes, but is not limited to:

- (1) a history of the child and family, including identification of the problems or conditions leading to the deprived child adjudication and the changes the parent or parents must make in order for the child to safely remain in or return to the home;
- (2) the permanency plan for the child, the reason for selection of that plan and a description of the steps being taken by OKDHS to finalize the permanency plan;
- (3) identification of time-limited reunification services to be provided to the parent, legal guardian, or legal custodian, stepparent, other adult person living in the home, or other family members;
- (4) a schedule of the frequency of services and the means by which delivery of the services will be assured or, as necessary, the proposed means by which support services or other assistance will be provided to enable the parent or the child to obtain the services;
- (5) the name of the Child Welfare worker assigned to the case;
- (6) a projected date for the completion of the ISP;
- (7) performance criteria that measures the progress of the child and family toward completion of the ISP including, but not limited to, time frames for achieving objectives and addressing the identified problems;

(8) the sequence and time frames for services to be provided to the parent to facilitate the child's return home.

(9) a description of any services or resources that were requested by the parent or legal guardian of the child since the date of the child's placement, and whether those services or resources were provided and if not, the basis for the denial of the services or resources;

(10) efforts to be made by the parent of the child and OKDHS to enable the child to return to his or her home;

(11) a plan and schedule for regular and frequent visitation for the child and the child's parent(s) or legal guardian and siblings, unless the court has determined that visitation, even if supervised, would be harmful to the child;

(12) provisions for the safety of the child, in accordance with state and federal law, and clearly defined actions or precautions necessary to provide for the safety and protection of the child;

(13) the statement: TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU; and

(14) whenever a child in OKDHS custody or under the protective supervision of OKDHS, is committed for inpatient behavioral health or substance abuse treatment pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, the ISP is amended as necessary and appropriate, including, but not limited to, identification of the treatment and services to be provided to the child and child's family upon discharge of the child from inpatient behavioral health or substance abuse treatment.

(c) **Permanency ISP.** In accordance with federal and state statutes, when the permanency plan is adoption or legal guardianship, OKDHS describes, at a minimum, child-specific recruitment efforts such as relative searches conducted and the use of state, regional, and national adoption exchanges to facilitate the orderly and timely placement of the child, whether in or outside of the state. ■ 8

(d) **ISP for Independent Living (IL) youth.** Federal law requires the initiation of an IL plan with every child in OKDHS custody and out-of-home placement upon reaching 16 years of age, per Part 13 of OAC 340:75-6. This plan includes a description of how the following objectives will be met:

(1) education, vocational, or employment planning;

(2) health care planning and medical coverage;

(3) transportation including, where appropriate, assisting the child in obtaining a driver license;

(4) money management;

(5) planning for housing;

(6) social and recreational skills; and

(7) establishing and maintaining connections with the child's family and community.

INSTRUCTIONS TO STAFF 340:75-6-40.4

Revised 12-15-11

- 1. Initiation of the individualized service plan (ISP). The ISP:**
 - (1) is initiated as soon as the parent is willing to begin the process. A plan is developed prior to the dispositional hearing or no later than 60 days from the child's removal or the filing of the petition, whichever comes first, so services may begin to correct the conditions that created the child safety threats;**
 - (2) addresses the behaviors and conditions the parent, legal guardian, legal custodian, stepparent, or other adult person living in the home must change to alleviate the safety threats to the child and the conditions of deprivation set out in the petition; and**
 - (3) lists all risk-related needs and safety threats. The allegations in the deprived petition are the safety threats that must be addressed.**
- 2. Parent or legal guardian individualized service plan (ISP). The Child Welfare (CW) specialist and family develop the initial Form 04KI012E, Individualized Service Plan (ISP), after Form 04KI028E, Family Functional Assessment, is completed.**
 - (1) Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, is furnished to the court within 30 days after the adjudication of the child as a deprived child or earlier when ordered by the court.**
 - (2) Prior to the adjudication hearing, the ISP is initiated with the parent on a voluntary basis.**
 - (3) The ISP includes documentation, when applicable, that the parent is unwilling to participate in the development or implementation of the plan.**
 - (4) Refer to OAC 340:75-6-40.4(a) through (d) for ISP required information.**
 - (5) An ISP is not required for the parent or legal guardian when:**
 - (A) a request for immediate termination of parental rights or guardianship is filed; or**
 - (B) the court finds efforts to reunite are not required.**
- 3. Age-appropriate child. Participation or input from the parent, legal guardian, child, when appropriate, child's attorney, and when applicable, the child's tribe, and guardian ad litem is utilized in the development of the ISP. An age-appropriate child is:**
 - (1) ten years of age or older with the exception of a child with severe developmental disabilities; or**
 - (2) a child younger than ten years of age who is intellectually capable of understanding and communicating ideas and opinions concerning the development and completion of the plan.**
- 4. Estimated completion dates. Each ISP has an estimated completion date. The parent's ISP estimated completion date is not changed when adequate time is given to the parent and the parent fails to complete the plan. The parent is informed:**
 - (1) services have time constraints due to statutory requirements;**
 - (2) of the psychological and emotional harm that may occur to the child in**

- out-of-home placement; and
- (3) the child, when age appropriate, is advised of the parent's progress on the ISP.
5. Modification of ISP at dispositional hearing.
- (1) The individualized service plan is recommended to the court by the CW specialist at the first dispositional hearing on Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report.
- (2) Per Section 1-4-704 of Title 10A of the Oklahoma Statutes, when any part of the plan is disputed or not approved by the court, an evidentiary hearing may be held and at its conclusion, the court determines the content of the ISP in accordance with the evidence and the best interests of the child.
- (3) The ISP is revised after the first dispositional hearing to conform to the court's dispositional order.
6. ISP signatures and distribution.
- (1) Form 04KI013E is signed prior to submission to the court by the:
- (A) parent;
 - (B) child, when age appropriate;
 - (C) CW specialist; and
 - (D) CW supervisor.
- (2) Form 04KI013E, after modification by the court, if any, is:
- (A) incorporated and made a part of the dispositional order;
 - (B) revised by OKDHS; and
 - (C) signed by and distributed to:
 - (i) the parent, legal guardian, or custodian of the child;
 - (ii) the attorney for the parent, legal guardian, or custodian of the child;
 - (iii) the child's attorney;
 - (iv) the guardian ad litem of the child, who may be a court-appointed special advocate, when applicable;
 - (v) the Indian Child Welfare worker, when applicable;
 - (vi) the child, when possible; and
 - (vii) the CW specialist.
7. Updating the ISP. The ISP is updated by utilizing Form 04KI014E, Individualized Service Plan (ISP) Progress Report, and is:
- (1) used to document the parent's progress toward completion of the ISP every six months or prior to every review and dispositional hearing, whichever is earlier; and
- (2) submitted to the court three judicial days prior to the hearing unless the court of jurisdiction requires a different submission requirement.
8. Permanency ISP.
- (1) The CW specialist develops a permanency ISP addressing permanency for the child when a determination is made that:
- (A) return of the child to the child's own home is no longer the permanency plan;

- (B) reasonable efforts have been made and failed or are not required per a finding by the court; or
 - (C) a petition or motion for termination of parental rights has been or will be filed.
- (2) The permanency ISP is developed with participation or input from the:
- (A) placement provider;
 - (B) child, when age appropriate;
 - (C) child's attorney;
 - (D) Indian Child Welfare worker, when applicable; and
 - (E) child's guardian ad litem, when applicable.
- (3) When the child is in OKDHS permanent custody, the permanency ISP is updated as necessary and used as the basis for completing Form 04KI014E, Individualized Service Plan (ISP) Progress Report.
- (4) When the permanency plan for the child is adoption or other permanent placement, the permanency ISP is updated and the information is provided to the court on Form 04KI014E regarding child-specific recruitment efforts such as:
- (A) relative searches conducted; and
 - (B) the use of state, regional, and national adoption exchanges, including electronic exchange systems to facilitate timely and orderly in-state and interstate placements.
- (5) The permanency ISP and Form 04KI014E documents the steps OKDHS takes to:
- (A) find an adoptive family or other permanent living arrangement for the child;
 - (B) place the child:
 - (i) with an adoptive family;
 - (ii) with a fit and willing kinship relation;
 - (iii) with a permanent guardian; or
 - (iv) in another planned permanent living arrangement; and
 - (C) finalize the adoption, permanent guardianship, or other permanent placement.
- (6) OKDHS recommends the permanency plan and, when applicable, the concurrent permanency plan. The use of Form 04MP040E, Progressive Safe Permanency Tool, assists to determine poor prognosis indicators during the safety analysis, functional assessment, and through ongoing work with the family. OKDHS recommends the permanency plan to the court and requests the court make a judicial finding regarding "reasonable efforts."
- (A) The recommendation for the permanency plan and recommendation for the judicial finding must be consistent.
 - (i) When OKDHS recommends the court modify the judicial finding, the recommended modification and a concise explanation supporting the reason for the modification is provided in the Recommendations section of Form 04KI009E, Court Report, and

Form 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable.

(ii) The permanency plan is updated to be consistent with the modified recommendation to the court. Inconsistency between the judicial finding and the permanency plan occurs when the CW specialist requests the court enter a finding that reasonable efforts have failed, but the permanency plan is Return to Own Home.

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

9. Child support. The parent or legal guardian's obligation to assist with the financial support of the child is addressed in the parent or legal guardian's ISP.

(1) When the court has not addressed child support, the CW specialist recommends child support be court-ordered, per OAC 340:75-13-26.

(2) When child support is court-ordered and the parent fails to comply, the CW specialist recommends the court address the matter with the parent.

(3) The amount of financial support is based on the child support guidelines, per 43 O.S. § 118 and 119, that the court follows when entering a child support order for each parent in a deprived court action. The court may deviate from the child support guidelines when it is determined necessary for the parent to meet the obligations of a court-imposed individualized service plan or for other reasons as the court deems appropriate.

(4) The child support computation form is completed by the court, parent or legal guardian, or legal custodian's attorney, or may be referred to Oklahoma Child Support Services (OCSS) for completion. Upon a judge's signature, the computation form is incorporated as a part of the child support order enforced by OCSS.

10. Court-ordered ISP modified only by court order.

(1) A court-ordered ISP or portion of an ISP may be modified only by further order of the court.

(2) Court-ordered ISP modifications are based on changing circumstances or other conditions causing the plan to be inconsistent with the health, safety, or welfare of the child.

(3) OKDHS recommended changes to the ISP are developed with the parent and child, as appropriate, and recommended to the court at the next hearing.

(4) The placement provider is informed of any change that affects the child's care.

(5) Changes are recommended by OKDHS when one of the circumstances in (A) through (C) exists.

(A) New allegations of abuse or neglect are adjudicated as a result of a post-adjudication or new petition.

(B) Discovery is made of additional underlying causes, such as

substance abuse that requires treatment.

(C) An additional adult, such as the mother's new husband, becomes a part of the family home.

(6) When the court orders modification of the ISP, the plan is revised by OKDHS to include the modified requirements.

(7) The parent is informed of the court-ordered modifications and provided a copy of the modified ISP.

11. Minor parent in OKDHS custody who has a child in care. An ISP is developed with a minor parent in OKDHS custody, who has a child in OKDHS care, whether or not the minor's child is in OKDHS custody. Services are identified and provided to assist the minor parent in OKDHS custody with parenting his or her child, per OAC 340:75-6-85.6.

(1) When a child is born to a minor parent who is in OKDHS custody, the minor's child is placed in the same placement as the minor parent, when possible, and the placement is considered the child's own home.

(2) When voluntary placement is determined appropriate and is requested by the minor parent, the CW specialist:

(A) sends a written request to the CW supervisor detailing the plan and length of care. The CW supervisor approves or denies the request in writing and the documents are filed in the paper case record;

(B) provides the minor parent with Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Home Placement and Medical Care of Child, for signature;

(C) opens a voluntary foster care case in KIDS. The minor parent in custody is designated the parent. The placement episode for the child is entered in the voluntary foster care case, but not in the permanency planning case of the minor parent in custody; and

(D) develops an ISP that addresses:

(i) safety and protection of the child without court intervention;

(ii) the role and responsibility of the placement provider;

(iii) appropriate child care plans while the minor parent is attending school, working, or involved in extracurricular activities; and

(iv) measures for ensuring the child's basics needs are met.

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

Revised 6-1-12

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

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

(2) when Oklahoma Department of Human Services (OKDHS) documents a compelling reason why a petition to terminate parental rights to a child is not in the best interests of the child, based upon consideration that the child is presently not capable of functioning in a family setting. The court reevaluates the status of the

child every 90 days until there is a final determination the child cannot be placed in a family setting;

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

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

(B) adjudication date; or

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

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

(b) **Purpose of review or permanency hearing reports.** Court reports are a component of the case plan. Progress review reports provided to the court, are based in part on information OKDHS obtains from talking with the family and other key case participants, observing the family, and reviewing progress reports from service providers. The information gathered is reported to the court:

(1) for evaluation of the efficacy of the individualized service plan; and

(2) as a means for recommending changes needed as family service and intervention needs change as families make progress or face setbacks. ■ 1 & 2

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

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

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

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

(4) a description of:

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

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

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

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

(6) efforts by OKDHS to locate the parent and involve the parent in the planning for the child when the parent is not currently communicating with OKDHS;

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

recommendations;

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

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

(10) specific recommendations, giving reasons whether:

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

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

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

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

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

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

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

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

(12) Pursuant to 10A O.S. § 1-4-807, all service provider progress and critical incident reports are submitted to the court and delivered to the district attorney, the attorney or attorneys representing the parents, the child's attorney, and when applicable the guardian ad litem and the relevant tribe or tribes.

(d) **Social records.** Social records are defined by Section 1-6-101 of Title 10A of the Oklahoma Statutes to mean, *"family social histories, medical reports, psychological and psychiatric evaluations or assessments, educational records, or home studies, even if attached to court reports prepared by the Department. 'Social record' shall not include service provider progress reports or critical incident reports as required pursuant to 10A O.S. § 1-4-807."*

(1) Social records are submitted to the court, but are not filed in the court file unless ordered by the court.

(2) When filed in the court file, the social records are placed in confidential envelopes in the court file by the court clerk and may only be accessed by the person who is the subject of the records, or the attorney for such person, except as provided by Section 1-6-103 of Title 10A of the Oklahoma Statutes. ■ 6

INSTRUCTIONS TO STAFF 340:75-6-40.5

Revised 12-15-11

1. Hearing report forms.

(1) Hearing report forms are prepared and submitted according to judicial procedure in the county of jurisdiction but no later than three judicial days prior to each hearing.

(2) A copy of the hearing report form is provided to and discussed with the child's parent.

(3) Reports, correspondence, and information provided by other professionals working with the family, including the foster parent, are incorporated into the applicable report to the court.

(4) All service provider progress reports and critical incident reports are submitted to the court, district attorney, attorney or attorneys representing the parents, child's attorney and, when applicable guardian ad litem and the relevant tribe or tribes.

(5) Refer to OAC 340:75-6-40.5(c) for information statutorily required in review reports.

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

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

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

(D) A letter or template developed by the CW specialist and saved in the KIDS file cabinet, may be submitted to the court when:

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

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

2. Permanency hearing reports. Per Section 1-4-811 of Title 10A of the Oklahoma Statutes, at the permanency hearing, the court determines or reviews the continued appropriateness of the child's permanency plan and whether a change in the plan is necessary. The permanency report includes, but is not limited to:

(1) the date the goal of permanency for the child is scheduled to be achieved;

(2) whether the child's current placement continues to be the most suitable for the health, safety, and welfare of the child;

(3) the independent living plan when the child is 16 years of age or older;

(4) a recommendation for:

(A) reunification with the parent or child's legal guardian when:

(i) reunification is expected to occur within an established time period;

(ii) reunification is consistent with the child's developmental needs; and

(iii) the health and safety of the child can be adequately safeguarded if the child is returned home;

(B) placement for adoption after termination of parental rights or after a

- petition is filed to terminate parental rights;
- (C) placement with a person who will become the child's permanent guardian and who can adequately and appropriately safeguard the health, safety, and welfare of the child; or
- (D) a planned permanent living arrangement while the child continues in OKDHS custody, provided there are compelling reasons documented by OKDHS and presented to the court that none of the plans in (A) through (C) of this paragraph is appropriate for the health, safety, and welfare of the child.
- (5) whether OKDHS has made reasonable efforts to finalize the child's permanency plan and a summary of the efforts made by OKDHS; or, in the case of an Indian child, whether OKDHS has made active efforts to provide remedial services and rehabilitative programs as required by Section 1912(d) of Title 25 of the United States Code;
- (6) whether the child's out-of-home placement continues to be appropriate and in the best interests of the child, when the child's permanency plan is to remain in out-of-home care;
- (7) whether reasonable efforts, in accordance with the safety or well-being of the child, have been made to:
 - (A) place siblings, who have been removed, together in the same foster care, guardianship, or adoptive placement; and
 - (B) provide for frequent visitation or other ongoing interaction in the case of siblings who have been removed and who are not placed together.
- 3. OKDHS recommendations. The CW specialist makes a recommendation regarding disposition of the child's case on every Form 04KI011E, 04KI009E, 04KI013E, or 04KI014E. This recommendation includes, but is not limited to:
 - (1) the child's custody arrangement;
 - (2) the child's legal status; and
 - (3) requests for court action or approval.
 - (A) The recommendation regarding case disposition is:
 - (i) made after consultation with the CW supervisor;
 - (ii) based on the parent's progress and child's need for permanency; and
 - (iii) not based on the anticipated response or receptivity of the court.
 - (B) A concise explanation is provided to support the reasons for the recommendation.
- 4. Recommended findings. At each dispositional or review hearing, the court makes findings based on the circumstances of the case. The recommended findings in KIDS and documentation that is required on Form 04KI011E, 04KI009E, 04KI013E, or 04KI014E for the judicial finding are described in (A) through (E).
 - (1) Active efforts are being made to reunite the child with his or her family. The active efforts finding is used when the court makes a finding that the Indian Child Welfare Act (ICWA) applies. The CW specialist describes the

active efforts made by OKDHS to reunite the child and family including, but not limited to efforts made to:

- (A) involve and assist the parent with completing the individualized service plan;
- (B) encourage and assist the parent with visiting the child; or
- (C) encourage and guide the parent's efforts to improve protective capacities and change the behaviors that caused safety threats to the child.

(2) Reasonable efforts have been made to finalize the permanency plan.

The CW specialist describes efforts to:

- (A) refer to, arrange for, provide, or develop reasonable supportive and rehabilitative services that assist the family in the safe reunification of the child;
- (B) obtain the parent's compliance, when the parent is not complying with the individualized service or permanency plan; or
- (C) finalize the child's permanency plan, including the consideration of in-state and out-of-state placement options.

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

(4) Independent living (IL) services are appropriate. The CW specialist describes the services provided to the youth, 16 years of age or older who is in out-of-home care, that assist in the development of IL skills needed to successfully transition into adulthood.

(5) Independent living (IL) services are not appropriate. When a youth, 16 years of age or older who is in out-of-home care, is not capable of receiving IL services, the CW specialist describes the basis for the determination.

5. Child's situation. When completing information for the Children's Situation section of the report to the court, the CW specialist does not:

- (1) identify the placement provider by proper name, but refers to the provider by title such as, relative, foster parent, or trial adoptive parent;
- (2) reveal the placement provider's address, phone number, or county of residence; and
- (3) provide the name or location of the school the child attends.

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

- (1) does not attach to the progress report the entire psychological evaluation, drug or alcohol testing, treatment or referral that contains the statement: "This information has been disclosed to you from records protected by federal confidentiality rules (42 Code of Federal Regulations (CFR) Part 2). The federal rules prohibit you from making further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as

otherwise permitted by 42 CFR Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient";

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

(3) attaches a copy of the recommendations page from the psychological evaluation drug or alcohol testing, treatment or referral, when applicable;

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

(A) the court;

(B) the district attorney;

(C) the child's attorney;

(D) the parent's attorney; and

(E) OKDHS;

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

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

7. Protocol for multiple county assignments.

(1) The CW county of jurisdiction specialist emails all assigned CW specialists and supervisors, with the exception of facility liaisons, no later than two weeks prior to the court review and includes:

(A) the date of the court review;

(B) notification of opening the KIDS court report; and

(C) a request that each assigned specialist enter all applicable information by a specified date, including, but not limited to:

(i) a recommendation regarding the child's permanency;

(ii) services required; and

(iii) visitation issues.

(2) When there is disagreement regarding case-related issues, the CW specialist not in agreement consults with his or her supervisor and necessary action is determined via:

(A) teleconference; or

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

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

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

9. Court hearing documentation and notification protocol for multiple county assignments. The CW county of jurisdiction specialist:

- (1) emails all assigned CW specialists and supervisors no later than one business day after a court hearing is held and reports:**
 - (A) any major changes regarding visitation, custody status, placement decisions, or service provisions; and**
 - (B) the date of the next court hearing; and**
- (2) provides a copy of the most recent court order to the CW county of service or placement specialist within two business days of receipt.**

340:75-6-40.6. Case contacts

Revised 3-26-10

Oklahoma Department of Human Services maintains chronological history of Child Welfare worker contacts with clients and collaterals and is a permanent part of the case record and a component of the case plan. ■ 1 through 6

INSTRUCTIONS TO STAFF 340:75-6-40.6

Revised 9-1-11

- 1. Purpose of documenting case contacts. Information contained in the contacts is essential to evaluating the case circumstances for making permanent plan case decisions. The Case Contact report consists of the date of contact, name of the client or collateral contacted, other participants, purpose, location, and comments about the content of the contact or meeting.**
- 2. Time requirement for entering contacts. Contacts are entered into KIDS a minimum of monthly from the point of intake through case closure. Contacts with the child are entered no later than the 4th day of the following month.**
- 3. Content of documentation. The CW specialist documents information when making contact with a child in out-of-home placement, parent, or placement provider(s) that includes and addresses:**
 - (1) adjustment and behavior;**
 - (2) connections that include, but are not limited to:**
 - (A) parents;**
 - (B) siblings;**
 - (C) family; or**
 - (D) other important people in the child's life;**
 - (3) permanency;**
 - (4) medical, dental, immunizations, and medications;**
 - (5) developmental needs;**
 - (6) psychological and associated medications;**
 - (7) education and extracurricular activities;**
 - (8) employment, if applicable;**
 - (9) personal care, hygiene, and diet;**
 - (10) living environment and safety issues;**
 - (11) clothing and related needs;**
 - (12) values, beliefs, religion, language, traditions, and other related factors;**
 - and**
 - (13) requests requiring follow up.**

4. **Content of Contacts screen.** Information entered in the Contacts screen by the Child Welfare (CW) specialist is professional in nature and directly related to case content.
 - (1) Emails are not cut and pasted into a Contacts screen without thorough editing for inappropriate content or discussion of individuals not active in the case.
 - (2) Opinions regarding other professionals and supervisory instructions are not included in the Contacts screen. CW supervisors document instructions regarding staff actions in a separate format.
5. **Targeted Case Management (TCM) services.** At the time of each contact with the child, parent, placement provider, or other person involved in services to the child, the CW specialist:
 - (1) discusses the services needed by the child;
 - (2) how the services can be accessed; and
 - (3) reviews the progress on any service provided to the child.
 - (A) The CW specialist documents the information in the KIDS Contacts screen. The documentation is specific and includes all of the requirements for case contacts.
 - (B) Contact guides are used when making contact with a child in out-of-home placement, a parent, or placement provider. The guide and age-specific addendums that provide a format to assist the CW specialist in gathering and documenting information obtained during a contact, are:
 - (i) Form 04MP007E, Face-to-Face Contact Guide;
 - (ii) Form 04MP004E, Contact Guide Addendum for Face-to-Face Visit with Newborn(s) and Infant(s)- Age 0 to 12 Months;
 - (iii) Form 04MP006E, Contact Guide Addendum for Face-to-Face Visit with Toddler(s) - Age 13 through 36 Months; and
 - (iv) Form 04MP008E, Contact Guide Addendum for Face-to-Face Visit with Youth - Age 16 to 18.
6. **Instructions for entering contact information.** Detailed instruction for entering contact information is available in the KIDS How – To entitled, "Contact Guide." This and other How – To's are available on the Infonet. Select the link for Child Welfare specialists.

340:75-6-44. Case planning for heinous and shocking cases or reasonable efforts not required

Revised 3-26-10

(a) Heinous and shocking findings.

(1) Per Section 1-4-809 of Title 10A of the Oklahoma Statutes (O.S. § 1-4-809), at any time prior to or following the adjudicatory hearing the court, on its own motion or upon the motion of a party, may find that reasonable efforts to prevent the removal of a child from home or to reunify the child and family are not required if the court determines, based upon a preponderance of the evidence, that a parent or legal guardian subjected any child to aggravated circumstances including, but not limited to:

- (A) a parent or legal guardian, of the child, who is an infant age 12 months or younger, has abandoned the child;
- (B) a parent or legal guardian of the child has:
 - (i) committed murder or manslaughter of any child;
 - (ii) aided or abetted, attempted, conspired, or solicited to commit voluntary manslaughter of any child;
 - (iii) committed a felony assault upon any child that resulted in the child receiving serious bodily injury; or
 - (iv) subjected any child to aggravated circumstances including, but not limited to, heinous and shocking abuse, or heinous and shocking neglect; or
- (2) the parental rights of a parent to the child's sibling have been terminated involuntarily.
 - (A) A permanency hearing is conducted within 30 days of a determination by the court that this condition exists.
 - (B) Reasonable efforts are made to place the child in a timely manner in accordance with the permanency plan.
- (3) Per 10A O.S. § 1-4-904, a court may terminate parental rights of a parent to a child if a finding is made that a parent has abused or neglected the child or a sibling of the child or failed to protect the child or a sibling of the child from abuse or neglect that is heinous and shocking.
- (b) **Permanency planning for cases with heinous and shocking findings.** When the district attorney files a petition or motion to terminate parental rights based on heinous and shocking abuse or neglect or the court makes a finding that reasonable efforts are not required to reunify the child and family, efforts begin immediately to secure an alternative permanent home for the child. ■ 1 through 4

INSTRUCTIONS TO STAFF 340:75-6-44

Issued 3-26-10

1. **Heinous and shocking abuse or heinous and shocking neglect is defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) and OAC 340:75-3-2.**
2. (a) **Continued contact with parents.** When a finding that reasonable efforts to reunify the child and family are not required or the district attorney (DA) has filed a petition or motion for termination of parental rights, the Child Welfare (CW) worker continues contact with the parent(s) per OAC 340:75-6-48. The purpose of the contacts differs from contacts where the permanency plan is reunification and primarily focuses on advising the parent(s) of his or her rights, roles, and responsibilities and status of the case.
(b) **Visitation.** Visitation between the child and parent(s) is considered on a case-by-case basis. Decisions to suspend or terminate visitation prior to adjudication on the motion to terminate or the permanency hearing are made only with a court order.
3. **Child only individualized service plan (ISP) and family functional assessment.** A family functional assessment is conducted to determine the child's individual needs when a finding has been made that reasonable efforts to reunify the child and family are not required or when the DA has filed a

petition or motion for termination of parental rights. The individualized service plan needs are written as conditions to be met to successfully complete the child's permanency plan.

(1) The family functional assessment is conducted with the family to gather information to assist in appropriate permanency planning.

(2) An individualized service plan for the parent or legal guardian is not developed when the child's permanency plan goal is other than reunification.

(3) Form ODH 347, Medical and Social History Report for Adoption, is completed to obtain the medical, health, and social history of the child and the child's family for the permanent record.

4. **Relative placement.** Relative placements are used with caution in cases of severe maltreatment. The risk of parental contact jeopardizing the child's safety throughout childhood and the possibility of a history of abuse within the family structure is carefully examined.

(1) The CW worker carefully weighs the child's need for connection with his or her biological family and for a committed, safe, and healthy home.

(2) The child's age is a factor in making placement decisions. For example, an older child who has a close bond with a relative may benefit, while a younger child, particularly an infant, may be better served in a non-relative adoptive home.

340:75-6-45. Case planning for incarcerated parents

Revised 3-26-10

(a) **Service planning.** When a parent is incarcerated, services and visitation, if appropriate, are attempted through the correctional system. ■ 1 & 2

(b) **Termination of parental rights due to incarceration.** Section 1-4-904 of Title 10A of the Oklahoma Statutes provides that the parental rights of an incarcerated parent can be terminated due to the incarceration and if the continuation of parental rights would result in harm to the child. ■ 3

INSTRUCTIONS TO STAFF 340:75-6-45

Revised 3-26-10

1. (a) **Contact with incarcerated parents.** When a child in the custody of the Oklahoma Department of Human Services (OKDHS) has an incarcerated parent(s), the Child Welfare (CW) county of jurisdiction worker has phone or face-to-face contact with the parent(s) no later than 30 days from the child's removal. This contact is arranged through the parent's correctional case manager. If the name of the assigned case manager is unknown, the CW worker contacts the Records Department at the correctional facility.

(b) **Assessing the incarcerated parent.** The CW county of jurisdiction worker completes Form 04KI028E, Family Functional Assessment, with the incarcerated parent in the time frame required by OAC 340:75-6-40.3. If the parent is incarcerated in a county other than the county of jurisdiction, the assessment may be completed by phone. In addition, the CW worker requests

a copy of the parent's assessment completed upon admission to the correctional system and files this in the paper case record.

(c) Service planning. The CW county of jurisdiction worker contacts the parent's correctional case manager and inquires as to the availability, type, and frequency of treatment services. If the correctional facility provides treatment services that relate to CW involvement, a copy of Form 04KI028E, Family Functional Assessment, and Form 04KI012E, Individualized Service Plan (ISP) are forwarded to the correctional case manager. Arrangements are made for a method of receiving periodic progress reports from the correctional facility in order to update the appropriate forms and include them in the case record.

(d) Visitation. Ongoing visitation with the incarcerated parent depends on the case plan goal and is coordinated with the correctional case manager. The CW worker determines whether visitation with the incarcerated parent occurred prior to the child's placement in OKDHS custody, the frequency of visitation, and the preference of the child to establish an appropriate visitation schedule. The CW worker is encouraged to use a relative(s) to assist in facilitating visitation between the child and the incarcerated parent.

(e) Exceptions to contact and visitation. Exceptions to the contact and visitation requirements are made on a case-by-case basis for incarcerated parents. The CW worker must request approval for a contact exception from the CW supervisor. If the CW supervisor determines that an exception applies, the CW worker enters an explanation into the KIDS Contacts screen. Appropriate exceptions include the:

- (1) parent is incarcerated for a capital offense;
 - (2) parent has had no contact with the child and the child does not wish to have contact; and
 - (3) length of the parent's incarceration is expected to surpass the date of the child obtaining the age of majority.
2. Parent on probation or parole. Contact is initiated and maintained during the treatment process with a parent's probation or parole officer. The probation and parole officer can provide information relating to the parent's adherence to the probation or parole requirements or new or existing charges that could relate to the child's safety.
3. Termination of parental rights due to incarceration. The incarceration of a parent is not in and of itself sufficient to deprive a parent of parental rights. When the court determines a parent is incarcerated, the court or jury must further determine that the continuation of parental rights would result in harm to the child, based on:
 - (1) the duration of incarceration and its detrimental effect on the parent-child relationship;
 - (2) any previous convictions resulting in involuntary confinement in a secure facility;
 - (3) the parent's history of criminal behavior, including crimes against children;

- (4) the age of the child;
- (5) any evidence of abuse or neglect or failure to protect from abuse or neglect of the child or siblings of the child by the parent;
- (6) the current relationship between the parent and the child; and
- (7) the manner in which the parent has exercised parental rights and duties in the past.

340:75-6-46. Services to Child Welfare (CW) youth involved in the juvenile justice system ■ 1 through 13

Revised 6-1-12

A child or youth in Oklahoma Department of Human Services (OKDHS) custody or supervision as deprived who is involved in the juvenile justice system due to delinquency or In Need of Supervision (INS) acts, receives services from OKDHS Child Welfare and the juvenile justice system provider.

INSTRUCTIONS TO STAFF 340:75-6-46

Revised 12-15-11

1. Delinquent or In Need of Supervision (INS) service providers.

(1) Youth in the custody of the Office of Juvenile Affairs (OJA) alleged or adjudicated In Need of Supervision (INS) or delinquent are served by the the OJA Juvenile Services Unit (JSU).

(2) Youth receiving pre-adjudication or probation services in Oklahoma, Tulsa, Canadian, and Comanche Counties are served by the county-based Juvenile Bureau of the District Court and by the OJA JSU in the other 74 counties.

2. Child dually adjudicated as deprived and delinquent. When the child in OKDHS permanent custody is dually adjudicated as deprived and delinquent or INS, and in the custody of or receiving services from the juvenile justice system provider, the actions are listed in paragraphs (1) - (3) of this subsection are required.

(1) Staffing between OKDHS and OJA or Juvenile Bureau. Reasonable efforts are made to assure joint staffings occur at key decision-making points throughout the case, such as significant changes in the child's or youth's individualized service plan, placement changes, and custody changes. Responsibilities of each agency in the provision of services to the child or youth are determined during these staffings.

(2) Information sharing. The CW specialist obtains updated information from the juvenile justice system provider to submit to the court in the deprived action for each review hearing and furnishes information to the juvenile justice system provider upon request.

(3) Recommendation for custody or case changes. A recommendation for dismissal or change of custody for a child or youth with the juvenile justice system service provider is only made after a joint staffing between the CW specialist or supervisor responsible for the child and the juvenile justice system provider.

3. **Conflict resolution between agencies.** When consensus regarding case or related issues is not reached or a staffing cannot be scheduled as required, the conflict resolution protocol followed by OKDHS and OJA is in accord with each agency's administrative hierarchy and involves discussion between the:
 - (1) Child Welfare (CW) supervisor and JSU supervisor;
 - (2) county director/CW field liaison (CWFL) and JSU district supervisor;
 - (3) area director and director of OJA Juvenile Services Division; and
 - (4) Children and Family Services Division (CSFD) director to OJA Chief of Staff.
4. **Juvenile On-Line Tracking System (JOLTS).** The OJA automation system, JOLTS, is accessed for information regarding a child or youth's involvement in the juvenile justice system.
5. **Pre-delinquent adjudication staffing.** When the CW specialist believes that a deprived youth's behavior indicates the youth may be delinquent, the CW specialist staffs the case with the appropriate juvenile justice system provider. Responsibilities of each agency regarding the appropriate action are determined during the staffing.
6. **Reunification proposed by juvenile justice service provider.** When a child or youth is in OJA custody and OJA recommends the return of the child to the home but the CW specialist believes reunification is not appropriate due to safety threats or other concerns, the CW specialist reports the concerns to the OJA worker immediately. When the CW specialist's report is verbal, the report is confirmed in writing within three business days of the verbal report with a copy filed in the CW case.
7. **Recommended dismissal by OJA of the delinquent or INS case.** When CW does not receive advance notification of a court hearing in which OJA recommends dismissal of the delinquent or INS petition for a child or youth in OJA custody only and recommends custody be placed with OKDHS, the CW field liaison notifies the JSU district supervisor and requests advance notification in the future. When custody of the child has been granted to OKDHS, a joint staffing is held with OJA to obtain information regarding child's needs.
8. **OJA recommendation for OKDHS custody.** When advance notification is given by OJA regarding OJA's recommendation to dismiss the delinquent or INS petition for a child or youth in OJA custody only and recommend custody be placed with OKDHS, a joint staffing is held between OJA and CW to coordinate placement planning and services to the child. A CW specialist is assigned and present at the court hearing.
9. **Placement of child or youth adjudicated delinquent or INS.** Children or youth with a sole adjudication of delinquent or INS or jointly adjudicated as deprived and delinquent or INS are not placed or allowed to visit in the same foster home as children or youth who are solely adjudicated as deprived without prior knowledge and approval of both CW and OJA. The decision is staffed between the respective specialists and supervisors and documented in KIDS on the Contacts screen.

- 10. Overnight or unsupervised visitation for jointly adjudicated child or youth.**
Prior to any overnight or unsupervised sibling visitation between a jointly adjudicated child or youth with his or her deprived siblings, a staffing between the CW specialist, OJA worker, and placement provider occurs. Any safety issues are discussed. Once a consensus is reached that the child(ren)'s safety can be ensured, the decision is documented in KIDS on the Contacts screen. When a consensus cannot be reached, the visitation is not allowed.
- 11. Permanency planning for dually adjudicated youth.** Youth in the custody of OKDHS and in out-of-home care who becomes jointly adjudicated as deprived and delinquent requires permanency planning as required by Section 1-4-811 of Title 10A of the Oklahoma Statutes. CW coordinates with OJA in the permanency planning efforts.
- 12. Case responsibilities.** According to the child's or youth's adjudication or custody status, case responsibilities for the child or youth are outlined in (1) - (3) of this subsection.
 - (1) Pre-adjudication, deferred prosecution, deferred adjudication, or probation.** When a child or youth in OKDHS custody is receiving pre-adjudication, deferred prosecution, deferred adjudication, or probation services from the juvenile justice system provider, CW retains responsibility for placement of the child or youth as well as permanency planning and related services. While CW continues as the primary service provider, services to the child or youth are coordinated with those of the juvenile justice system provider designed to prevent additional unlawful acts.
 - (2) Adjudicated but custody not granted to OJA.** When a child or youth in OKDHS custody is also adjudicated delinquent or INS but custody is not granted to OJA, OKDHS retains responsibility for placement of the child or youth as well as permanency planning and related services. When not granted custody, OJA has no authority to make placement. While CW continues to be the primary service provider, services to the child or youth are coordinated with OJA or the juvenile justice system provider.
 - (3) Dual adjudication and custody.** When a child or youth in OKDHS custody is also adjudicated delinquent or INS and placed in the custody of OJA, OJA is responsible for placement and services to the child or youth. CW retains responsibility for permanency planning and related services.

The CW specialist:

 - (A)** documents the youth's placement in KIDS resource number 72592 located in the Residential-Locally Authorized category and the Non-OKDHS Operated Facilities type;
 - (B)** documents the specific location of the child in each KIDS monthly contact;
 - (C)** contacts, personally or by telephone, the child, youth, and the OJA case worker on a monthly basis; and
 - (D)** obtains from the OJA worker the date and substance of the monthly contact with the youth and enters into KIDS contact screen the name of

the OJA case worker, selects the purpose of "Worker Visit – No Contact Guide," and enters information in "Purpose/Comments."

13. Individualized service plan for parent in OJA custody. Child Welfare initiates an individualized service plan with the youthful parent in OJA custody whose child is served by CW either on a voluntary foster care or in custody basis. The individualized service plan addresses the needs of the child and the youthful parent's ability to meet the child's needs, and the parent and child relationship.

PART 8. ROLE OF THE CHILD WELFARE WORKER

340:75-6-48. Child Welfare (CW) worker contacts with child, placement providers, parents, and service providers ■ 1 through 12

Revised 6-1-12

(a) Per Section 1-7-113 of Title 10A of the Oklahoma Statutes, Oklahoma Department of Human Services (OKDHS):

- (1) visits each foster child a minimum of one time per month, with no less than two visits per quarter in the foster placement; and
- (2) interviews, or if an infant observes each child alone without the foster parent present at least one time per quarter.

(b) The foster parent provides a place in the home where the child can be interviewed outside of the foster parent's presence.

(c) OKDHS contacts parents, services providers, and others, as needed.

INSTRUCTIONS TO STAFF 340:75-6-48

Revised 12-15-11

1. Purpose of contacts. The purposes of a Child Welfare (CW) specialist's contacts with the child, parent, service providers, or others include, but are not limited to:

- (1) maintaining the child's connections to his or her family;
- (2) allowing the CW specialist to evaluate the interactions, conditions, and services the child is receiving, particularly those in the home or in placement; and
- (3) establishing and maintaining a teamwork relationship. Family team meetings afford the CW specialist additional opportunities for contact with the family and the family's social supports to expedite the permanency plan.

2. Documenting contacts using contact guide and addendums. Contacts with the child are entered in KIDS a minimum of monthly from the point of intake through case closure as quickly as possible after the contact occurs, but no later than the fourth day of the following month. The contact guide and addendums are used when making contact with a child in out-of-home placement, parent, and placement provider. The Guide and age-specific addendums, that provide a format to assist the Child Welfare (CW) specialist in gathering and documenting information obtained during a contact, are:

- (1) Form 04MP007E, Face-to-Face Contact Guide;

- (2) Form 04MP004E, Contact Guide Addendum for Face-to-Face Visit with Newborn(s) and Infant(s) – Age 0 to 12 Months;
 - (3) Form 04MP006E, Contact Guide Addendum for Face-to-Face Visit with Toddler(s) – Age 13 through 36 Months; and
 - (4) Form 04MP008E, Contact Guide Addendum for Face-to-Face Visit with Youth – Age 16 to 18.
- 3. Use of contacts. The purpose of CW specialist contacts with the child, placement provider, and parent includes, but is not limited to:
 - (1) ensuring the parent understands the individualized service plan and the consequences of failure to change the behaviors and correct the conditions of intervention;
 - (2) informing the parent of the next court hearing;
 - (3) assessing the parent's protective capacities and ability to provide a safe home environment for the child;
 - (4) evaluating the home situation and progress on the individualized service plan;
 - (5) providing the parent with information about the child and services the child is receiving, including medical care and education;
 - (6) informing the parent and child of the other's situation, progress, and other related issues;
 - (7) ensuring the parent understands the importance of visitation in developing and maintaining a healthy parent-child relationship;
 - (8) advising the parent of his or her rights, roles, and responsibilities, and the status of the case;
 - (9) ensuring the child's needs are met and his or her safety is intact in the placement;
 - (10) encouraging and guiding the parent in the completion of his or her individualized service plan;
 - (11) assisting the parent in obtaining the identified services needed to change the behaviors and conditions that led to the child's removal;
 - (12) continuing to gather information regarding important people in the child's life; and
 - (13) providing timely and relevant information to the placement provider that is pertinent to the needs of the child and permanency planning process, in accordance with Section 1-7-104 of Title 10A of the Oklahoma Statutes.
- 4. (a) Interviews with a child in foster care placement. The CW specialist documents in KIDS Contacts screen the interview with or observation of each child in foster care placement no less than monthly and no later than the fourth day of the following month.
 - (1) Private interviews or observations are conducted no less than quarterly.
 - (2) The private interview may occur in an appropriate location outside the foster home.
 - (3) During the interview, the CW specialist has substantive discussions with the child per the contact guide.

(b) Contact at child's school. The CW specialist does not go to the child's school for the purpose of completing a face-to-face contact with the child, except in cases of transporting the child to and from school for appropriate purposes such as family visitation, scheduled appointments, and extracurricular activities.

(c) Contact alternatives. Contact with the child is made primarily by the CW specialist responsible for the child; however, another CW specialist may make the required monthly contact in the foster home to assess the child's safety, permanency, and well-being needs when there is an unavoidable conflict in the work schedule or other job-related demands of the CW specialist responsible for the child. When an alternate contact is required, the CW specialist responsible for the child makes the next required monthly face-to-face contact with the child. Prior to another CW specialist making the required contact, the CW supervisor:

- (1) reviews the unavoidable conflict or job-related demands, assesses the frequency of another CW specialist completing the required contacts, and either grants or denied the exception;**
- (2) informs the CW specialist responsible for the child of the decision;**
- (3) when the exception is granted, assigns the monthly contact to another CW specialist; and**
- (4) documents the exception in the KIDS Contacts screen.**

(d) Unannounced contacts. Each visit with a child in placement is not previously arranged.

- (1) The CW specialist develops a schedule for each child in placement that includes, at a minimum, that every third contact attempted is unannounced.**
- (2) The CW specialist conducts a minimum of three successful unannounced contacts per year.**

5. (a) Child contact requirements. CW specialist contact requirements with the child in Oklahoma Department of Human Services (OKDHS) custody and the placement provider are provided in (1) through (9).

(1) Foster family care, contract foster care, and therapeutic foster care.

(A) The CW specialist in the county of placement has face-to-face contact with the child:

- (i) within the first two weeks of each placement and a minimum of once every calendar month thereafter, with no more than 31 days between contacts;**
- (ii) to interview, or if an infant observe, the child alone without the foster parent present at least one time per quarter per Section 1-7-113 of Title 10A of the Oklahoma Statutes; and**
- (iii) no less than two times per quarter in the foster home. The CW specialist's initial contact occurs in the foster home. After the initial contact, the CW specialist may complete one face-to-face contact per quarter in a location other than the foster home. Once the CW specialist makes contact in an alternative location, the next two monthly contacts, at a minimum, take place in the foster home. This**

applies to a child placed in:

- (I) paid or non-paid kinship placement;**
- (II) regular foster care;**
- (III) contract foster care; and**
- (IV) therapeutic foster care.**

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

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

(D) When there is a need to interview a child privately during a contact in the foster home, the foster parent provides a place in the home where the child can be interviewed outside the foster parent's presence.

(2) OKDHS-operated shelters, Youth Services shelters, or Youth Services shelter host home. A CW specialist has face-to-face contact with the child at the OKDHS-operated shelter, Youth Services shelter, or Youth Services host home within 24 hours of the child's entry into the shelter or host home and a minimum of once weekly while the child remains in the shelter or host home. During the shelter or host home stay, when the child's CW specialist's assigned work location is:

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

(B) more than 60 miles from the shelter, the assigned shelter liaison visits and provides any identified services to the child. The child's CW specialist contacts weekly, either by phone or in person, the shelter child welfare specialist while the child remains in shelter care, per OAC 340:75-10-8.3. Additional shelter or host home liaison responsibilities include, but are not limited to:

- (i) communicating with the CW specialist, shelter personnel, or Youth Services host home personnel to facilitate appropriate placement planning;**
- (ii) assisting with reducing premature discharge from the shelter or Youth Services host home prior to the location of an appropriate placement; and**
- (iii) entering into KIDS, shelter or Youth Services host home entry and exit dates.**

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

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

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

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

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

(B) 90 days when the child's placement is over 30 miles from the county of jurisdiction and has phone contact with the child every calendar month that the specialist and child do not have face-to-face contact.

(i) The facility liaison has face-to-face contact with the child and placement provider monthly.

(ii) The CW specialist contacts the facility liaison to communicate any pertinent actions that require initiation or follow-up to achieve the child's permanency plan.

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

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

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

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

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

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

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

(ii) 90 days when the child's placement is over 30 miles from the county of jurisdiction and has phone contact every calendar month

that face-to-face contact between the specialist and child does not occur; and

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

(8) Own home.

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

(B) When the child initially returns to the parent(s) the CW specialist has face-to-face contact with the child and the parent(s) in the home within two business days of placement.

(C) After the initial visit within two business days of placement, or when the child is in the custody of the parent(s) in a supervision only case, the first three contacts are in the child's home. Contact location may then alternate between the home and any other location.

(D) Contacts are increased during times of change and stress.

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

(10) Youth in Office of Juvenile Affairs (OJA) custody. When a child or youth in OKDHS custody is also adjudicated delinquent or In Need of Supervision (INS) and placed in the custody of OJA.

(A) OJA is responsible for placement and services to the child or youth.

(B) CW retains responsibility for permanency planning and related services.

(C) The CW specialist contacts, personally or by telephone, the child or youth, and the OJA case specialist on a monthly basis. The CW specialist:

(i) obtains from the OJA specialist the date and substance of the OJA specialist's monthly contact with the youth; and

(ii) enters into KIDS contact screen the name of the OJA case specialist, selects the purpose of "Worker Visit – No Contact Guide," and enters information in "Purpose/Comments." Refer to OAC 340:75-6-46.

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

- (1) Contact with child in inpatient facility.** When a child requires admission to an inpatient facility procedures detailed in OAC 340:75-16-30 Instructions to Staff (ITS) # 4 are followed. No later than 24 hours after a child's placement into an acute inpatient treatment facility, the CW specialist contacts the facility liaison and the facility liaison supervisor by phone and email to provide notification of the child's placement.
- (2) Contact with child in Developmental Disabilities Services Division (DDSD) placement.** When a child in the custody of OKDHS is in a DDSD placement other than a group home, DDSD case management staff provides services to the child, per OAC 317:40-5-57. The CW specialist:
- (A)** in the county of placement has face-to-face, private contact with the child in the home a minimum of once every 90 days;
 - (B)** in the county of placement contacts, either by phone or in person, the DDSD case manager monthly, and inquires about case circumstances, identified needs; and date and substance of the DDSD case manager's monthly contact with the child; and
 - (C)** in the county of jurisdiction, when the child is placed outside the county of jurisdiction, contacts monthly, either by phone, electronic mail, or in person, the CW county of placement specialist in order for both specialists to:
 - (i)** remain actively involved in placement and service planning for the child through coordination and information sharing with the placement provider and DDSD case management staff; and
 - (ii)** communicate pertinent actions that require initiation or follow-up to achieve the permanency plan for the child; and
 - (D)** in the county of placement documents the DDSD case manager's monthly contact with the child in the KIDS contacts screen:
 - (i)** entering the name of the DDSD case manager that made contact with the child;
 - (ii)** selecting the purpose of "Worker Visit – No Contact Guide"; and
 - (iii)** entering information in the "Purpose/Comments."
- (3) Contact with youth, 18 years of age or older, in voluntary placement.** The CW specialist's contact with the youth, 18 years of age or older, in voluntary placement, is determined jointly by the CW supervisor, CW specialist, youth, and placement provider.
- (A)** A minimum of one face-to-face contact with the youth is required in the placement location every six months until case closure.
 - (B)** During the months when the CW specialist's contact with the youth is not in the provider's home, the specialist contacts the youth and the provider by phone.
- (4) Contact with child in Interstate Compact on the Placement of Children (ICPC) placement in Oklahoma residential treatment center.** The CW specialist has face-to-face contact with the child a minimum of every 90 days in the facility when a child from another state is placed in an Oklahoma residential treatment facility.

(5) Placement of child in OKDHS custody placed in out-of-state residential treatment center. The CW specialist has face-to-face contact with the child every six months when the child is placed out-of-state through ICPC, per OAC 340:75-1-86.

(6) Contact with child in ICPC placement with parent, relative, or foster home. The OKDHS CW specialist assures that an agency caseworker of the receiving state:

(A) makes a face-to-face contact with the child in the parent, relative, or foster home no less frequently than every month; and

(B) submits a quarterly report on the content of the monthly contacts.

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

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

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

(2) the parent's whereabouts are unknown;

(3) parental rights have been terminated; or

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

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

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

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

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

7. **Service provider contact requirements.** The CW specialist has phone contact at least quarterly and no later than ten business days prior to each court hearing with any service provider for the child, parent, or family to obtain current information regarding the client's treatment status and obtain the service provider's recommendation regarding whether services are continued or terminated or additional services are necessary.
8. **Oklahoma Children's Services (OCS) provider contact requirements.** The CW specialist contacts the OCS provider and:
 - (1) schedules, attends, and presents safety issues and needed changes at the Comprehensive Home-Based Services (CHBS) case transfer meeting no later than 15 business days from the date the authorized referral is assigned;
 - (2) participates in monthly staffings, in person or by phone, with the assigned contract case manager (CCM) or parent aide;
 - (3) reviews a minimum of monthly the CCM or parent aide KIDS contacts and reports; and
 - (4) responds to critical incident reports, faxed or provided by phone to the CW specialist by the CCM or parent aide, that are risk alerts, per OAC 340:75-1-152.9.
9. **Need for increased contacts with child.** The CW specialist staffs the decision regarding the type and location of contacts with the CW supervisor and documents the staffing in KIDS Contacts screen. Situations that indicate the need for increased contact with the child in the home or placement location include, but are not limited to:
 - (1) any type of safety concern;
 - (2) history of environmental neglect;
 - (3) concerns regarding access by the perpetrator;
 - (4) the age of the child; or
 - (5) an order of the court.
10. **Documentation of contacts completed by non-OKDHS or non-CW staff.** When a child in OKDHS custody is in a DDS placement, Office of Juvenile Affairs (OJA) custody, or placed out-of-state through ICPC, the CW specialist continues to ensure the child's well-being through ongoing contact and coordination with DDS, OJA, or the receiving state. The CW specialist gathers information about monthly face-to-face contacts completed with the child by a DDS, OJA, or out-of-state ICPC caseworker, and documents the information monthly in the KIDS contacts screen, specifying the type of contact and the name of the non-OKDHS or non-CW staff that made contact with the child.
11. **Contacts for youth receiving extended services.** The CW specialist documents in the youth's Individualized Service Plan (ISP), the frequency of contacts determined appropriate or effective for each six-month period between service plan reviews.
12. **Comprehensive Home-Based Services (CHBS).**
 - (1) **CHBS service initiation.** Contractors initiate services after the case

transfer meeting unless emergency services are authorized by the Oklahoma Children's Services (OCS) contract liaison.

(2) CHBS referral cancellation. Referrals held by the contractor awaiting notice of the case transfer meeting are canceled after the 15th business day.

(3) CHBS case transfer meeting. The CHBS contract case manager (CCM), CCM supervisor, and CW specialist and supervisor meet with the child and family in the family's home or other location that offers convenience and privacy to review the identified safety threats, diminished protective capacities, the safety plan, and CHBS service protocol. The referring CW specialist's role in the case transfer meeting is of vital importance to the effectiveness of CHBS for the family.

(A) When the referring CW specialist is unable to attend the case transfer meeting, another CW specialist or CW supervisor, who has reviewed the case or has been briefed, attends.

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

(i) each safety threat identified through the Child Protective Services assessment of child safety; and

(ii) remaining issues with the court-ordered ISP, the provisions of the safety plan, and the specific behaviors and dynamics that must change for the child to remain in his or her home.

(C) The CW specialist ensures the family and provider understand the purpose of the referral and the roles and responsibilities of all parties, including those of the family.

(4) Direction provided by CW specialist. The CHBS case management function relies on direction from the CW specialist. Form 04MP032E, Referral for Contracted Service, Form 04KI030E, Assessment of Child Safety, case contacts, and staffings provide valuable input to the CCM regarding safety threats and expectations for change that guide the CCM's case management practice. When the family:

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

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

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

340:75-6-48.1. Role of the child's attorney

Revised 3-26-10

(a) **Child's attorney.** The court may appoint an attorney for the child when an emergency custody hearing is held. If a deprived petition is filed, the court must appoint an attorney for the child to represent the child in all legal proceedings in the deprived case, per Section 1-4-306 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-306). The attorney represents the child and any expressed interests of the child. The child's attorney is independent of and not selected by the district attorney, the child's parent, legal guardian, or custodian. The parent, legal guardian, or custodian may not select the child's attorney. If financially capable, the parent, legal guardian, or custodian reimburses the Court Fund for the services of a court-appointed attorney for the child.

(b) **Child and attorney access.** The child and the child's attorney are kept informed of each other's current location and telephone number at all times. The attorney's name, address, and telephone number are included on the Placement Provider Report in order that the child and placement provider may access the child's attorney at any time. Upon the change in placement of a custody child, the worker notifies the child's attorney with Form 04KI025E, Change in Placement Notification, as required by 10A O.S. § 1-4-804.

(c) **Attorney contact with child.** Per 10A O.S. § 1-4-306, the attorney appointed for the child arranges to meet with the child as soon as possible after receiving notification of the appointment. Except for good cause, the attorney must meet with the child prior to any court proceedings. The attorney may speak with the child by telephone if a personal visit is not possible due to exigent circumstances. If the attorney is limited in having a meaningful relationship with the child due to the child's age or the child's desire, the attorney contacts the custodian or caretaker of the child prior to the hearing.

(d) **Attorney access to Oklahoma Department of Human Services (OKDHS) records.** The child's attorney is entitled to access juvenile court, and OKDHS records without a court order per 10A O.S. 1-6-103.

(e) **Attorney objection to court ruling.** Per 10A O.S. § 1-4-801, at any hearing, including hearings where a child is to be released from state custody, the child's attorney or district attorney may give verbal notice of an objection to the court order and intention to seek review of that order based on the grounds that the order of the court releasing the child from state custody creates a serious risk of danger to the health or safety of the child. Upon receiving notice, the court issuing the custody order in question, stays the custody order pending the filing of an application and completion of review. Refer to OAC 340:75-1-16.

340:75-6-48.2. Role of the child's court-appointed special advocate or guardian ad litem

Revised 3-26-10

(a) **Appointment of court appointed special advocate or guardian ad litem.** When a deprived petition is filed, the court may appoint a court-appointed special advocate or guardian ad litem at any time subsequent to the filing of the petition or for any other action related to the child who is the alleged subject of abuse or neglect. [10A O.S. § 1-4-306] The court-appointed special advocate or guardian ad litem represents the best interests of the child.

(b) **Court-appointed special advocate or guardian ad litem access to Oklahoma Department of Human Service (OKDHS) records.** The child's court-appointed special advocate or guardian ad litem may access juvenile court, district attorney, law enforcement, educational, social, and OKDHS records. The court-appointed special advocate or guardian ad litem may access any reports of service providers and of examination of the child's parents, legal guardian, custodian, or other person responsible for the child's health or safety, including but not limited to, information authorized by the Oklahoma Children's Code.

340:75-6-48.3. Runaway or abducted children in Oklahoma Department of Human Service (OKDHS) custody or supervision

Revised 6-1-12

When a child in Oklahoma Department of Human Services (OKDHS) custody or supervision runs away or is abducted, OKDHS immediately takes steps to locate the child. ■ 1

INSTRUCTIONS TO STAFF 340:75-6-48.3

Revised 9-1-11

1. (a) **Runaway or abducted child protocol.** A child in Oklahoma Department of Human Services (OKDHS) custody or under OKDHS supervision or a child in an open Child Protective Services investigation is considered runaway or abducted when he or she, without the permission of OKDHS, leaves or is taken by his or her parent, placement provider, or any other person from an OKDHS authorized location, including own home, relative's home, foster care, and above foster care placements. When a child cannot be located, the CW specialist:

- (1) immediately files a report with law enforcement and documents the:
 - (A) name, address, and phone number of law enforcement agency accepting the report;
 - (B) name of law enforcement officer who accepts the report via telephone;
 - (C) law enforcement case number; and
 - (D) date report is made to the law enforcement agency;
- (2) immediately notifies the district attorney, child's attorney, and, if applicable, child's parent(s);
- (3) submits the necessary paperwork as determined by the court of jurisdiction within one working day to request the court issue a pick-up order that indicates the child is a ward of the court;
- (4) immediately documents a runaway or abducted placement episode in KIDS Placement screen no later than one business day after the episode when the child has an open removal and is in OKDHS custody;
- (5) contacts any relative or collateral, including, but not limited to, court-appointed special advocate (CASA), guardian ad litem, service provider, counselor, therapist, and school personnel, who may have information about the whereabouts of the child. The CW specialist:
 - (A) continues to make these contacts a minimum of once per month until the child is located; and

- (B) documents these contacts in KIDS Contacts screen.
- (6) updates KIDS Living Arrangement fields in Client/Gen. Info./Birth Place/Living Details tab; and
- (7) immediately holds a staffing with the CW Supervisor and county director, when feasible, to discuss the situation and determine whether national search efforts are necessary.
 - (A) A national search involves assistance from the National Center for Missing and Exploited Children (NCMEC), and may involve the Office of Inspector General (OIG), to locate a child. Examples of situations that require national search procedures include, but are not limited to, the child:
 - (i) has been abducted while in OKDHS custody, under OKDHS supervision, or during an open investigation;
 - (ii) is not in the approved OKDHS placement and there is no indication that this was a planned runaway by the child;
 - (iii) runs away, and due to behavior or circumstances, is at high risk of harm.
 - (B) When national search procedures are:
 - (i) needed, the CW specialist, CW supervisor, and county director follow OAC 340:75-6-48.3 Instructions to Staff (ITS) # 1(b); or
 - (ii) not needed, the CW specialist, within one business day of the staffing with the CW supervisor and county director, sends an email to the CW supervisor for review and approval explaining the reason(s) a national search effort was not initiated. After approving the information contained in the email, the CW supervisor sends the email to Children and Family Services Division (CFSD) Permanency Planning Section indicating national search efforts are not needed.
 - (C) When information is received that changes the decision not to initiate national search efforts or seven days elapse without locating the youth, the CW specialist, CW supervisor, and county director follow OAC 340:75-6-48 ITS # 1(b) and (c).
 - (D) National search efforts are not required when the:
 - (i) youth has a pattern of running away and returning within 48 hours;
 - (ii) youth contacts the CW specialist, placement provider, or other connection and reports he or she left the placement on his or her own and remains in the area; or
 - (iii) CW specialist has knowledge of the youth's possible location and coordinates efforts to contact the youth at the possible location.
- (b) National search protocol. When national search efforts are necessary, the CW specialist:
 - (1) completes Form 04MP023E, Runaway or Abducted Child Report, or 04MP026E, Abducted Child Report, as applicable, within one business day of the staffing held to determine whether national search efforts are initiated. Incomplete forms delay reports to NCMEC or OIG;

(2) immediately emails completed Form 04MP023E or 04MP026E to the CW supervisor for review and approval. Upon approval, the CW supervisor emails CFSD at email address, Runaway and Abducted Reports, available through the Global Address Book in Outlook, to notify CFSD permanency planning staff to report the runaway or abducted child to NCMEC, OIG, or both;

(3) contacts CFSD Child Protective Services (CPS) Section when a child has been abducted and CFSD CPS Section enters a protective service alert, per OAC 340:75-3-10.1 ITS # 17.

(c) National search redetermination. When a child has been on runaway status for seven calendar days or longer, and there has been no contact with the child, a national search effort is required per OAC 340:75-6-48.3 ITS # 1(b).

(d) Protocol for the return of a child who is runaway or abducted. When the child is located, the CW specialist:

(1) immediately assesses the safety of the child, and determines whether to:

(A) return the child to an OKDHS authorized placement, when the child is in OKDHS custody.

(i) The CW specialist may consider placing an older child who left an OKDHS-authorized placement with the person with whom the child was found including, but not limited to, a:

(I) parent whose parental rights are terminated;

(II) parent who has not completed the court-ordered individualized service plan; or

(III) person who is not an authorized OKDHS placement provider.

(ii) Approval to place the child with the person with whom the child was found is determined on a case-by-case basis unless the person has a felony conviction per OAC 340:75-7-15. The automatic bar to placement for certain criminal history does not apply to a parent.

(iii) The CW specialist consults with the CW supervisor and CW field liaison (CWFL) for permission and procedures related to the proposed placement. The CWFL consults with CFSD Permanency Planning Section as needed.

(iv) The CW specialist:

(I) assesses the reason(s) the child left the previous placement without OKDHS permission;

(II) assesses the proposed placement provider's current living situation; and

(III) determines whether a safety plan is required.

(v) The CW specialist may place the child in an OKDHS authorized placement until the appropriate approval is obtained to place the child in the proposed placement provider's home.

(vi) Court approval is required when the person to whom the child wants to return is a parent.

(vii) When a child, who is not in his or her approved OKDHS

- placement, has been located in another state, the CW specialist refers to information on runaways, per OAC 340:75-1-86 ITS; or
- (B) when the child is under OKDHS supervision, take steps to return the child to the legal custodian or recommend the child be placed in OKDHS custody; and
- (2) immediately or no later than one business day after the CW specialist has located a runaway or abducted child:
- (A) notifies law enforcement, the district attorney, child's attorney, and, when applicable, child's parent(s);
 - (B) submits the necessary paperwork as determined by the court of jurisdiction to recall the pick-up order;
 - (C) notifies CFSD CPS and Permanency Planning Sections to close the protective service alert and reports to NCMEC, OIG, or both, when applicable;
 - (D) end dates KIDS runaway or abducted placement episode, when applicable;
 - (E) updates KIDS Living Arrangements fields; and
 - (F) contacts any relative or collateral, including, but not limited to CASA, guardian ad litem, service provider, counselor, therapist, and school personnel, who was contacted for information on the whereabouts of the child to report the child's return to the OKDHS authorized location.
- The CW specialist documents the contacts in KIDS Contacts screen.
- (e) Protocol for a runaway or abducted child who cannot be located. The CW specialist:
- (1) continues to contact law enforcement, relatives, and any collaterals once per month until the child is located.
 - (2) after a two year search, when there are no other children in the case, the child is not in permanent OKDHS custody, and the child has not been located, submits Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, to the court documenting the efforts to locate the child and requests dismissal of the deprived case.
 - (A) The CW specialist advises the parent(s) of the request for dismissal of the deprived case.
 - (B) When the court does not dismiss the deprived case, the CW case remains open and the CW specialist continues to make efforts every 90 days until the child is located or the case is dismissed. The CW specialist requests that the deprived case be dismissed at each subsequent court review.
 - (C) When the deprived case is dismissed, the CW specialist:
 - (i) notifies law enforcement and the child's parent(s);
 - (ii) submits the necessary paperwork as determined by the court of jurisdiction to recall the pick-up order;
 - (iii) notifies the CFSD CPS and Permanency Planning Sections to close out the protective service alert and reports to NCMEC, OIG, or

- both;
- (iv) end dates KIDS runaway or abducted placement episode;
- (v) updates removal and custody status information in KIDS; and
- (vi) closes the CW case.

340:75-6-49. Religious and cultural observation ■ 1 through 6

Revised 3-26-10

Per Section 1-4-705 of Title 10A of the Oklahoma Statutes, in placing a child, the court and Oklahoma Department of Human Services, when possible, selects a person, agency, or institution governed by persons of the same religious faith as that of the parent(s) of the child, or in case of a difference in the religious faith of the parents, the religious faith of the child.

INSTRUCTIONS TO STAFF 340:75-6-49

Revised 3-26-10

1. **Religious and cultural observation.** A child in out-of-home placement retains the right to participate in and practice his or her own religious and cultural beliefs. When selecting a placement provider for the child, consideration is given to a placement of the same religious faith as that of the parents, or in case of a difference in the religious faith of the parents, the religious faith of the child. The placement provider is allowed to include the child in his or her religious and cultural practice provided the child and the child's parents' right to choose is respected, including a youth's preference not to participate in a formalized religion. When a child requests to attend religious services or cultural events, the placement provider assists in making the arrangements. Formal admission to a religious faith, such as confirmation or baptism, is not a decision that can be made by the child and requires parental consent for a child in emergency or temporary custody or Oklahoma Department of Human Services (OKDHS) consent if parental rights have been terminated. A placement provider does not take any action of this type without the appropriate permission.
2. **Parental objection regarding religious issue.** If the parent(s) objects to the placement provider integrating the child who is in emergency or temporary OKDHS custody, age 11 years or younger, into the placement provider's religious practice, the Child Welfare (CW) worker:
 - (1) assists the placement provider in working with the child's parents to afford the child an opportunity to attend the religious service of the parent(s)' preference; or
 - (2) arranges supervision appropriate to the needs of the child while the placement provider attends religious services.
3. **Supervision while provider attends religious services.** If a youth, 12 years or older, uses informed preference and chooses not to participate in a formalized religion, the Child Welfare (CW) worker and placement provider arrange appropriate supervision based on the needs of the youth while the placement provider attends religious service.

4. **Permission for placement provider to act as prudent parent.** If a youth, 12 years or older, has not expressed his or her informed preference to not participate in a formalized religion but out of adolescent or juvenile rebellion declines to participate in attending religious service on a particular day, the placement provider is allowed to act like any prudent parent in encouraging the youth's participation.
5. **Transportation to religious services.** If a child or youth requests to attend religious services that are available within the same town or community, the placement provider provides or arranges for transportation in order to facilitate the child's or youth's attendance.
6. **Permission for baptism, confirmation, or other religious decision.** If a placement provider expresses that a child or youth has a desire to be baptized, confirmed, or otherwise made a part of a religious community, the CW worker obtains consent in writing from the parent(s) for a child in emergency or temporary custody. The worker documents the discussion with the parent(s) in the KIDS Contacts screen, files the original document in the paper case record, and gives a copy to the parent. If a child is in permanent custody, the worker discusses with the child to determine whether the child made an informed decision. If consent is needed, the signature of the CW supervisor on any required document is sufficient. A copy of any document signed for this purpose is scanned into the KIDS file cabinet and filed in the paper case record.

340:75-6-50. Education ■ 1 through 11

Revised 3-26-10

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

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

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

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

(c) **Individuals with Disabilities Education Act (IDEA).** A child with disabilities in Oklahoma, including a child in OKDHS custody, has the statutory right to receive special education and related services from birth through 21 years of age. This is mandated by Title 70 O.S., Oklahoma School Code and the Education of All

Handicapped Children Act, codified at 20 U.S.C. Sections 1400-1461, which specifies that all children with disabilities ages three years to 22 years receive specialized services to meet their needs. A child with disabilities has the following basic rights:

- (1) Free Appropriate Public Education (FAPE);
- (2) education in the least restrictive setting possible; and
- (3) an Individualized Education Plan (IEP). ■ 4

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

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

INSTRUCTIONS TO STAFF 340:75-6-50

Revised 7-15-10

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

- (1) locating former school records and providing them to the current school;
 - (2) enrolling the child in the appropriate grade;
 - (3) ensuring the child attends school regularly;
 - (4) encouraging the child to participate in extracurricular activities;
 - (5) advocating for educational testing and placement, when indicated; and
 - (6) assessing the appropriateness and effectiveness of the services.
 - (b) The CW worker provides a copy of the child's educational record to the placement provider, scans the record into the KIDS file cabinet, and files the documents in the paper case record no later than 14 days after placement. Educational records are updated in KIDS and the updated documents are scanned into the KIDS file cabinet and filed in the paper case record on a quarterly basis. The CW worker updates the Client Education screen in KIDS regarding the child's educational status within 30 days of the child's enrollment in school and no later than 30 days after any change.
5. Educational enrollment time frame requirement. If a child's change of placement results in a change in school districts, the CW worker enrolls the child in school no later than five days after placement.
6. School requirements. When a child in OKDHS custody attends school, whether public or private, the school must be accredited.
- (1) Private schools. A child in OKDHS custody is allowed to attend a private school if the school's philosophy is not contrary to the child's or the family's beliefs, customs, values, practices, and culture. The permission of the parent(s) is required for a child in emergency or temporary custody to attend private school. Costs associated with private schooling are not paid by OKDHS. When a request is made for a child in emergency or temporary custody to attend a private school, the CW worker:
 - (A) assesses the feasibility of the option;
 - (B) discusses transportation, financial payment, and needs of the child with the person making the request;
 - (C) verifies that the placement provider agrees and is able to support the plan when the person making the request is not the placement provider;
 - (D) obtains the parent's permission, when the person making the request is not the parent;
 - (E) discusses private schooling and has a parent sign a written document granting permission. The original is filed in the paper case record and a copy is provided to the parent and placement provider;
 - (F) documents discussions and decision on the KIDS Contacts screen; and
 - (G) updates the child's Client Educational screen in KIDS, as applicable.
 - (2) Home schooling. Home schooling is an educational option for a child in OKDHS custody. Permission to allow a child to be home schooled is made on a case-by-case basis after assessment of the situation and consultation

with the CW field liaison (CWFL). The staffing regarding the consultation with the CWFL and the final decision are documented in the KIDS Contacts screen and the child's Educational screen is updated.

(A) When the child is in emergency or temporary custody, written approval is required from the child's parent(s).

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

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

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

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

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

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

(VI) Discuss socialization activities.

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

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

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

7. Adjudication due to educational neglect. When a child is adjudicated deprived based upon noncompliance with the mandatory school attendance law and is under OKDHS supervision, the CW worker assists the parent in working with the appropriate school district to obtain evaluations for literacy, learning disabilities, developmental disabilities, hearing and visual impairment, and other impediments which could constitute an educational handicap prior to case closure.
8. Surrogate parent training. The CW worker contacts the principal of the child's school to arrange the necessary surrogate parent training as required through the Department of Education.
9. Surrogate parent training verification. The CW worker requests a copy of Oklahoma State Department of Education Form 14, Verification of Training, for any surrogate parent assigned to a child(ren). The copy is filed in the case record. The worker updates the child(ren)'s Client Education screen in KIDS with the information regarding the surrogate parent, and adds the surrogate parent as a collateral.

- 10. Children in special residential facilities and institutions.** A child with a disability in a special residential facility or institution is assigned representation by a parent(s) or surrogate parent. If the parent is unable to be involved in the child's educational process, the CW worker requests assistance from the principal of the school the child(ren) attends in order to ensure a surrogate parent is trained and assigned to the child(ren). If a court-appointed special advocate (CASA) has been assigned to the case, the CASA can be trained and assigned as a surrogate parent.
- 11. Release of court order to school.** If a copy of the court order is requested, the following statement is attached: "This information is confidential pursuant to state law and provided solely for the purpose of enrolling the minor child in school. Any further dissemination or disclosure of the information or record is prohibited."

PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES

340:75-6-85. Placement consideration for child in Oklahoma Department of Human (OKDHS) custody

Revised 3-26-10

(a) **Legislative intent for children placed outside the home.** Per 10A O.S. 1-1-102, when a child's placement outside the home is necessary, pursuant to the Oklahoma Children's Code, each child is assured the care, guidance, and supervision in a permanent home or foster home that will serve the best interests of the child including, but not limited to, the development of the moral, emotional, spiritual, mental, social, educational, and physical well-being of the child. The child is entitled to a permanent home and to be placed in the least restrictive environment to meet the needs of the child. ■ 1

(b) **Multiethnic Placement Act of 1994.** OKDHS follows the provisions of the Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996, per OAC 340:75-1-9, unless the court finds that the Indian Child Welfare Act (ICWA) applies to the child. ■ 2

(c) **OKDHS responsibility for placement.** ■ 3 OKDHS has the duty to provide for the care and treatment of children placed in OKDHS custody by an order of the court, per Section 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-103). In providing care and treatment of children in OKDHS custody, OKDHS:

(1) may place the child in:

(A) a kinship care home or other foster care home; or

(B) if no such home is available, a group home, children's shelter, or in any licensed facility established for the care of children.

(2) gives priority to placement of the child with the noncustodial parent of the child unless the placement is not in the best interests of the child; and

(3) reviews and assesses each child to determine the type of placement and services consistent with the needs of the child in the nearest geographic proximity to the home of the child as possible.

(d) **Placement preference if not with noncustodial parent.** ■ 3 If OKDHS determines that placement with the noncustodial parent is not in the child's best

interest, preference is given to relatives and persons who have a kinship relationship with the child, who are determined to be suitable, capable and willing to serve as caretakers for the child per 10A O.S. 1-7-106. OKDHS makes efforts to locate the relative, kinship relation, or resource parent who is best able to meet the child's long-term best interests. OKDHS reports to the court what diligent efforts were made to secure the placement per 10A O.S. § 1-4-204. In cases where ICWA applies to the child, the placement preferences in OAC 340:75-19-14 are followed. If placement of the child cannot be made pursuant to 10A O.S. 1-7-106, the reason for such determination is specified in the CW case record and provided to the court.

(e) **Court's authority to approve or disapprove placement.** When the court determines it is in the best interests of a child, the court may place the child in the legal custody of OKDHS. Whenever the child is placed in OKDHS custody, the court may not direct OKDHS to place the child in a specific home or placement but may approve or disapprove a specific placement if it does not conform to statutory requirements and the best interests of the child per 10A O.S. § 1-4-803.

(f) **Changing child's placement.** OKDHS has the responsibility to determine whether a placement is an appropriate placement for a child in OKDHS custody, and to remove a child from a placement when it is in the child's best interest, per 10A O.S. § 1-7-103, subject to the provisions of 10A O.S. § 1-4-804 and 1-4-805.

(g) **Placement in nearest geographic proximity to parent or school.** Unless the child is placed with relatives or in accord with the federal and state Indian Child Welfare Acts, every effort is made to place the child within the county of residence or if unable to place in the nearest proximity to the county of residence of the child's parent, or legal guardian, school district, or both, to facilitate reunification of the family and ensure consistency with education. The child's placement is not intended to correspond in frequency to changes of residence of the parent or legal guardian. In determining whether the child should be moved, OKDHS considers the potential harmful effects of disrupting the placement of the child and the reason of the parent or legal guardian's changes in residence.

(h) **Sibling placement.** Every reasonable attempt is made to place siblings who have been removed together whether in temporary or permanent placement. If separated, siblings are provided frequent contact or visitation when appropriate. The best interests of each child determines whether joint placement, contact, or visitation is allowed. If the child is a part of a sibling group, placement of the entire sibling group in the same placement is in the best interests of the child and siblings unless there is a preponderance of evidence to the contrary. [10A O.S. § 1-7-107]

(i) **Indian Child Welfare Act and placement.** The federal Indian Child Welfare Act (FICWA), 25 United States Code § 1915, Oklahoma Indian Child Welfare Act (OICWA), 10 O.S. § 40.6, and OAC 340:75-19-14 define placement preferences for Indian children.

(j) **Religious consideration in placement decision.** Consideration is given to the parent(s)' wishes regarding religious preference in the selection of a placement provider for the child, per 10A O.S. 1-4-705. Refer to OAC 340:75-5-49.

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

(1) When reunification is feasible, the placement made is the best available placement to provide permanency for the child.

(2) A request by a placement provider for immediate removal of a child is examined and assessed regarding whether the situation can be resolved to prevent disruption of the placement.

(l) **Placement provider's age.** If a prospective placement provider meets the minimum age required per OAC 340:75-7-12, OKDHS may not use the age of an otherwise eligible individual as a reason for denial of placement. [10A O.S. § 1-4-705]

(m) **Prescribed standards for placement provider.** ■ 2 All placements utilized by OKDHS are approved or licensed by specified procedures and meet prescribed standards. A child in the custody of OKDHS is not placed in a home, whether temporary or closely related, prior to the provider meeting standards per OAC 340:75. Placements must be safe, have sufficient space to allow the child privacy, and the provider must:

(1) support and participate in the child's permanency plan;

(2) adhere to OKDHS rules, such as not using physical discipline; and

(3) support the child's preferred religious and cultural choices.

(n) **Determining the appropriate placement.** Per 10A O.S. § 1-4-204, in determining the appropriate placement for a child, OKDHS considers, but is not limited to:

(1) the ability of the person to provide safety for the child, including a willingness to cooperate with any restrictions placed on contact between the child and others and to prevent others from influencing the child in regard to allegations of the case;

(2) the ability of the person to support the efforts of OKDHS to implement the permanent plan for the child;

(3) the ability of the person to meet the child's physical, emotional, and educational needs, including the child's need to continue in the same school or educational placement;

(4) the person who has the closest existing personal relationship with the child, if more than one person requests placement;

(5) the ability of the person to provide a placement for the child's sibling who is also in need of placement or continuation in out-of-home care;

(6) the wishes of the parent, the relative, and the child if appropriate;

(7) the ability of the person to care for the child as long as is necessary and to provide a permanent home if needed; and

(8) the best interests of the child.

(o) **Child's placement preference.** ■ 5 In determining placement of a deprived child in foster care, OKDHS is governed by the long-term best interests of the child. The child may express a preference as to placement and the preference may be given with or without the parents, foster parents, guardians, or any other parties being present. OKDHS determines whether the best interests of the child are served by the child's preference. OKDHS is not bound by the child's preference and may consider other facts in determining the placement, per 10A O.S. § 1-7-110.

(p) **Bars to placement.** Per 10A O.S. § 1-4-705, OKDHS does not approve prospective foster or adoptive parents as Bridge resource parents if the applicant, or any person residing in the prospective applicant's home, has a criminal conviction record for any of the felony offenses listed in (1) through (5). The felony offenses are:

- (1) physical assault, battery, or a drug-related offense within the five-year period preceding the application date;
- (2) child abuse or neglect;
- (3) domestic abuse;
- (4) a crime against a child, including, but not limited to, child pornography; or
- (5) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in paragraph (A). Homicide includes manslaughter. A crime involving violence means an offense that:

- (A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or

- (B) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

(q) **Former foster parent preferred placement.** A foster parent has a right to be considered as a preferred placement option when a foster child who was formerly placed with the foster parent reenters foster care at the same level and type of care, when the placement is consistent with the best interests of the child and other children in the home of the foster parents, per 10A O.S. 1-9-119.

(r) **Eligibility of foster parent to adopt the child.** Per 10A O.S. § 1-4-812, during any permanency hearing, if the court determines the child is to be placed for adoption and the child has resided with the foster parent for at least one year, the court considers the foster parent eligible to adopt and gives great weight to the foster parent in the adoption consideration unless there is an existing, loving, emotional bond with a relative of the child, by blood or marriage, who is willing, able, and eligible to adopt the child.

(s) **Foster parent as essential participant.** ■ 6 10A O.S. § 1-9-119 and OAC 340:75-7-37 recognize foster parents as essential participants in the decisions related to the growth, development, care, protection, and treatment of a child placed in their home with whom they have established a familial relationship.

(t) **Foster parent rights.** A complete statement of foster parent's rights can be viewed at 10A O.S. § 1-9-119.

INSTRUCTIONS TO STAFF 340:75-6-85

Revised 3-26-10

1. Least restrictive placement. Placements are made in the least restrictive or most home-like setting that will meet the child's needs and provide for the child's safety, per OAC 340:75-6-85 through 340:75-6-85.4. Every effort is made to place a child with a member of the child's family in a safe and appropriate home. The least to the most restrictive placements are:

- (1) kinship home, which includes:**

- (A) relative home; and**

- (B) close family relationship;**

- (2) regular foster home;**

- (3) therapeutic foster home; and**

- (4) group home or residential child care facility.**

2. Multiethnic Placement Act of 1994. If a parent of a child in emergency or temporary Oklahoma Department of Human Services (OKDHS) custody requests a placement that violates the Multiethnic Placement Act of 1994 and

Interethnic Adoption Provisions of 1996 (MEPA/IEP), the Child Welfare (CW) worker advises the parent that MEPA/IEP states that a parent's request for a same race placement is not legal and is not considered by OKDHS. Only requests regarding relative and religious preferences are considered.

3. **Noncustodial parent.** In many cases, Oklahoma Child Support Services has established and documented paternity prior to CW involvement. To ensure placement with the noncustodial parent has been explored and the CW case record accurately reflects all available OKDHS records regarding paternity, refer to OAC 340:75-6-31.5 Instructions to Staff.
4. **Child's placement preference.** The child's preferences are recorded on Form 04KI011E, Preadjudication Court Report, 04KI013E, Individualized Service Plan (ISP) Dispositional Report, 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, when the child's age and developmental abilities allow. Since the child's preferences are not the sole consideration in determining placements and case plan decisions, preferences are evaluated regarding reasons or causes, degree of consistency, and implications for the permanency plan.
5. **Placement consideration.** If the parent(s) of a child in emergency or temporary OKDHS custody requests a placement that violates the Multiethnic Placement Act of 1994 and Interethnic Adoption Provisions of 1996 (MEPA/IEP), the CW worker advises the parent(s) that MEPA/IEP states that a parent(s)' request for a same race placement is not legal and is not considered by OKDHS. Only requests regarding relative and religious preferences are considered.
6. **Notice of hearing provided to resource parent.** The CW county of jurisdiction worker or the preadoptive parent's adoption specialist:
 - (1) provides KIDS generated Form 04MP030E, Hearing Notification, to the current foster parent, preadoptive parent, or relative no later than 15 days after the hearing is set;
 - (2) if the child moves after the notification has been provided, prints Form 04MP030E from the Reports icon and provides to the current foster parent, preadoptive parent, or relative no later than ten working days prior to the court hearing;
 - (3) if the hearing date changes, updates the Court Hearing Detail screen and provides the KIDS generated Form 04MP030E to the current foster parent, preadoptive parent, or relative no later than ten working days prior to the hearing; and
 - (4) documents in KIDS Contacts screen when and how Form 04MP030E was delivered.
7. **Foster parent's right and responsibility to participate.** Foster parents are advised of any local post adjudication review board meetings and special staffings, including scheduled permanency planning reviews, family team meetings, and of the foster parent's right and responsibility to participate.
8. **Previous placement information provided to foster parent.** Foster parents are provided the opportunity to contact and communicate with a previous foster parent for the child in order to share information about the child, if authorized

by the previous foster parent. The foster parent is informed of the number of times a child has been moved and the reasons for the moves.

9. Foster parent's role in development of individualized service plan. Foster parents are engaged in the development of and provided a copy of the court-approved treatment and individualized service plan.
10. Respect for the foster parents or placement providers. The CW worker treats the foster parent or placement provider as a professional member of the CW team and with dignity, respect, and consideration. A statement of foster parent rights may be viewed at 10A O.S. § 1-9-119. The CW worker cooperates with the foster parent or placement provider to provide a mutual exchange of information, including, but not limited to:
 - (1) the child's physical and emotional development;
 - (2) significant connections and behaviors that may affect the child's permanency plan and progress;
 - (3) school events; and
 - (4) any other concern.
11. Relationship between parents and foster parents. The CW worker helps facilitate the foster parent's role as a team member by encouraging a professional relationship between parents and foster and parents. The CW worker:
 - (1) facilitates the initial meeting between the parent(s) and foster parents within seven days of the child's placement to share information about the child and to begin the process of creating a relationship; and
 - (2) encourages ongoing communication between the foster and birth parents to effectively facilitate visitation, connection with family members, and meeting the identified needs of the child.
12. Foster parents' relationship with the child. Foster parents provide the child's basic needs, such as food, clothing, shelter, nurturing, emotional support, direction and guidance for the child's growth and development. The foster relationship may be recorded through photographs, Life Book, exchange of gifts, and contact after the placement is completed.
13. Documenting the child's personal history.
 - (1) Digital photographs. The CW worker ensures that each child is photographed with a digital camera a minimum of once every 12 months. The digital photograph is saved in the KIDS File Cabinet no later than five working days after the photograph is taken.
 - (2) Life Book. The CW worker ensures that each child has a Life Book and that the Life Book is maintained by the placement provider. A Life Book is available in Outlook in Public Folders/All Public Folders/STO DCFS/Life Book. The CW worker prints the applicable sections for the child and provides this to the placement provider if a Life Book has not been created for the child.
14. Documenting placement episodes. When a child is placed in out-of-home care, the CW worker documents the placement in the KIDS Placement screens no later than two working days after placement.

(1) A placement cannot be entered until a child's removal from the person responsible for the child is documented.

(2) If the placement is a kinship, paid or non-paid, or foster family home, Form 04FC011E, Placement Agreement for Out-of-Home Care, and Form 15GR004E, Notice of Grievance Rights - Minors in OKDHS Custody, are completed, provided to the placement provider, and recorded in the KIDS Document Tracking screen.

340:75-6-85.2. Diligent search for relatives and kin ■ 1

Revised 6-1-12

(a) **Placement preference.** When Oklahoma Department of Human Services (OKDHS) determines that placement with the noncustodial parent is not in the child's best interest, preference is given to relatives and persons who have a kinship relationship with the child, who are determined suitable, capable, and willing to serve as caretakers for the child per Section 1-7-106 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-106).

(1) OKDHS reports to the court what diligent efforts were made to secure the placement per 10A O.S. § 1-4-204.

(2) In cases where the Indian Child Welfare Act (ICWA) applies to the child, the placement preferences in OAC 340:75-19-14 are followed.

(b) **Due diligence to identify and notify relatives.** Per 10A O.S. § 1-4-203, within 30 days of the removal of a child, OKDHS exercises due diligence to identify relatives. Notice is provided by OKDHS to all grandparents and to other relatives as the court directs. Relatives are not notified if notification would not be in the best interests of a child due to past or current family or domestic violence. The notice advises the relatives:

(1) the child has been or is being removed from the custody of the parent or parents of the child;

(2) of the options under applicable law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice or become involved with the child; and

(3) of the requirements to become a foster family home and the additional services and supports available for children placed in the home.

INSTRUCTIONS TO STAFF 340:75-6-85.2

Revised 10-1-11

1. (a) **Relative and kinship placement consideration.** When a child cannot be placed with the custodial or noncustodial parent, relative and kinship placements are considered and preferable to other types of out-of-home placements because the placements:

(1) are less restrictive;

(2) allow children to maintain connection to kin, culture, and community; and

(3) are consistent with the mission of OKDHS in helping families help themselves.

(A) The first placement resource considered is the noncustodial parent.

- (B) Relative and kinship placements are made only when:**
 - (i) the placement meets required standards;**
 - (ii) the safety and well-being of the child can be ensured;**
 - (iii) the placement meets the treatment needs of the child; and**
 - (iv) the placement supports the permanency plan for the child and the child's family.**
 - (C) The CW specialist explores all avenues of information when conducting a diligent search for maternal and paternal relatives and kin for the child placed in OKDHS legal custody.**
- (b) Diligent search for relatives and kin.**
 - (1) Gathering information regarding important people in the child's life. When gathering information regarding important people in the child's life, the Child Welfare (CW) specialist:**
 - (A) obtains from each parent a list of all relatives or kin known to the parent. The comprehensive list includes relatives or kin that may or may not be appropriate or available for placement.**
 - (B) reviews the affidavit the parent completes upon the court's order at the emergency custody hearing per OAC 340:75-1-16 and Section 1-4-203 of Title 10A of the Oklahoma Statutes.**
 - (C) attempts to identify, locate, and contact all grandparents and other adult relatives and kin of the children. Appendix I-7, The Family Tree - Degrees of Kindred According to the Law, is a useful form to help identify possible relatives.**
 - (D) requests that the parent complete Form 04MP015E, Important People in the Child's Life;**
 - (E) presumes that relative or kin placement possibilities exist even though the parent:**
 - (i) indicates there are no relative or kin available or appropriate for placement; or**
 - (ii) is unwilling to provide information.**
 - (F) solicits information from each parent regarding the parent's placement preferences. Each parent is advised that consideration is given to the preferences, but no assurances are made regarding the placement determination;**
 - (G) provides each person, identified by the court or listed by the parent on Form 04MP015E or on the affidavit, Form 04CP006E, Letter of Notification to Adult Relatives, no later than 30 days after the child's removal, unless notification would not be in the best interests of the child due to past or current family or domestic violence.**
 - (H) contacts relatives in person or by telephone, to evaluate suitability for placement of, or contact with, the child. A family team meeting is utilized to help identify relatives and kin. The relative or kin is not determined inappropriate based solely on the relative or kin's failure to contact the CW specialist; and**
 - (I) enters each parent as a client to the KIDS case. Any other person is**

documented in the Family/Kinship Connections screen in KIDS;

(J) documents all efforts:

- (i) in KIDS on Form 04KI005E, Child's Individualized Service Plan (ISP);**
- (ii) in the Family/Kinship Connections screen;**
- (iii) on Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report; and**
- (iv) in the Contacts screen.**

(K) determines that sufficient efforts were made to contact the relative or kin when:

- (i) the the CW specialist has spoken with the relative or kin by telephone or in person;**
- (ii) the telephone number given has been disconnected and efforts to obtain a new number for the relative or kin have been unsuccessful; or**
- (iii) the letter to the relative or kin has been returned undeliverable and efforts to obtain a new address for the relative or kin were unsuccessful.**

(c) Assessing relatives and kin for placement.

- (1) During the contact with the relative or kin, the CW specialist assesses the person's ability and appropriateness for placement.**
- (2) When the relative or kin is interested in placement, the CW specialist completes the assessment process in accordance with OAC 340:75-7.**
- (3) When the relative or kin is not interested in placement or is determined to be inappropriate, the CW specialist attempts to obtain information about other relatives or kin that was not provided by the parent.**

(d) Protocol for continued diligent search efforts to locate relatives or kin. When efforts to locate an appropriate relative or kin are unsuccessful based on the information provided by the parent, the diligent search continues and the CW or diligent search specialist, when available through a referral by Form 04MP009E, Diligent Search Request:

- (1) reviews existing case records, including, but not limited to CW, Temporary Assistance to Needy Families (TANF), court, school, and child care;**
- (2) completes a search of the KIDS application, Information Management System (IMS), Juvenile Justice Information System (JOLTS), and Internet. A tool to assist in this search is Form 04MP010E, Relative/Kin Computer Search;**
- (3) utilizes the Oklahoma Child Support Services (OCSS) screens available in IMS and the Federal Parent Locator Service and requests assistance from OCSS to locate parents of children in the custody of OKDHS;**
- (4) obtains from the age-appropriate child, location information of any relative or kin known to the child;**

- (5) asks any known relative or kin to identify other relatives or kin. A tool to assist in this contact is Form 04MP011E, Diligent Search Contact Results; and
 - (6) attempts to contact and assess any relative or kin whose name and information is obtained during the diligent search process.
- (e) Placement disruptions and concurrent planning for alternate relative or kin placement. During a family team meeting or other contacts with relatives or kin, the CW specialist identifies, a minimum of three appropriate relatives or kin who may be eligible to provide placement for the child in the event of a placement disruption. If a child's placement disrupts, the CW specialist:
 - (1) consults with the relative or kin designated as an alternate placement for the child; and
 - (2) coordinates the child's transition from the disrupted home to the newly approved home.
- (f) Protocol for assessing relatives or kin who reside out-of-state.
 - (1) When a relative or kin is located out-of-state and indicates a desire to be a placement resource, the CW specialist obtains:
 - (A) affirmation that the potential placement resource is:
 - (i) interested in becoming a placement resource for the child and is able to facilitate visitation when reunification is the plan; or
 - (ii) interested in becoming the permanent placement resource if reunification efforts are unsuccessful; and
 - (iii) willing to cooperate with the ICPC process; and
 - (B) the name and correct address of the potential placement resource;
 - (C) all available telephone numbers and other contact information for the potential placement resource;
 - (D) the date of birth and Social Security number of each adult residing in the potential placement resource's home;
 - (E) a detailed description of the number and type of rooms in the potential placement resource's residence to accommodate the child under consideration;
 - (F) the number of people, including children, who will be residing in the potential placement resource's home;
 - (G) information to determine whether the potential placement resource has the financial resources or will access financial resources to feed, clothe, and care for the child;
 - (H) the plan for child care and how it will be paid for when required due to age or needs of the child; and
 - (I) acknowledgment by the potential placement resource that a criminal records and child abuse history check is completed on any person residing in the home required to be screened under the law of the receiving state and to the best knowledge of the potential resource placement, no person residing in the potential resource

placement's home has a criminal history or child abuse history that would prohibit the placement.

(2) The CW specialist:

(A) advises the relative or kin, when the permanency plan is reunification, that one of the deciding factors regarding placement of the child is whether the placement will enable parent and child visitation.

(i) When the out-of-state relative or kin is able to provide sufficient visitation, placement with the relative or kin is preferable to placement with a non-relative.

(ii) The child remains in-state when visitation is not feasible in the out-of-state placement;

(B) consults with the CW supervisor to determine:

(i) if the ICPC referral is appropriate based upon information obtained from the potential out-of-state placement resource;

(ii) whether the plan is for immediate placement with the out-of-state relative or kin upon receipt of an approved home study; or

(iii) whether the out-of-state relative or kin is considered for permanent placement in the event reunification is unsuccessful.

(C) informs the potential out-of-state placement resource within two business days of consultation with the CW supervisor that an ICPC home study referral request:

(i) will not be made and the basis for the decision; or

(ii) will be initiated per OAC 340:75-1-86, for an assessment of the relative's or kin's home within 30 days of the determination that relative's or kin's request for placement is appropriate;

(D) when appropriate, opens an "Other Services Workload Request" to document in KIDS that an ICPC home assessment has been requested from another state. The Type of Service Request is documented as ICPC-Sending Out-of-State;

(E) assists to maintain the relationship between the child and relative or kin by facilitating contact between the relative or kin and the child during the ICPC home study process;

(F) keeps the relative or kin informed of the permanency plan progress and the feasibility of reunification;

(G) advises the placement provider(s) that the permanency plan is to move the child to the out-of-state relative or kin placement if reunification is unsuccessful; and

(H) moves the child immediately to the out-of-state placement when:

(i) the relative or kin's home is approved by ICPC and sufficient visitation can be facilitated; or

(ii) the permanency plan is no longer reunification.

340:75-6-85.3. Sibling placement ■ 1 through 4

Revised 3-26-10

(a) When two or more children in foster care are siblings, every reasonable attempt is made to place siblings in the same home. In making a permanent placement, siblings are placed in the same permanent home, or if the siblings are separated, are allowed contact or visitation with other siblings, provided, the best interest of each child is the standard for determining whether siblings are placed in the same foster placement or permanent placement, or allowed contact or visitation with other siblings per Section 1-7-107 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-107).

(b) Per 10A O.S. § 1-7-106, a placement is made that meets the treatment needs of the child and supports the permanency plans for the child and family; however, when a child is determined to be an Indian child, as defined by the federal and state Indian Child Welfare Acts, the placement preferences specified by Section 1915 of Title 25 of the United State Code and Section 40.2 of Title 10 of the Oklahoma Statutes apply.

INSTRUCTIONS TO STAFF 340:75-6-85.3

Revised 6-2-12

1. (a) **Judicial findings related to sibling placement. The Oklahoma Children's Code requires the court at various hearings to determine whether Oklahoma Department of Human Services (OKDHS) has made reasonable efforts to:**
 - (1) place siblings, who have been removed, together in the same foster home, guardianship, or adoptive placement; and
 - (2) provide for frequent visitation or other ongoing interaction between siblings who have been removed and who are not placed together.
- (b) **Reasonable efforts to place siblings together. Examples of reasonable and ongoing efforts to place siblings together include, but are not limited to:**
 - (1) conducting family team meetings that address sibling placements and explore potential relatives who may be appropriate and capable of providing placement for the sibling group;
 - (2) diligent search for relatives and important people in the child's life who are appropriate and capable of providing placement and connections for the sibling group per OAC 340:75-6-85.2;
 - (3) informing and conducting ongoing discussions with the foster care specialist or county of placement specialist regarding the need to place siblings together;
 - (4) requesting that the placement providers for siblings notify the Child Welfare (CW) specialist or foster care specialist when an opening for a sibling occurs in the placement provider's home; and
 - (5) issuing Form 04CP006E, Letter of Notification to Adult Relatives, to known relatives to seek a placement resource or relative connections for the siblings.
2. **Sibling placement reviews by Children and Family Services Division (CFSD). CFSD permanency planning (PP) staff reviews reports and queries monthly from sources such as Report YI104, Child Information Report, and KIDS Contacts screens, to determine whether siblings are placed together in the same placement.**
 - (1) **When siblings are not placed together, CFSD PP staff contacts the assigned CW specialist or supervisor to discuss the barriers to placing**

- siblings together. Examples of barriers may include, but are not limited to:
- (A) a sibling placed with his or her father or other family member who is unrelated to the other siblings;
 - (B) a sibling placed in a higher level of care to address that sibling's individual treatment needs; or
 - (C) behavioral health or similar issues of one or more of the siblings.
- (2) CFSD PP staff offers the CW specialist and supervisor assistance and guidance regarding placing siblings together when sibling placement is appropriate. Assistance and guidance by CFSD staff includes, but is not limited to:
- (A) review and assessment of case information, related to sibling relationships, provided from all parties including behavioral health professionals and placement providers;
 - (B) additional diligent search when needed for relatives and important people in the child's life who are appropriate and capable of providing placement and connections for the sibling group;
 - (C) participation in family team meetings to develop a plan to reunite the siblings in placement, or when factors prevent placement together, a plan to keep the siblings connected; and
 - (D) training for staff as requested or identified.
3. Sibling placement review at family team meetings. At each family team meeting, per OAC 340:75-6-31.1, a review is conducted of each sibling's placement to determine whether each child is placed with relatives and whether siblings are placed together.
4. Sibling placement review at Permanency Roundtable (PRT) meetings. At each PRT involving siblings who do not reside in the same placement, the PRT substitutes for the CFSD sibling placement review.
- (1) When the PRT team determines placing siblings together is appropriate:
 - (A) action steps are developed as part of the permanency action plan to accomplish the goal of placing siblings together;
 - (B) the PRT is documented in KIDS Contacts screen; and
 - (C) the permanency action plan is stored in the KIDS File Cabinet.
 - (2) When the PRT team determines placing siblings together is not feasible:
 - (A) action steps are developed as part of the permanency action plan to document the completed sibling placement review;
 - (B) the CFSD permanency planning member of the PRT core team sends an email to the Sibling Placement Review folder in Outlook with notification of the sibling placement plan to trigger completion of the CFSD required documentation; and
 - (C) the permanency action plan is stored in the KIDS File Cabinet.
5. Sibling separation. Sibling separation may be in the child's best interests when:
- (1) a sibling physically or emotionally endangers the health and well-being of another sibling and efforts to address the behaviors with counseling or therapy have failed;

- (2) adoption is the permanency plan, and the:
 - (A) CW specialist and adoption specialist have thoroughly explained adoption and answered any questions the sibling may have about adoption; and
 - (B) sibling is of the age to consent to adoption and does not wish to be adopted;
 - (3) siblings are placed with different relatives and a plan is in place for continued sibling contact;
 - (4) a licensed mental health professional has determined, and provided a signed letter or report; that movement of the sibling from the current caregiver would be detrimental to the sibling's emotional health, development, and well-being; and
 - (5) efforts to place the siblings together have been exhausted and documented in the Relative/Kinship Connections screen, on Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, and in the KIDS Contacts screen.
- 6. Permanency plan of adoption and sibling placement. When the permanency plan is adoption, the CW specialist, prior to initiating a sibling placement review request, assesses:
 - (1) the length of time the siblings have been separated;
 - (2) the efforts made to place the siblings together;
 - (3) the factor(s) that led to the disruption of the placement, if the siblings were previously placed together in out-of-home placement;
 - (4) the day-to-day behavior of the children at home, in school, and at other public gatherings;
 - (5) the type and frequency of contact between the siblings;
 - (6) whether the children have been in counseling together or separately;
 - (7) the recommendations of any counselor or therapist involved with the children; and
 - (8) whether the children desire placement together.
- 7. Inappropriate reasons for sibling separation. Examples of inappropriate reasons for sibling separation include:
 - (1) the children have been separated in out-of-home placement and no efforts have been made to place them together;
 - (2) an infant is not placed with older siblings and is determined to not have a relationship with these siblings; and
 - (3) siblings have been in separate placements and no efforts have been made to facilitate contact; therefore, the children do not know one another.
- 8. Child welfare specialist responsibilities during sibling separation. During sibling separation, the CW specialist facilitates contact between the siblings through frequent visits, phone calls, letters, and other ongoing interaction and enlists the current providers in the facilitation and maintenance of the contacts.
 - (1) The CW specialist inquires, during each required monthly visit with the placement provider, regarding the type and amount of sibling contact

facilitated by the provider during the previous month.

(2) The sibling contact facilitated by the placement provider is documented in the KIDS Contact screen.

(3) When no sibling contact has occurred in the previous month, the CW specialist facilitates a sibling visit, phone call, letter, or other interaction within two weeks.

9. (a) Information provided to placement providers regarding sibling placement. When siblings are placed separately and the plan is to reunite the siblings in the same placement, the CW specialist informs each sibling's placement provider during the required monthly visit that:

(1) ongoing efforts are being made to place the siblings together;

(2) the move will be implemented at the first available opportunity;

(3) the provider's home will not be considered as a permanent placement, unless sibling reunification can be achieved and all sibling's needs can be appropriately met in the provider's home; and

(4) the plan to place siblings together does not negate the foster parent's right to the five-day notice and ability to object to the child's move, when applicable.

(b) The CW specialist documents ongoing efforts to place siblings together in KIDS Family/Kinship Connections screen, KIDS Contacts screen, and on Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report.

340:75-6-85.4. Permanency plan of adoption

Revised 7-1-11

The preferred permanency plan for a child in Oklahoma Department of Human Services custody who cannot return home is adoption with extended family, foster family, or an approved adoptive resource family. In most cases, the adoptive home is the relative, kin, or Bridge family with whom the child is currently placed. ■ 1

INSTRUCTIONS TO STAFF 340:75-6-85.4

Revised 7-1-11

1. Protocol for placing a child in an adoptive placement.

(1) When adoption is determined the appropriate plan, the Child Welfare (CW) worker prepares the child for adoption while concurrently recruiting when applicable, processing, and approving a qualified family for the child.

(2) Efforts to place a child for adoption begin immediately after the Child Welfare (CW) worker determines the plan for reunification is no longer feasible or a poor prognosis is determined after completion of Form 04MP040E, Concurrent Planning Determination Tool.

(3) The CW worker does not wait for a court hearing, a finding of reasonable efforts have been made and failed, or until parental rights are terminated to begin the process. When the CW worker and supervisor, and when needed, in consultation with the Child Welfare Field Liaison (CWFL) or Children and Family Services Division (CFSD) permanency planning

program staff, determine the child's permanency plan should be changed to adoption, or when a concurrent plan of adoption is required, the CW worker:

(A) determines if the parent is considering relinquishment of parental rights during the CW worker's monthly contact or during a family team meeting;

(B) makes a recommendation in writing to the district attorney's (DA) office to accept a relinquishment of parental rights when the parent is amenable or requests a motion or petition to terminate parental rights.

The recommendation to terminate parental rights includes:

(i) a brief summary of child welfare history, including reasons for and date of, the most current adjudication;

(ii) any previous court involvement;

(iii) the number of months the child has been in Oklahoma Department of Human Services (OKDHS) custody;

(iv) supporting information for the recommendation to terminate parental rights including, but not limited to:

(I) the parent's failure to correct conditions per the court ordered individualized service plan;

(II) abandonment of the child by the parent; or

(III) the child has been in OKDHS custody for 15 of the most recent 22 months;

(C) updates the KIDS/Par Rights/Recommend screen to reflect the termination of parental rights (TPR) request;

(D) facilitates the adoption process by:

(i) documenting the change of the child's permanency plan in KIDS within two business days of the decision to change the permanency plan or concurrent plan to adoption by updating:

(I) Form 04KI014E, Individualized Service Plan (ISP) Progress Report; or

(II) the CasePlan/PermPlan KIDS screen;

(ii) within two business days of the decision to select adoption as the permanency plan, notifying the adoption specialist or supervisor assigned to the county of jurisdiction, by e-mail, in person, or by phone of the need for an adoption consultation. The notification includes:

(I) the child's name;

(II) date of birth;

(III) KK#;

(IV) child's legal status, briefly summarized;

(V) whether there is an identified adoptive placement resource for the child;

(iii) Within 10 business days after notification of the need for adoption consultation, the CW worker and adoption specialist participate in an adoption consultation discussing:

- (I) the child's legal status and potential plan TPR;
 - (II) barriers to termination of parental rights, and when the child is not legally free for adoption the anticipated date the child will be legally free;
 - (III) siblings, placement of the siblings, and the status of the sibling placement reviews, when applicable;
 - (IV) results of diligent search and availability of relative placement;
 - (V) prospective adoptive caregiver, when applicable;
 - (VI) date for criteria staffing and persons to invite to the criteria staffing, when applicable.
- (4) Until a motion or petition to terminate parental rights is filed, the CW worker continues to address the child's need for permanency through the facilitation of family team meetings in accordance with OAC 340:75-6-31.1 Instructions to Staff (ITS).
- (5) When the DA's office has filed a motion or petition to terminate parental rights the CW worker documents the date the motion or petition is filed by the DA or child's attorney in the KIDS/Par Rights/Recommend screen.
- (6) A criteria staffing is held per OAC 340:75-15-6. The CW worker is a mandatory participant in the staffing. The CW worker:
- (A) prior to the criteria staffing, prepares Form 04AN020E, Adoptive Placement Criteria Staffing, with the information available to the CW worker at the time;
 - (B) notifies required participants of the criteria staffing, including the:
 - (i) area adoption specialist;
 - (ii) the child's CW worker and CW supervisor;
 - (iii) Indian child welfare worker, when applicable; and
 - (iv) court-appointed special advocate (CASA), when applicable;
 - (C) invites other persons to the criteria staffing that may assist in planning for the child, including when applicable, but not limited to the:
 - (i) Developmental Disabilities Services Division (DDSD) case manager;
 - (ii) therapeutic foster care (TFC) therapist;
 - (iii) Child Welfare Field Liaison (CWFL);
 - (iv) SoonerStart representative;
 - (v) Office of Juvenile Affairs personnel; and
 - (vi) the OKDHS resource specialist.
- (7) When all parties are not in agreement with the plan for adoption the criteria staffing is completed in conjunction with a family team meeting per OAC 340:75-:75-6-31.1 Instructions to Staff.
- (8) All participants in the criteria staffing and the related family team meeting are required to review and sign Form 04AN020E, even when the person was not present at the criteria staffing.

- (9) The CW worker attaches to Form 04AN020E:**
- (A) the most recently completed Form 04MP046E, Family Team Meeting Guide and Summary, when the criteria staffing is not completed during a family team meeting; and**
 - (B) a copy of any court order or court minute issued by the court of jurisdiction referencing the adoptive placement of the child. When a court order or court minute is not available for attachment, an action step is identified on Form 04AN020E to obtain the document(s).**
- (10) The CW worker documents the date the final sibling placement review was completed or identifies the need as an action step on Form 04AN020E when a review is needed.**
- (11) The CW worker notifies the adoption specialist that the child is anticipated to be legally free within six months. The adoption specialist initiates the home assessment and child profile process.**
- (12) Within five business days of receipt of the approved adoptive assessment(s), the CW worker completes Form 04AN024E, Adoptive Placement Recommendation Worksheet, and submits Form 04AN024E to Children and Family Services Division Adoption Services Section to request authorization of the selected prospective adoptive placement, per OAC 340:75-15-45 when:**
- (A) all parental rights of adults named as parties in the deprived case have been terminated;**
 - (B) the child's mother's parental rights have been terminated and the identity of the child's father is unknown;**
 - (C) a termination of parental rights hearing is set to occur within the next 60 days and termination is likely to occur at the hearing;**
 - (D) the child's parent(s) has voluntarily relinquished parental rights to the child; or**
 - (E) the permanency planning supervisor and adoption supervisor determine a request for authorization of the selected prospective adoptive placement is appropriate.**
- (13) When the prospective adoptive parent is not approved, the CW worker refers the child to the next Statewide Adoption Staffing available after receipt of the unapproved family assessment, per OAC 340:75-15-14.**
- (14) When a prospective adoptive parent is not identified during the criteria staffing, the CW worker refers the child to the next Statewide Adoption Staffing available after receipt of the Child Profile, per OAC 340:75-15-14 provided the child's legal status is as outlined in (12) (A) - (E) of this instruction.**
- (15) A Statewide Adoption Staffing is held per OAC 340:75-15-42 for a child with no identified prospective adoptive parent provided the child's legal status is as outlined in (12) (A) - (E) of this instruction.**
- (A) When a prospective adoptive parent(s) is identified during the statewide adoption staffing, the CW worker:**
 - (i) reads each resource family assessment no later than ten business**

days after the staffing when there are ten or fewer prospective adoptive parents identified, or no later than one month after the staffing if there are more than ten prospective adoptive parents identified; or

(ii) contacts the area adoption specialist for assistance in screening the families;

(iii) completes Form 04AN025E, Adoptive Placement Recommendation – Supplemental Worksheet, when necessary; and

iv) initiates authorization of the selected prospective adoptive placement per OAC 340:75-15-45 within five business days after the selection of the prospective adoptive placement.

(B) When no prospective adoptive parent is identified during the statewide adoption staffing, the CW worker:

(i) refers the child for child-specific targeted recruitment no later than ten business days after the statewide adoption staffing per OAC 340:75-15-82;

(ii) works diligently to find a prospective adoptive parent for the child;

(iii) presents the child's case again at the next statewide adoption staffing per OAC 340:75-15-42; and

(iv) initiates the authorization process for the selected prospective adoptive placement per OAC 340:75-15-45 no later than five business days after selection of the prospective adoptive parent by review of adoptive assessment(s) received through the recruitment process.

(16) The child's CW worker emotionally and psychologically prepares the child to accept a new family through a series of steps and activities. Others enlisted to assist in the preparation process may include the child's current caregiver, therapist, court-appointed special advocate (CASA), tribal worker, and any other individual deemed appropriate to assist. The child's CW worker discusses with the child:

(A) the child's understanding of why the child is in foster care. This helps the worker determine if the child's understanding is based upon accurate information. It is important the child has accurate information based upon the child's ability to process the information. The CW worker solicits assistance from professionals when the need is indicated;

(B) what termination of parental rights means for the future and why it was necessary in the child's situation. The worker is realistic in explaining why the child's parent(s)' rights were terminated;

(C) a person's ability to love more than one person and be a part of different kinds of families;

(D) the emotional hurt, loss, and pain the child has experienced and may experience in the future;

(E) what the child would say to the birth parents now if the child could;

(F) other children and their situations and feelings as examples to

- explain separation, loss, and acceptance of a new family when the child will not discuss his or her specific situation or feelings;
- (G) the questionnaire, "My Feelings about Adoption," when the child is age 13 years of age or younger or OKDHS Publication Number 05-09, "The Adoption Guidebook," when the child is older than 13 years of age, with consideration of the child's emotional and maturity levels. Companion books to "My Feelings About Adoption" and "The Adoption Guidebook" are also available to assist the CW worker when discussing the questionnaires with the child. These are available from the Children and Family Services Division (CFSD) Adoption Section. The CW worker:
- (i) assists the child with completing the "My Feelings About Adoption" questionnaire;
 - (ii) attaches the completed questionnaire to Form 04AN022E, Child Profile Assessment for Adoption, ensuring availability to the Adoption Selection Committee when the child's case is staffed;
 - (iii) asks the resource parent or caregiver to complete, when possible, Form 04AN026E, Assessment of Child by Caregiver, and attaches it to Form 04AN022E; and
 - (iv) solicits assistance and information, as needed, from other professionals, including psychologists, therapists, and others who have seen the child or to whom the child needs to be referred prior to placement;
- (H) the child's concerns and fears of the unknown and explains that the new family has fears and concerns too;
- (I) that the child will not have to move again if everything goes well and if this is the right family. The worker gives the child reasons to hope for success, but does not use terms like "forever home" and "forever placement";
- (J) that there are things the worker cannot personally guarantee, such as visits or contacts with former friends, relatives, resource parents, or siblings, because only the adoptive parent can make those decisions. The CW worker:
- (i) advises the child the adoption worker will explain the importance of sibling relationships to the adoptive parent(s);
 - (ii) provides information about the child's siblings to the adoption worker; and
 - (iii) encourages the adoptive parents to make a plan for ongoing sibling contact after the adoption; and
- (K) the new family and the transition that will take place. The worker explains the plan for placement, including visits with the adoptive family.
- (17) After notification of authorization of the prospective adoptive placement, the CW worker and adoption specialist begin the steps to transition the child to the trial adoptive placement, per OAC 340:75-15-6 Instructions to Staff (ITS) # 7.

(18) Within five business days after a child has been placed in the authorized trial adoptive placement, the supervisor of the primary county worker:

(A) reviews the paper case record and verifies the record contains legal documents for all applicable parents, including the:

- (i) initial order placing child in the emergency custody of OKDHS;**
- (ii) initial petition and any subsequent amended petitions;**
- (iii) adjudication orders;**
- (iv) order placing child in the temporary custody of OKDHS;**
- (v) dispositional order(s);**
- (vi) order terminating parental rights;**
- (vii) relinquishment of parental rights documents, when applicable; and**
- (viii) order placing child in the permanent custody of OKDHS.**

(B) completes the appropriate assignment of the biological paper and KIDS case record, per OAC 340:75-15-103.

(19) The CW worker ensures the child's Lifebook is current.

(20) After authorization of trial adoptive placement, the CW worker in the county of jurisdiction:

(A) maintains monthly contact with the assigned adoption specialist by phone, e-mail, or in person;

(B) prepares the appropriate court or progress report(s);

(C) attends the deprived court hearing(s);

(D) advises the adoption specialist by phone or e-mail of the date of the deprived court hearing at least ten business days prior to the hearing to allow the adoption specialist to give notice of the hearing to the adoptive family, per OAC 340:75-6-85, Instructions to Staff # 6;

(E) when the court has retained the right to consent to the adoption, obtains the court's consent and provides the original, signed consent form to the adoption specialist within five business days of notification of the need for the court's consent;

(F) requests dismissal of the deprived court case within five business days of notification by the adoption specialist of the adoption finalization when the finalization is not granted by the same judge with responsibility over the deprived case; and

(G) notifies Oklahoma Child Support Services of the adoption finalization within five business days, when child support was ordered by the court in the deprived case.

(21) In the event of an adoption disruption, the CW worker re-initiates placement search process as outlined in (1) – (19) of this Instruction.

340:75-6-85.5. CW) worker responsibilities for supervision only cases

Revised 3-26-10

(a) The court may order, per Section 1-4-707 of Title 10A of the Oklahoma Statutes, the child placed under the Oklahoma Department of Human Services (OKDHS) protective

supervision:

- (1) in the home of the parent or legal guardian with whom the child was residing at the time the events or conditions arose that brought the child within the jurisdiction of the court; or
 - (2) with the noncustodial parent, if available, upon completion of a home assessment.
- (b) In supervision only cases, the court may issue written orders specifying:
- (1) reunification services be provided to the parent or legal guardian from whom the child has been or is being removed;
 - (2) services be provided solely to the parent who is assuming physical custody of the child to allow that parent to later obtain legal custody without court supervision;
 - (3) services be provided to both parents, in which case the court determines at a subsequent hearing, which parent, if either, will have custody of the child;
 - (4) the alleged father must cooperate in establishing paternity as a condition for the child's continued placement, if the child is ordered into the home of a father whose paternity has not been established;
 - (5) a person residing in the home, vacate the child's home indefinitely or for a specified period within 48 hours of the order;
 - (6) a parent or legal guardian of the child prevent a particular person from having contact with the child;
 - (7) conduct to be followed by any person living in the home that is in the best interests of the child; and
 - (8) the order placing the child under supervision by OKDHS in the child's own home will remain in effect for a period of one year with extension or reduction of the period of supervision in appropriate circumstances. ■ 1

INSTRUCTIONS TO STAFF 340:75-6-85.5

Revised 3-26-10

1. (a) **Case documentation.** For supervision only cases, the Child Welfare (CW) worker updates the appropriate KIDS screens and documents, including:
 - (1) Form 04KI028E, Family Functional Assessment;
 - (2) Form 04KI012E, Individualized Service Plan (ISP); and
 - (3) Form 04KI009E, Court Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report.
- (b) **Contact requirements.** The type of placement determines the amount of the CW worker's contact with the child. Refer to OAC 340:75-6-48(a)(9) for contact requirements. Visits are made more frequently when case circumstances indicate.
- © **Protocol when contacts cannot be made with the family.** If the CW worker's attempted contact is not successful, every effort is made to locate the family and to ensure the child's safety. If the CW worker's attempts to locate the family are unsuccessful, refer to OAC 340:75-6-48.3, Instructions to Staff (ITS).
- (d) **Protocol when the family is located.** Refer to OAC 340:75-6-48.3 ITS.
- (e) **Protocol when the CW worker is unable to locate the family.** Refer to OAC 340:75-6-48.3 ITS.

- (f) **Protocol for case closure.** Following the one year of supervision, if child abuse or neglect is not an issue and neither the child nor the child's custodial parent(s) needs intervention by CW, the CW worker recommends to the court that the Oklahoma Department of Human Services (OKDHS) be relieved of supervision responsibilities.
- (g) **Emergency protocol when a child is determined unsafe.** At any time during CW involvement, if the child is unsafe, CW may initiate proceedings for emergency custody to protect the child.
- (h) **Permanency planning.** When a child is under the supervision of OKDHS but is placed in the custody of an individual(s) other than the parent(s), legal guardian(s), or custodian(s), the CW worker advocates for permanency for the child. Family team meetings are held in accordance with OAC 340:75-6-31.1.

340:75-6-85.6. Voluntary foster care for a child born to a youth in Oklahoma Department of Human Services (OKDHS) custody

Revised 3-26-10

Voluntary foster care is available for a child born to a youth in Oklahoma Department of Human Services custody if the child can reside safely with the minor parent. ■ 1

INSTRUCTIONS TO STAFF 340:75-6-85.6

Revised 3-26-10

1. **Voluntary placement by youth in custody.** When a youth in Oklahoma Department of Human Services (OKDHS) custody gives birth to a child, the youth is allowed to make the decision regarding placement of the child. If the youth in custody who is the parent is unable or unwilling to participate in appropriate planning for the child, legal custody of the child is sought through the district attorney's office to give OKDHS authority to care and plan for the child.
 - (1) **Decision-making.** If a youth in custody requests voluntary placement of his or her child, the Child Welfare (CW) worker considers (A) through (D) to assess the appropriateness of voluntary long-term placement.
 - (A) Do issues of safety, protection, and well-being exist?
 - (B) Is there an available placement who will accept the youth and child?
 - (C) Does the placement provider agree to assist the youth by teaching and modeling parenting skills and assist the mother with independent living skills?
 - (D) Is the youth willing to work on an individualized service plan that outlines the steps to assist the youth in caring for the child?
 - (2) **Procedures.** If voluntary placement has been determined appropriate, the CW worker:
 - (A) sends a written request to the CW supervisor setting out the plan and length of care. The CW supervisor approves or denies the request in writing. These documents are filed in the paper case record;

(B) provides the youth with Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Family Home Placement and Medical Care of Child, for the youth's signature;

(C) opens a voluntary foster care case in KIDS. The youth in custody is designated the parent. The placement episode for the child is entered in the voluntary foster care case, not the permanency planning case of the youth in custody; and

(D) develops an individualized service plan that addresses:

- (i) safety and protection of the child without court intervention;**
- (ii) the role and responsibility of the placement provider;**
- (iii) appropriate child care plans while the youth is attending school, working, or involved in extracurricular activities; and**
- (iv) measures for ensuring the child's basic needs are met.**

340:75-6-86. Changes in child's living arrangements

Revised 12-1-10

(a) Notification requirement when a child in Oklahoma Department of Human Services (OKDHS) custody is moved from one location to another. ■ 1 and 2 Section 1-4-804 of Title 10A of the Oklahoma Statutes (10A O.S. 1-4-804) requires that when a child in Oklahoma Department of Human Services (OKDHS) custody is moved from one location to another, OKDHS must notify, within a reasonable time after OKDHS is made aware of the need for movement, but in no event less than five judicial days prior to movement unless an emergency exists the:

- (1) court of jurisdiction;
- (2) child's attorney;
- (3) district attorney;
- (4) Post Adjudication Review Board (PARB);
- (5) court-appointed special advocate (CASA); and
- (6) guardian ad litem of the child, if any.

(b) Emergency movement of a child in OKDHS custody. "Emergency," as used in 10A O.S. § 1-4-804, means movement of a child that is:

- (1) pursuant to an order of the court including, but not limited to, an order authorizing placement of a child with a parent or sibling;
- (2) immediate removal of the child without delay or notice requested by the child-placing agency or foster parent of the child;
- (3) for emergency medical or mental health treatment;
- (4) for substantial noncompliance by a foster parent or child-placing agency with applicable placement standards and agreements such that the child is in imminent danger; or
- (5) due to a pending investigation of an allegation of abuse or neglect of a child by a foster parent or child-placing agency or other person residing in the foster family home.

(c) Removal from foster care and required notification when a child has resided in the foster home for three months or more. ■ 2 Pursuant to 10A O.S. § 1-4-805, except in an emergency, when a child has been in a foster home three months or more, written notice is provided to the foster parent, including tribal, emergency, therapeutic,

Developmental Disabilities Services Division (DDSD), regular, and kinship care, and to the court five judicial days prior to removal of the child from the placement. The length of time applies to placement in each individual therapeutic or emergency foster care home and not placement with the therapeutic or emergency foster care agency.

(d) Foster parent's objection to removal when a child has resided in the foster home for more than six months. When a child has been in the same foster home for more than six months, the foster parent has the right to file a written objection to the child's removal from the foster home per 10A O.S. § 1-4-805. This objection must be filed with the court and served on OKDHS within five judicial days after receipt of the notice to remove the child. Timely filing and service of the objection stays removal of the child pending review by the court, unless the reason OKDHS stated for removal is due to an emergency, as defined in subsection (b) of this Section including:

- (1) placement of a child with a parent or a sibling pursuant to an order of the court;
- (2) immediate removal of the child without delay or notice requested by the child-placing agency or foster parent of the child;
- (3) for emergency medical or mental health treatment;
- (4) for substantial noncompliance by a foster parent or child-placing agency with applicable placement standards and agreements such that the child is in imminent danger; or
- (5) due to a pending investigation of an allegation of abuse or neglect of a child by a foster parent or child-placing agency or other person residing in the foster family home.

(e) Hearing on any party or foster parent's objection to removal of child. When a child is being removed from a foster home and any party or the foster parent has filed an objection, an informal placement review hearing is held within 15 judicial days per 10A O.S. § 1-4-805. The court may order that the child remain in, or be returned to, the home of the objecting foster parent if the court finds the OKDHS placement decision was arbitrary, inconsistent with the child's permanency plan, or not in the best interests of the child.

INSTRUCTIONS TO STAFF 340:75-6-86

Revised 12-1-10

- 1. Tribal notification of change in placement.** When a child in Oklahoma Department of Human Services (OKDHS) custody is moved from one location to another, OKDHS notifies the tribe when applicable, within a reasonable time after OKDHS is made aware of the need for movement, but in no event less than five judicial days prior to movement unless an emergency exists. OKDHS requests the tribe assist in identifying an appropriate placement within the Indian Child Welfare Act (ICWA) placement preferences.
- 2. Notification of change in placement.** The Child Welfare (CW) worker in the county of jurisdiction immediately completes Forms 04KI025E, Change in Placement Notification for Child's Attorney, and 04KI026E, Change in Placement Notification for Judge, for any change in placement, including the initial placement, for the child in Oklahoma Department of Human Services (OKDHS) custody. When the change is due to an emergency, the CW worker provides the notification the next business day.

3. Removal of child from placement.

(1) Assessment of emergency removal from placement. Before emergency removal of a child from a foster parent, an assessment is made by the child's CW worker, supervisor, foster resource specialist, and CW field liaison (CWFL) to determine the best course of action to avoid trauma to the child and disruption of the child's placement, when possible per OAC 340:75-3-8.1. When multiple counties are involved, the assessment includes the CW county of jurisdiction worker, CW supervisor, and CWFL.

(2) Notification of removal from placement. The child's CW worker:

(A) prepares two originals of Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement;

(B) obtains the supervisor's approval;

(C) hand delivers Form 04MP014E, to the foster parent at least five judicial days before the change of placement occurs, unless an emergency exists and advance notice is not required.

(i) In the event of an emergency, Form 04MP014E is provided at the time of the child's removal, when possible.

(ii) When not provided at the time of the child's removal, Form 04MP014E is provided no later than one business day after the removal;

(D) documents in KIDS Contacts screen, all communications with the foster parent regarding the child's removal; and

(E) advises the foster parent to seek legal counsel, when a foster parent has questions about filing an objection.

(3) Documenting notification to foster parent of removal.

(A) The child's CW worker obtains the signature of the foster parent on two originals of Form 04MP014E, and one original form is given to the foster parent. When the foster parent refuses to sign the form, CW staff documents the refusal on the original retained by OKDHS and in KIDS Contacts screen.

(B) The second original form signed by the foster parent is retained by OKDHS and filed in the child's paper case record. One copy is filed in the resource record and a copy is sent to the court and the therapeutic or emergency foster care agency or tribe, when applicable.

(4) Emergency removal from placement.

(A) When the decision to remove a child is based on an emergency and the child's removal will occur from a location other than the child's placement, the child's CW worker:

(i) immediately makes every effort to notify the foster parent; and

(ii) continues these efforts until contact, in person or by phone, is made with the foster parent.

(B) Notification attempts are made in the manner and order described in (i) through (iii).

(i) The child's CW worker makes a home visit to the foster parent immediately after placement of the child in the new location.

(ii) When the foster parent is not home, the child's CW worker leaves a note instructing the foster parent to immediately contact the child's CW worker.

(iii) The child's CW worker immediately phones the foster parent's residence and leaves a phone message with contact instructions when the foster parent has voice mail.

(5) Placement disruptions.

(A) When the child's placement disrupts, the child's CW county of placement worker, when applicable:

(i) immediately phones the CW county of jurisdiction worker to determine other placement options to meet the child's needs, including placement preferences according to ICWA. Prior to placing the child the CW workers involved consider:

(I) whether the child has family or other established connections in the community of placement, such as friends, school, and place of worship;

(II) the need for further diligent search efforts for relatives;

(III) placement with siblings or placement in close proximity to siblings;

(IV) the need to maintain the child's education in the same school district;

(V) the need for continuation of counseling and therapy with the same provider;

(VI) placement in close proximity to the parent(s), when reunification is the permanency plan; and

(VII) placement in accordance with the ICWA; and

(ii) in an emergency situation, such as a placement disruption after working hours, weekends, and holidays, makes every attempt to maintain the child in the county of placement in the approved alternate caregiver's home when appropriate, or in relative or kinship respite care until further assessment of the child's needs is conducted the next business day. For example, the CW county of placement worker, places the child in a relative or kinship home, another foster home, or youth services shelter in or near the county of placement.

(B) Responsibilities of workers in any county do not end until the child is placed. Transportation responsibilities from the county of placement are contingent upon the distance required to facilitate another placement. When the new placement is located in a county that is:

(i) closer to the county where the placement disrupted, the CW county of placement worker transports the child to the new placement; or

(ii) between the county of placement and jurisdiction, CW staff share or split the time involved in transporting the child. CW staff in the county of the disrupted placement meet CW county of jurisdiction

staff at an agreed upon location, between the county where the placement disrupted and the county in which the child will be placed.

4. Notification to parents. The parent, legal guardian, or custodian involved with the child and court case is informed of:

- (1) all changes in the child's living arrangements;
- (2) the address of the child's placement when case circumstances allow; and
- (3) the child's location when needed for scheduled family visits or correspondence.

340:75-6-88 Medical services for children in Oklahoma Department of Human Services (OKDHS) custody ■ 1 through 14

Revised 12-1-10

(a) Medical services for a child in OKDHS custody in out-of-home care. ■ 1-7

(1) Section 1-7-103 of Title 10A of the Oklahoma Statutes requires OKDHS to provide medical care necessary to preserve the health of the child in accordance with the provisions of the Oklahoma Children's Code. A child in OKDHS custody receives:

(A) Early Periodic, Screening, Diagnosis, and Treatment (EPSDT) screening according to the schedule of frequency, or at a minimum an annual physical exam. In addition, OKDHS provides, as soon as practicable, after the filing of the petition, an initial health screening for each child placed in OKDHS emergency custody, to identify any health problems that require immediate treatment, diagnose infections and communicable diseases, and evaluate injuries or other signs of abuse or neglect. ■ 1 & 3

(B) a yearly behavioral health or developmental screening, and when recommended, a behavioral health or developmental assessment, within 60 days of the screening; ■ 2 & 3

(C) a yearly dental exam when the child is over three years of age. A child under the age of three years receives dental services as needed;

(D) initiation of immunizations that are kept current;

(E) a visual and hearing evaluation exam and corrective lenses or hearing aides, when indicated;

(F) outpatient or inpatient behavioral mental health treatment, when appropriate;

(G) physician's services, when the child is sick. This service is not considered a physical exam; and

(H) follow-up and referral services as recommended by a qualified professional.

(b) Consent for medical services. ■ 8-12

(1) **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.

(2) **Extraordinary medical care or treatment.** Section 1-3-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-3-102), provides that extraordinary medical care and treatment, includes, but is not limited to:

(A) surgery;

(B) general anesthesia;

- (C) blood transfusions; or
- (D) invasive or experimental procedures.

(3) **Routine and ordinary medical care and treatment.** 10A O.S. § 1-3-102 provides that routine and ordinary medical care and treatment does not include any type of extraordinary care or treatment and includes, but is not limited to:

- (A) any necessary medical and dental examinations and treatment;
- (B) medical screenings;
- (C) clinical laboratory tests;
- (D) blood testing;
- (E) preventative care;
- (F) health assessments;
- (G) physical examinations;
- (H) immunizations;
- (I) contagious or infectious disease screenings;
- (J) tests and care required for treatment of illness and injury, including;
 - (i) x-rays; and
 - (ii) stitches and casts; or
- (K) the provision of psychotropic medication.

(4) **OKDHS authority to consent to routine and ordinary medical care and treatment.** ■ 8

(A) OKDHS may consent to routine and ordinary medical care and treatment when a child is in OKDHS voluntary, emergency, temporary, or permanent custody. OKDHS makes reasonable attempts, in accordance with 10A O.S. § 1-3-102, to:

- (i) notify the child's parent or legal guardian of the provision of routine and ordinary medical care and treatment; and
- (ii) keep the parent or legal guardian involved in the care.

(B) OKDHS may authorize, in writing, any person, foster parent, or administrator of a facility into whose care the child is entrusted to consent to routine and ordinary medical care and treatment to be provided to a child upon the advice of a licensed physician, including the continuation of psychotropic medication. Providers are not granted authority to consent to new psychotropic medications when a separate and specific consent is requested.

(5) **Consent for extraordinary medical care.**

(A) When a child is in OKDHS voluntary, emergency, or temporary custody, consent for the child's extraordinary medical care and treatment is obtained from the parent or legal guardian unless the:

- (i) parent is unavailable to provide consent;
- (ii) parent refuses to consent; or
- (iii) care and treatment is related to the suspected abuse or neglect.

(B) Court authority is required for extraordinary medical care and treatment when the:

- (i) child is in OKDHS permanent custody;
- (ii) parent is unavailable to provide consent;
- (iii) parent refuses to provide consent; or
- (iv) care and treatment is related to the suspected abuse or neglect.

(C) When the recommended extraordinary medical care and treatment is not an emergency, the court, per 10A O.S. § 1-3-102:

(i) holds a hearing, upon the application of the district attorney and notice to all parties; and

(ii) may authorize the recommended extraordinary care and treatment.

(D) OKDHS does not consent to a child's abortion, sterilization, termination of life support, or a Do Not Resuscitate order. The court may authorize the withdrawal of life-sustaining medical treatment or the denial of the administration of cardiopulmonary resuscitation on behalf of a child in OKDHS custody, upon the written recommendation of a licensed physician, after notice to the parties and a hearing.

(E) No OKDHS employee is authorized to consent to extraordinary medical care and treatment for any child in OKDHS voluntary, emergency, temporary, or permanent custody.

(6) Medical consent for child in protective custody.

(A) Per 10A O.S. § 1-3-102, when a child taken into protective custody without a court order requires emergency medical care prior to the emergency custody hearing, a peace officer, court employee, or the court may authorize treatment as necessary to safeguard the health and life of the child when:

(i) the treatment is related to the suspected abuse and neglect;

(ii) the parent or guardian is unavailable to consent to the treatment recommended by a physician; or

(iii) the parent or guardian refuses to consent to the treatment recommended by a physician.

(B) Before a peace officer, court employee, or the court authorizes treatment based on unavailability of the parent or legal guardian, law enforcement exercises diligence in locating the parent or guardian, if known.

(7) Consent for medical care for child in own home. The parent, of a child in OKDHS custody placed in his or her own home, consents to routine and ordinary medical care and treatment and extraordinary medical care and treatment.

(8) Consent for extraordinary medical care for a child who has traveled out-of-state. When a child is out-of-state and requires extraordinary medical care and treatment, the judge may authorize the physician or medical facility to provide the extraordinary medical care via a verbal or written order.

(9) Experimental medical procedures. Medical procedures that are experimental are not compensable through Medicaid and must be authorized by the OKDHS Director, Human Services Centers chief operating officer, or the Children and Family Services Division director.

INSTRUCTIONS TO STAFF 340:75-6-88

Revised 12-1-10

1. (a) Early Periodic, Screening, Diagnosis, and Treatment (EPSDT) schedule. The purpose of the EPSDT is to prevent and identify conditions that may interfere with a child or youth's natural growth and development.

(1) The schedule of frequency for EPSDT provides:

(A) six health screenings during the child's first year of life;

- (B) two screenings in the child's second year of life;
 - (C) one screening yearly for the child age two through five years; and
 - (D) one screening every other year for the child age six through 20 years.
- (2) Eligible children may receive dental screening services once every 12 months.
- (3) More frequent screening services are allowed when a medical condition is suspected.
- (b) Documentation of medical services. The Child Welfare (CW) worker and placement provider ensure the continuity of medical services and records while a child is in out-of-home care.
 - (1) These records are made:
 - (A) part of the child's paper case record and Life Book; and
 - (B) available to the parent(s), any subsequent provider, and youth leaving care for independent living.
 - (2) The CW worker updates the:
 - (A) appropriate KIDS screens no later than 30 days after each child's appointment for medical, dental, or behavioral health services;
 - (B) child's immunization and prescriptions records and KIDS Service Log; and
 - (C) KIDS AFCARS screens when the child receives a specific diagnosis by the physician or therapist.
- 2. Initial health and developmental screening. The CW worker is responsible for ensuring, in coordination with the placement provider and parent(s), when applicable, that a child in out-of-home care timely receives all needed routine and specialized medical care, including medical, dental, visual, and counseling needs. The CW worker schedules initial health and developmental screening for children:
 - (1) under the age of three years, no later than 30 days after the child's removal from the home;
 - (2) age three years and over, no later than 90 days after the child's removal from the home; and
 - (3) placed in foster care, within 30 days after placement.
- 3. SoonerStart. When the child is younger than three years of age, the CW worker:
 - (1) refers the child to SoonerStart via Form 04MP021E, Child Welfare SoonerStart Referral, no later than 15 working days after the child's initial placement in out-of-home care, excluding shelter and emergency foster care;
 - (2) notifies the parent(s) and placement provider of the referral to SoonerStart;
 - (3) informs the placement provider that cooperation is required with SoonerStart in the provision of any service recommended for the child;
 - (4) updates KIDS Contacts screen with purpose type – SoonerStart Referral;

- (5) notifies SoonerStart of any change in placement of the child by providing copy of Form 04KI025E, Change in Placement Notification, within two working days when the screening, evaluation, or both, have not been completed by SoonerStart;
 - (6) discusses the information provided by SoonerStart with the parent(s), within 15 working days of receipt;
 - (7) documents SoonerStart information in KIDS Medical screen;
 - (8) includes SoonerStart information in KIDS Family and Child Strengths and Needs Assessment screens;
 - (9) files SoonerStart information in the child's paper case record; and
 - (10) completes Form 04AF022E, Report of Violation of Rules in an OKDHS Resource Home, when notified by SoonerStart of the placement provider's lack of cooperation or follow through with recommendations.
- 4. Human Immunodeficiency Virus (HIV)-related services. When requested by a placement provider, OKDHS provides examinations or tests regarding HIV on the child based on the Centers for Disease Control guidelines for time and frequency of testing. Refer to OAC 340:75-1-115 for HIV testing.
 - 5. Healthcare for child placed in parent(s)' home. A child in OKDHS custody living in the parent(s)' home may continue to be eligible to receive financial assistance from the Oklahoma Health Care Authority for necessary medical services. The parent(s) of a child, in emergency or temporary OKDHS custody who is living in his or her own home, has the primary responsibility to provide and arrange for the medical needs of the child. Refer to OAC 340:75-13-62 for medical coverage when the child resides with the parent(s).
 - 6. Unavailable local medical care. When a child in out-of-home placement needs medical care outside the county of residence, the attending physician makes the recommendation and referral. When the physician recommends treatment he or she cannot provide, but does not make the referral, the CW worker in the county where the child is receiving care makes the appointment.
 - 7. Notification of injury or medical treatment.
 - (1) When medical attention for accidental or non-accidental injury is sought or required for a child in OKDHS legal custody in out-of-home placement, OKDHS notifies the:
 - (A) court of jurisdiction;
 - (B) child's parent(s);
 - (C) parent(s)' attorney;
 - (D) child's attorney;
 - (E) district attorney;
 - (F) court-appointed special advocate; and
 - (G) tribe, when applicable.
 - (2) Form 04MP027E, Notice of Injury to Child Requiring Medical Examination or Treatment, is completed by the CW county of placement worker when a child in OKDHS custody requires medical treatment as a result of an accidental or non-accidental injury to advise the parties of the:
 - (A) nature of the injury;

- (B) date of occurrence; and
 - (C) medical care provided or planned to meet the child's needs.
- (3) All injuries, other than normal minor childhood scrapes and bruises, such as small bruises to the knee or shin, are made known to CW staff.
- (4) Any injury to the child, even when accidental, is immediately reported per OAC 340:75-3-6, when the injury involves the face, head, neck, stomach, or genitals, burns, broken bones, deep bruises or wounds, or any type of injury requiring medical attention.
- 8. (a) Transporting medication. The CW worker ensures the child's medication is transported with the child when the child is moved from one placement to another.
 - (1) The CW worker completes Form 04MP012E, Receipt and Release of Prescription and Over-the-Counter Medication(s), Section I, Receipt of Prescription and Over-the-Counter Medication(s) (OTC), with the parent(s) or placement provider prior to the removal of a child from own home or out-of-home placement.
 - (2) Upon completing Form 04MP012E, the CW worker provides a copy to the parent(s) or placement provider. Form 04MP012E, is not required when the child is discharged from a hospital setting.
 - (3) The CW worker obtains the appropriate medication or prescription(s) to be filled and provides a copy of the discharge summary to the parent(s) or placement provider. The copy provided by the hospital is filed in the paper case record.
- (b) Medication not transported. When the CW worker is provided medication(s) in any of the ways described in (1) through (5) of this subsection, the CW worker leaves the medication(s) with the parent(s) or placement provider and documents the action on Form 04MP012E, in Section II, Medication(s) Not Transported. A copy of completed Form 04MP012E is given to the parent(s) or placement provider. If medication was prescribed, the CW worker contacts the prescribing physician immediately to have the physician call in a new prescription(s) to a local pharmacy. The worker picks up the new medication prior to placing the child in the new location. The CW worker does not transport medication(s) when the medication is supplied to the worker:
 - (1) in plastic sacks or any other container that is not the original prescription bottle or packaging;
 - (2) with multiple types or dosage strengths of medication in a single prescription bottle;
 - (3) with an expired prescription;
 - (4) with more medication than the amount indicated on the prescription label or OTC package information, such as combining two containers of medication; or
 - (5) with the prescription label or OTC packaging altered.
- (c) Releasing medications. Form 04MP012E, Section III, Release of Prescription and Over-the-Counter Medication(s), is completed with parent(s)

or new placement provider when releasing medication.

(d) Psychotropic medications. When the CW worker transports a child, who has been prescribed psychotropic medication, from acute or residential inpatient treatment, the CW worker inquires whether the discharging physician will monitor the medication. When the discharging physician will not, the CW worker arranges, as soon as possible, for the child to be assessed by another physician so that the child's continued need for medication can be determined or monitored.

9. Medication disposal. A person responsible for medication disposal is designated by each county director and signs Section III of Form 04MP012E, Receipt and Release of Prescription and Over-the-Counter Medication(s), when medication prescribed to a child in OKDHS custody requires disposal. Prior to requesting disposal of the medication the CW worker verifies the medication:

- (1) is no longer prescribed for the child;
- (2) cannot be properly administered;
- (3) has expired; or
- (4) is not accepted by the child's placement.

10. Reasonable attempts to locate parent or legal guardian. The CW worker makes reasonable attempts to secure parental consent for extraordinary medical services provided to a child in OKDHS custody. A reasonable attempt includes attempts to contact the parent or legal guardian by phone to inform them of necessary medical services.

(1) When the parent or legal guardian cannot be reached by phone, the CW worker attempts personal contact at any known address for the parent(s) or legal guardian. Attempts to locate the parent or legal guardian include contacts with relatives or other persons knowledgeable about the family.

(2) When services are provided at a medical facility or by a medical practitioner, the parent is required to contact the facility or practitioner directly. The CW worker facilitates contact, when needed.

- 11.(a) Separate and specific written consent for medical care or treatment or the administration of psychotropic medications. Each child or youth has unique needs that require individualized treatment planning. It is the intent that children in care receive necessary medical care and treatment and behavioral health care, including psychotropic medication, in a rational and safe manner.

(1) Psychotropic medication decisions are based upon adequate information, including psychiatric history and assessment, medication history, medical history, including known drug allergies, and consideration of the individual's complete current medication regimen, including non-psychoactive medications, such as antibiotics.

(2) Psychotropic medication is integrated as part of a comprehensive treatment plan including:

- (A) appropriate behavior planning;
- (B) symptom and behavior monitoring; and
- (C) communication between the prescribing clinician, the youth,

parents, legal guardians, foster parents or other placement providers, CW specialists, therapist(s), pediatricians, and any other relevant members of the child or youth's treatment team.

(b) Definitions related to requests for separate and specific written consents.

(1) "Separate and specific consent" means, for the purposes of this instruction, a written consent requested by a physician or medical facility to provide specific treatment or medication.

(2) "Informed consent" means, for the purposes of this instruction, voluntary written consent from a person who has received full, accurate, and sufficient information and explanation about a child's medical condition, medication, and treatment to enable the person to make a knowledgeable decision without being subjected to any deceit or coercion. Informed consent for medical care and treatment or administration of psychotropic medication that requires a separate and specific written consent may only be given by:

(A) a parent whose rights are intact;

(B) a legal guardian of the child; or

(C) an OKDHS representative, after a reasonable attempt to locate a parent or legal guardian has failed, and after consideration of a sufficient explanation by a physician regarding the risks involved in the proposed treatment.

(4) "Sufficient explanation" means, for the purposes of this instruction, information provided and explained in plain language by the prescribing physician or physician's representative to the consent-giver, including, but not limited to the:

(A) medical care and treatment or the medication;

(B) reason for prescribing the treatment or medication and its purpose or intended results;

(C) side effects, risks, and contraindications, including effects of stopping a medication;

(D) method for administering the treatment or medication and dosage range when applicable;

(E) potential drug interactions;

(F) alternative treatments;

(G) behavioral health or other services used to complement the use of psychotropic medication, when applicable; and

(H) other treatment interventions considered by the physician that may include, but are not limited to, medical, mental health, behavioral, counseling, or other services.

12.(a) Requests for separate and specific written consent for medical care and treatment or the administration of psychotropic medication. When a child in OKDHS voluntary, emergency, or temporary custody has been prescribed treatment or medication requiring a separate and specific consent, such as for psychotropic medication, the CW specialist makes reasonable attempts to locate the parent or legal guardian of the child to obtain consent. When the

parent or legal guardian is located, the CW worker:

- (1) advises the parent or legal guardian of the physician's recommendation for treatment or medication;
- (2) provides the parent or legal guardian contact information for the physician;
- (3) upon request, facilitates a telephone call or appointment between the parent or legal guardian and prescribing physician; and
- (4) advises the parent or legal guardian that the medical provider is seeking consent to provide treatment or medication.

(b) Consent by OKDHS when the child is in OKDHS permanent custody or the parent or guardian declines to authorize, withdraws consent, or cannot be located to authorize the administration of psychotropic medication. When a child is in OKDHS permanent custody or the parent or legal guardian declines to authorize or withdraws consent, or cannot be located for the administration of psychotropic medication, a county director, assistant county director, or person left in charge may provide consent for the administration of psychotropic medication when a separate and specific consent is requested. The CW worker completes and submits Form 04MP036E, Request for Consent for Psychotropic Medication, to the county director, assistant county director, or person left in charge with the separate and specific consent request.

(c) When consent is not required for the administration of psychotropic medication. Consent for the administration of psychotropic medication is not required when:

- (1) a parent, legal guardian, or OKDHS has previously consented to the administration of psychotropic medication and the medication is continued or the dosage of the same medication is changed; or
- (2) the prescribing physician or medical facility does not require a separate and specific consent.

(d) Consultation prior to consent for the administration of psychotropic medication. The county director, assistant county director, or person left in charge obtains a sufficient explanation or consultation as necessary to provide informed consent for the administration of psychotropic medication by contacting the prescribing physician or the psychiatric hotline at APS Healthcare at 877-845-7468 during business hours to arrange a consultation with a physician.

(e) Emergency medical care and treatment or administration of psychotropic medication. Emergency medical care and treatment or psychotropic medications may be provided or administered in advance of parental or OKDHS authorization when the child's attending physician determines an emergency exists. The CW worker notifies the parent or legal guardian, when applicable, as soon as possible after receiving notification of the emergency.

13. Use of psychotropic medication for chemical restraint. Use of psychotropic medications as a means of control, punishment, or discipline of children, for staff convenience, or for chemical restraint is strictly prohibited.

14. Monitoring children prescribed psychotropic medication.

(1) Children taking psychotropic medications are seen by the prescribing physician as directed by the physician.

(2) Children in acute settings, displaying unsafe behavior, experiencing significant side-effects, not responding to a medication trial, or in an active phase of medication trial are seen as directed by the physician.

(3) Monitoring the use of psychotropic medication provided to a child in OKDHS custody is a joint responsibility among the prescribing physician, caregiver, CW worker, and CW supervisor. The CW worker and the placement provider have joint responsibility to:

(A) assure the physician's directions and intent for the medication are implemented;

(B) contact the prescriber immediately when a child's condition becomes unstable; and

(C) arrange for medical evaluations and required laboratory tests to monitor therapeutic levels of a medication or to monitor potential organ system damage from a medication. Laboratory tests are performed according to the physician's directions.

340:75-6-89. Travel outside the county, state, or country

A child in Oklahoma Department of Human Services (OKDHS) custody may travel out of the county or state with the placement provider or a person approved by the Child Welfare (CW) worker. If travel is outside the country, judicial approval is also required. Prior approval is not required for a child in OKDHS custody to accompany the placement provider or approved person on travel not involving overnight stays. When the travel involves an overnight stay, the placement provider contacts the CW worker for approval. ■ 1

INSTRUCTIONS TO STAFF 340:75-6-89

Revised 8-30-10

1. Prior to approval of the overnight stay, the procedures in (1) through (3) are followed. The CW worker:

(1) determines that travel will not interfere with family visitation, court dates, or other essential case situations;

(2) obtains the destination address and telephone number, and the return date; and

(3) when the travel is out-of-state completes Form 04FC013E, Out-of-State Travel Authorization for Placement Provider, or Form 04FC014E, Out-of-State Travel and Medical Authorization for Non-Placement Provider Caregiver, and provides the form to the placement provider, approved individual, or child;

(4) when the travel is out of the country, completes Form 04FC015E, Out-of-Country Travel and Medical Authorization for Placement Provider Caregiver, or Form 04FC016E, Out-of-Country Travel and Medical Authorization for Non-Placement Provider Caregiver, and provides the form to the placement provider, approved individual, or child; and

(5) informs the placement provider, approved individual, or child that the form is to remain in their possession during the travel.

(A) When the child is in Oklahoma Department of Human Services (OKDHS) emergency or temporary custody, the signature of the parent(s) is obtained on any form authorizing overnight travel. When the signature of the parent(s) cannot be obtained and the court of jurisdiction does not require notification for in-country travel, the signature of the county director or designee is acceptable. Efforts to obtain the signature of the parent(s) are documented in the KIDS Contacts screen.

(B) When the child is in OKDHS permanent custody and the court of jurisdiction does not require notification of in-country travel, the signature of the county director or designee is obtained.

(C) The court of jurisdiction approves all out-of-country travel.

340:75-6-91. Child care services for Child Welfare (CW) clients

Revised 6-1-12

(a) **Preventive child care services.** Preventive child care services enable the child to be in a protective environment a specified number of hours per day and days per week as determined by the CW specialist.

(1) Preventive child care services may be provided to families with an active CW case:

(A) whose child is determined unsafe due to the existence of present or impending danger; and

(B) who are in the process of reunification in an active permanency planning case.

(2) The family is not required to establish financial eligibility as preventive child care can be provided for income eligible or non-income eligible families. ■ 1

(b) **Child care services for employment, education, and training purposes.**

(1) CW clients who need child care for education, training, or employment purposes are required to meet the eligibility requirements in OAC 340:40-7.

(2) CW clients apply for non-preventive child care services through Oklahoma Department of Human Services (OKDHS) Family Support Services Division (FSSD) as FSSD processes all applications when a co-payment may be required.

(3) Bridge resource parents are required to meet the eligibility requirements in OAC 340:75-7-65.

(c) **Choice of provider.**

(1) The client may choose a family child care home regardless of star level.

(2) The client may not choose a child care:

(A) that does not have a valid contract with OKDHS;

(B) in which the client, his or her spouse, or child's parent or stepparent, has an ownership interest;

(C) home in which the child resides;

(D) home in which the client also works during the hours his or her child is in care;

(E) provider who does not allow parental access during the hours the provider cares for children;

(F) provider who receives state or federal funds such as Head Start, Early Head Start, or public schools and does not charge all parents for the hours the subsidy payment is requested; and

(G) provider caring for a school age child during the regular school day when the student could be attending a public or private school during those hours; or ■ 2

(H) center that is a one star facility, unless there are no centers with a higher star status in the community or special exception criteria are met. Special exception criteria are: ■ 3

(i) the child was already approved for care at the one star center prior to January 1, 2003, or prior to the provider's star status being reduced to one star. The child:

(I) can remain at the one star facility, unless the child stops attending the facility for more than 30 calendar days; and

(II) may be approved at the same one star facility again when the only reason the child did not attend for more than 30 calendar days was due to a school break or circumstances beyond the family's control such as the child's illness;

(ii) care is requested for the child residing in the same home as a child already approved for care as described in (c)(I)(i) of this subsection in the same one star child care center; or

(iii) the parent or guardian demonstrates there is no other child care option that meets the family's needs. ■ 4

(d) **Child care services for a child with disabilities.** A child with disabilities is potentially eligible for the higher special needs rate for child care.

(1) Every child with disabilities requires a separate and specific certification of the child care provider.

(2) A child with disabilities is defined as a child:

(A) receiving Supplemental Security Income (SSI);

(B) receiving SoonerStart early intervention services;

(C) receiving special education services provided in accordance with an Individualized Education Plan (IEP) by the local school district; or

(D) whose SSI payment stops because of financial reasons but who still meets the medical definition of disability as determined by the Social Security Administration. ■ 5

(e) **Overpayment of child care.** OKDHS seeks repayment for any child care that has been received or paid in error. [OAC 340:40-15-1] ■ 6

INSTRUCTIONS TO STAFF 340:75-6-91

Revised 12-15-11

1. (a) **Preventive child care services.** Preventive child care services enable the child to be in a protective environment for a specified number of hours per day and days per week as determined by the Child Welfare (CW) specialist. Child care may be used on a regular basis or, when the child care provider is agreeable, on a drop-in basis. Preventive child care services are made

available to CW families when:

- (1) temporary and severe stress exists that endangers or threatens to endanger the child and respite is included in the safety plan to protect the child;
- (2) the parent's participation in the individualized service plan results in assistance needed with child care;
- (3) the child needs an opportunity to increase social and developmental skills; or
- (4) there is evidence the family is so burdened by debt that the additional financial pressure of paying for child care results in further deterioration of the family stability and functioning.

(b) Establishing preventive child care services.

(1) The CW specialist assigned to the child:

- (A) establishes preventive child care services for CW clients;
 - (B) before Oklahoma Department of Human Services purchased child care service is established, explores possible alternatives with the applicant, per OAC 340:40-5-1;
 - (C) completes Form 04MP042E, Application for Child Welfare Child Care Benefits, during a face-to-face interview with the client, indicates the client's choice of child care providers on the application, and files the application in the case record.
- (2) The CW specialist and supervisor determine the amount and length of time child care will be provided based on the family's needs and incorporates the information into the individualized service plan.**
- (3) When a child care provider is not chosen by the client, the CW specialist provides the client with information to help make the choice, per OAC 340:40-5-1(7).**
- (4) When the client wants to use an in-home care provider, the CW specialist must approve the provider, per OAC 340:40-13-1.**

(c) Entering child care in KIDS. Refer to the Child Care How To in KIDS/Help/How To's for procedure for entering child care in KIDS.

- (1) The CW specialist enters the child care approval or denial in KIDS Child Care screens within two business days of receiving all necessary verification to certify or deny the application.**
- (2) The KIDS Child Care screen is completed with documentation of the:**
 - (A) need for child care; and**
 - (B) child care authorization indicating the appropriate number of days child care is needed based on the family's need.**
 - (i) Monthly preventive child care is authorized when care is needed for fewer than 15 days per month or more than 23 days per month.**
 - (ii) Full-time preventive child care is authorized when care is needed more than four hours every day.**
 - (iii) Part-time is authorized when care is needed four hours or less every day.**
 - (iv) Weekly preventive child care is authorized when care is needed**

more than four hours each day and at least 15 but no more than 23 days per month.

(v) Blended preventive child care is authorized for the child four years of age and older when care is needed Monday through Friday part-time for the days school is in session and full-time for school holidays. The CW specialist determines which blended unit type is appropriate.

(I) The traditional school year blended is authorized when the child attends a school with a traditional nine-month school calendar. The child care facility must be open on school holidays, except summer break for the traditional blended unit type to be approved.

(II) the extended school year blended is authorized when the child attends a school with a year round or a continuous learning calendar. The child care facility must be open during school holidays including fall, Christmas, spring, and summer breaks.

(3) The CW specialist completes changes to the child care authorization within ten days of learning of the need, per OAC 340:40-9-2.

(4) When multiple counties are assigned to the case, the CW specialist assigned to the child notifies all assigned CW specialists and supervisors of the preventive child care within 10 days of the authorization.

(d) Preventive child care approval and extension.

(1) The provision of preventive child care requires approval of the CW supervisor.

(2) Preventive child care is authorized for 30 days and may be extended for an additional 30 days by the CW supervisor.

(3) A request for child care approval beyond 60 calendar days is submitted to the CW field liaison (CWFL) who reviews and approves or denies the request, and documents the determination in the KIDS Contacts screen.

2. Child care programs receiving federal grant funds. Programs receiving federal grant funds such as Head Start or Early Head Start, and public schools receiving state funds for education may receive subsidy funds only when all parents are charged for the hours subsidy payment is requested. The CW specialist approves the appropriate unit type based on the family's need and the number of subsidy hours needed.

3. Preventive child care and the child's schooling. Clarification is provided in paragraphs (1) through (5) of this subsection regarding when preventive child care may be approved or denied as related to the child's schooling.

(1) A home-schooled child must receive the instruction from his or her own parent or caretaker except for the time a tutor may be hired.

(2) A child care provider is not approved to provide child care so the provider can home-school the child.

(3) The CW specialist does not approve a school-age child for child care allowing the parent or caretaker to work or attend school during the hours public or private school is in session because the parent wants to home

school the child during the evening hours.

(4) School age is defined as a child enrolled in the first through 12th grades.

(5) A provider may be approved to provide child care for a school-age child with disabilities during the hours public or private school is in session when the child receives shortened-day services from the local school system.

(6) Preventive child care may be approved when a child is suspended or expelled from school and the school system verifies there is no other educational alternative available to the child.

4. Exceptions for use of a one star center. Exceptions may be granted on a case-by-case basis for use of a one star center by the CW supervisor. Prior to granting an exception, the procedures in this paragraph are completed.

(1) The CW specialist assigned to the child:

(A) provides the client a list of all contracted one plus or higher star centers and all contracted child care homes that meet the client's search criteria.

(i) The client is not required to use a one plus or higher star child care home before considering a one star center.

(ii) When there are no one star plus or higher star centers in the community, the list provided to the client includes one star centers.

(iii) An exception is not required when a one star center is the only available center in the community;

(B) uses Child Care Locator, available on the InfoNet under OKDHS Tools, to generate this list; and

(C) instructs the client to contact all providers on the Child Care Locator list to determine if care is available during the hours needed.

(2) The client notes on the list why two star or higher child care is not available at any of the locations on the list provided or why the listed locations do not meet the client's needs.

(3) The CW supervisor:

(A) reviews the client's notes when the client does not find a provider from those on the list, to determine whether to grant an exception; and

(B) documents in KIDS Child Care screen whether or not an exception was granted and the reasons.

(4) Exceptions may be granted when none of the providers on the client's list:

(A) has an opening during the times care is needed, such as the client works evening or overnight hours and no one provides care during those hours;

(B) is willing to meet the special needs of the child such as a child with disabilities or transportation to and from the child's school; or

(C) is within a reasonable distance from the client's home.

(5) When the CW supervisor grants an exception per Instructions to Staff # 4, the CW specialist provides the client a list of one star center providers.

When the client finds a one star center that meets the client's needs, payment is approved for child care at that facility.

5. **Special needs certification.** The CW specialist assists the parent with completing Form 08AD006E, Certification for Special Needs Child Care Rate, to request special needs child care, per OAC 340:40-7-8.

- (1) The child care provider, with the exception of an in-home provider, is approved by Oklahoma Child Care Services Licensing Services for the special needs certification for the specific child.

- (2) When the certification process is complete, the licensing worker sends Form 08AD006E to the CW specialist. The CW specialist completes Form 08AD007E, Scoring Sheet for Special Needs Rate Determination, to determine whether to approve the child for the severe or moderate special needs rate or to continue services at the applicable daily or weekly rate.

- (3) The CW specialist requests supervisory approval in the child's KIDS case for special needs certification and scans and emails or faxes forms 08AD006E and 08AD007E to Children and Family Services Division (CFSD) Permanency Planning Section.

- (4) CFSD Permanency Planning Section programs manager or designee reviews, approves or denies and documents the determination in the child's KIDS case.

- (5) Original Form 08AD006E is filed in the child's paper record and a copy of the form is hand-delivered or mailed to the:

- (A) child care provider;

- (B) Bridge resource parent; and

- (C) licensing specialist.

6. **Reporting an overpayment.** When the CW specialist discovers child care services have been received or paid in error, the specialist sends a memo to Family Support Services Division Benefit Integrity and Recovery Section that includes:

- (1) the case name and case number;

- (2) the name and date of birth of each child who received care;

- (3) a summary of the circumstances that led to the potential overpayment;

- (4) the time period covered by the overpayment; and

- (5) whether the overpayment was caused by agency, client, or provider error.

340:75-6-92. Services to youth who are in OKDHS custody and pregnant

- (a) **Specialized services.** Specialized services are provided to all youth in Oklahoma Department of Human Services (OKDHS) custody who are pregnant. These services are designed to assist in making and implementing decisions regarding the pregnancy and are in addition to the other services the youth receives. The youth has the same rights as an adult and is legally and socially responsible for her decisions and the child.

- (b) **Involvement of legal parents and father.** If the youth is in temporary OKDHS custody, her legal parent(s) or other relatives are involved with her in the planning. The named father is also involved, when appropriate, in the decision-making and planning

for the child. The father has a right to a relationship with his child and to share in the responsibilities. The Child Welfare (CW) worker addresses these issues with the pregnant youth, father, youth's parent(s), and father's parent(s), if he is not an adult.

(c) **Counseling.** Counseling is provided for the pregnant youth for the purpose of examining the available options regarding the pregnancy. A CW worker with experience or in-service training in pregnancy counseling assists the youth in making decisions regarding the pregnancy. The youth, if applicable, may be referred to a qualified professional in the community for counseling. Prenatal and postpartum care, diagnosis, nutrition, treatment of health problems, and other services are arranged for the pregnant youth.

(1) **Parenting the child.** If the youth makes the decision to keep the child, services, including parenting skills training and assistance in accessing community resources are arranged. Services address the youth's abilities to meet her child's needs and the parent and child relationship. An assessment is conducted with the youth's participation. Needs, performance criteria, services, and achievement dates are included in the treatment and service plan. Living arrangement options include:

(A) foster home or relative home for both the youth and her child that allows the youth to complete her education and learn parenting skills while in a nurturing environment;

(B) foster home or relative placement for the infant while the youth temporarily lives separately; or

(C) Pauline E. Mayer group home, an OKDHS residential facility for youth adjudicated deprived and their children. The youth must have already had her child. The group home provides an opportunity for the youth to live with her child, learn parenting and independent living skills, and continue her education or training while assuming full parenting responsibilities.

(2) **Relinquishment.** When a youth decides to relinquish her child for adoption, the child's attorney is immediately contacted for relinquishment procedures.

(3) **Termination of the pregnancy.**

(A) If a youth in temporary OKDHS custody decides to terminate her pregnancy, her legal parent(s) or an adult relative are included in the arrangements. Pregnancy counseling is provided and documented in the CW case record. Cases involving decisions to terminate a pregnancy by youth in OKDHS custody are referred to Children and Family Services Division Permanency Planning Section for consultation.

(B) OKDHS does not consent to or sign any type of form related to a procedure to terminate the pregnancy of a youth in OKDHS custody. OKDHS does not provide assistance with payment for the procedure. When a youth in OKDHS custody has a method of payment and a resource with which to pursue the procedure, OKDHS does not prohibit nor assist the youth with such action.

340:75-6-110. Independent Living program

Revised 6-1-12

(a) The Independent Living (IL) program seeks to serve youth:

(1) ages 16 and 17 years of age who are in Oklahoma Department of Human Services (OKDHS) legal custody and in out-of-home placement;

- (2) ages 18, 19, and 20 years of age that were in OKDHS or tribal custody:
 - (A) in out-of-home placement, a cumulative total of nine months or more during the time the youth was 16 or 17 years of age;
 - (B) in out-of-home placement on their 18th birthday; and
 - (C) who have not reached their 21st birthday;
 - (3) who entered a permanent guardianship with kin or adoption after 16 years of age to achieve permanence and who have not yet reached their 21st birthday; and
 - (4) 21 and 22 years of age who on their 21st birthday were participating in the Education and Training Voucher Program.
- (b) Laws that guide IL services administered by OKDHS are described in (1) and (2) of this subsection.
- (1) **Federal IL component.** The Foster Care Independence Act of 1999 was enacted as part of Public Law (P.L.) 106-169. Public Law 106-169 amended by P.L. 110-351, Fostering Connections to Success and Increasing Adoption Act of 2008:
- (A) supports states, including Oklahoma, in the delivery of IL services to eligible youth and provides them with services that focus on:
 - (i) education;
 - (ii) career planning;
 - (iii) life skills; and
 - (iv) aftercare services; and
 - (B) requires IL services complement the youth's own efforts to achieve self-sufficiency and that program participants recognize and accept personal responsibility for the transition from out-of-home care to adulthood.
- (2) **State IL component.** Section 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-103) requires OKDHS to the extent of available funds, to provide or contract for services for children in OKDHS custody. The Independent Living Act, 10A O.S. § 1-9-107, ensures youth who are currently in out-of-home care, who were in out-of-home care nine months or more between 16 to 18 years of age, who were in out-of-home care on their 18th birthday, or who entered a permanent guardianship with kin, or adoption after 16 years of age receive the provision of services necessary to become self-reliant and productive citizens, including, but not limited to:
- (A) protection;
 - (B) support;
 - (C) transitional planning;
 - (D) housing;
 - (E) medical coverage; and
 - (F) education.
- (c) **IL Service Provision.** The provision of IL services for youth:
- (1) are initiated by the Child Welfare (CW) worker according to the age of the youth, as outlined in OKDHS Publication No. 94-08, Oklahoma Independent Living Program;
 - (2) in OKDHS custody placed in other states is the responsibility of OKDHS, per OAC 340:75-1-86;
 - (3) placed in Oklahoma through Interstate Compact for the Placement of Children (ICPC) is approved by Children and Family Services Division (CFSD) IL

Section on a case-by-case basis, per OAC 340:75-1-86; and

(4) are initiated by the legal guardian or adoptive parent for youth who exited care after 16 years of age to permanent guardianship with kin or adoption.

(d) **Requirements.** Federal regulations, state statutes, and best practice require that eligible youth are provided each of the items listed in (1) through (4) of this subsection.

(1) **IL assessment.** An IL assessment is a comprehensive evaluation of the youth's readiness for IL and identification of the services and supports required for the youth to achieve a maximum level of self sufficiency. ■ 1 & 2

(2) **IL plan.** An IL plan describes the services supports and activities the CW specialist and youth identify as necessary for the youth to transition to independence, and includes the components required by federal and state statutes. ■ 3

(3) **Judicial oversight.** A judicial determination is made at each dispositional and review hearing whether:

(A) the IL services needed to assist the youth in making the transition from custody to self-sufficiency are provided or are not appropriate; and

(B) during the 90-day period immediately prior to a youth's 18th birthday, OKDHS and, as appropriate, representatives of the youth, are providing the youth with assistance and support in developing an appropriate personalized transition plan based upon the youth's input, and as detailed as the youth elects, that includes specific options regarding:

(i) housing;

(ii) health insurance;

(iii) education;

(iv) local opportunities for mentors and continuing support services; and

(v) employment supports and services; and

(C) information was provided to the youth about the importance of designating another individual to make health care treatment decisions on behalf of the child if the child:

(i) becomes unable to participate in his or her health care decisions; and

(ii) does not have, or does not want a relative, who would otherwise be authorized under state or tribal law, to make health care decisions; and

(D) the youth was provided with the option of executing a health care power of attorney, health care proxy, or other similar documents recognized under state or tribal law. ■ 4

(4) **IL support services.** A variety of services, resources, and youth development funds are provided to facilitate successful transition into adulthood. Each service, resource, and youth development fund category listed in (A) through (G) of this paragraph has distinct eligibility requirements. ■ 5

(A) **Contingency funds.** IL contingency funds are a category of youth development funds, outlined in OKDHS Appendix C-19-A. IL Youth Development Funds, obtained through a community contracted provider, are designed:

(i) to support the youth's IL case plan in preparation for living independently; and

(ii) for emergencies encountered after leaving care while learning to live

independently. ■ 6

(B) **Incentive payments.** The IL incentive payment is a category of youth development funds that allows for monetary payments to eligible youth exiting OKDHS or tribal custody. Activities that the youth receives compensation for include:

- (i) life skills assessment;
- (ii) educational attainment;
- (iii) employment;
- (iv) placement stability;
- (v) volunteerism;
- (vi) life skills development; and
- (vii) future planning. ■ 7

(C) **Educational opportunities and scholarships.** Scholarships and IL services are available to assist the youth in completing education and training. ■ 8

(D) **Youth Advisory Board.** Youth Advisory Board includes current and former OKDHS and tribal custody youth, and CFSD and adult advisors. The board provides eligible youth an opportunity to work together with other interested youth and adults to:

- (i) educate the community regarding issues related to youth in out-of-home placement;
- (ii) improve the child welfare system through problem solving;
- (iii) promote independent living through training; and
- (iv) bridge the gap between youth and adults. ■ 9

(E) **Teen panels.** Teen panels provide an opportunity for OKDHS and tribal custody youth to educate staff, care providers, the community, and prospective adoptive and foster parents by presenting their views and experiences in the child welfare system. ■ 10

(F) **Voluntary placement of youth after age 18.** Youth may request placement in an OKDHS paid placement and services from OKDHS on a voluntary basis, or in special circumstances, a short-term voluntary placement, while age 18, 19, or 20 years of age, when the youth:

- (i) reaches 18 years of age prior to completing his or her General Educational Development (GED) or high school education; or
- (ii) did not obtain a GED or high school education and left an out-of-home placement after reaching 18 years of age; or ■ 11
- (iii) has specified reasons approved by the county director in the county of jurisdiction or in the county where the youth resides. ■ 11

(G) **IL specialized community homes.** IL specialized community homes provide an intensive, short-term IL curriculum for youth who are motivated to:

- (i) reach an educational or vocational goal;
- (ii) obtain and maintain employment; and
- (iii) learn skills that prepare the youth to move to an IL situation within one year. ■ 12

(H) **Credit reports for youth in out-of-home care.** Each youth beginning at 16 years of age and continuing until the youth is discharged from out-of-home care

receives:

- (i) an annual copy of the youth's consumer credit reports;
- (ii) assistance interpreting the reports; and
- (iii) assistance resolving any inconsistencies in the reports.

INSTRUCTIONS TO STAFF 340:75-6-110

Revised 12-15-11

- 1. Determining the level of Independent Living (IL) services for youth.** Information obtained during the completion of Form 04KI028E, Family Functional Assessment, and during the development of the child's individualized service plan, is used to determine the appropriate level of IL services for the youth. The Child Welfare (CW) specialist:
 - (1) updates the IL screen in KIDS to reflect completion of the IL assessment;
 - (2) when IL services are determined not appropriate for the youth, consults the CW supervisor and documents, in the KIDS Contacts screen, the consultation and the reasons the youth cannot live independently. The documentation includes medical, psychiatric, or psychological information from medical or mental health professionals, as applicable;
 - (3) files documentation in the CW paper record;
 - (4) when services are appropriate for a youth, selects the appropriate IL service category of:
 - (A) Regular IL;
 - (B) IL with Support, a category that includes youth who have resided in above foster care level placements and may require other supports outside of the IL continuum; or
 - (C) Development Disabilities Services Division (DDSD) only. This category includes youth:
 - (i) with a diagnosis of intellectual disability or intellectual disability accompanied by another mental or physical disability; and
 - (ii) who receive IL support through other sources, including but not limited to DDSD.
- 2. Basic life skills assessment.** The Ansell-Casey Life Skills Assessment is utilized by the CW specialist or tribal worker and youth and is initiated with youth in Oklahoma Department of Human Services (OKDHS) or tribal custody at 16 years of age.
 - (1) The youth completes a set of questions that measures the youth's skill competency.
 - (2) The placement provider simultaneously completes a similar set of questions designed to demonstrate the provider's evaluation of the youth's skills.
 - (3) The assessment is accessed at www.caseylifeskills.org or www.nrcys.ou.edu.
 - (4) The CW specialist or tribal worker ensures the life skills assessment is completed.

- (5) The original assessment is filed in the:
 - (A) KIDS File Cabinet;
 - (B) the primary case record; and
 - (C) all duplicate cases.
 - (6) Copies of the life skills assessment is provided to the:
 - (A) youth; and
 - (B) placement provider.
 - (7) Results of the assessment are documented in the KIDS IL screen.
- 3. IL plans.
 - (1) IL plans are required for youth:
 - (A) 16 years of age or older;
 - (B) in OKDHS or tribal custody;
 - (C) in out-of-home placement; and
 - (D) capable of receiving IL services.
 - (2) The CW or tribal worker assists the youth with completion of the IL plan. The CW specialist or tribal worker:
 - (A) maintains the original IL plan in the primary case record and provides a copy for all duplicate cases;
 - (B) provides a copy of the plan to the youth;
 - (C) documents completion of the IL plan in the KIDS IL screen;
 - (D) updates IL services in the KIDS IL screen as the services are provided to the youth; and
 - (E) updates the IL plan every six months, and attaches the plan to Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, for each dispositional or review hearing involving the youth.
 - (3) Determining type of IL plan. The IL plan is separate from the parent's individualized service plan when youth is in emergency or temporary OKDHS custody and the youth's mother or father's parental rights are intact. When a youth is in OKDHS permanent custody the CW specialist completes an IL and permanency plan that addresses permanence and IL for the youth.
 - (4) Developing the IL plan. When developing the IL plan, the CW specialist:
 - (A) uses as a guide, the seven key elements of success that include:
 - (i) education;
 - (ii) permanent connections;
 - (iii) essential documents;
 - (iv) employment;
 - (v) health;
 - (vi) housing; and
 - (vii) life skills;
 - (B) organizes and conducts a meeting with the youth, the youth's placement provider, parent(s), or relative, when the youth has an ongoing relationship and chooses to include a relative in the process, and:

- (i) reviews the IL assessment and child-specific section of Form 04KI028E;
 - (ii) identifies the skills necessary for the youth to live independently;
 - (iii) discusses the youth's occupational and educational interests, including options for college or university education or vocational programs;
 - (iv) determines the need for tutoring and mentoring;
 - (v) establishes a plan for IL living arrangements and a supportive network of adults in the community that will serve as the youth's safety net; and
 - (vi) develops a personalized transition plan 90 days prior to the youth's 18th birthday and assists and supports the youth in implementing the plan in accordance with the requirements of OAC 340:75-6-110 (d)(3)(B-D); and
- (C) provides to, and discusses with, the youth, OKDHS Publication 11-01, Health Care Decisions for Independent Living Youth.
- 4. Obtaining the appropriate IL determination in court. The CW specialist:
 - (1) when the youth is capable of receiving IL services, attaches a copy of the youth's updated IL plan to and documents on Form 04KI009E or Form 04KI014E all IL services provided since the last court hearing for the court's consideration in making the finding of "Independent living services appropriate"; or
 - (2) when the youth is not capable of receiving IL services, documents the basis for this determination on Form 04KI009E or Form 04KI014E for the court's consideration in making the finding of "Independent living services not appropriate"; and
 - (3) attaches to Form 04PP018E, Independent Living Transition Plan, to Form 04KI014E, when appropriate.
- 5. Community contracted services.
 - (1) Services. Services provided through community contracts include:
 - (A) educational, vocational, and supplemental assistance;
 - (B) resource materials, such as instructional tools or supplies needed for the youth's transition;
 - (C) IL teen conferences, seminars, and activities;
 - (D) technical assistance to OKDHS and tribal CW staff and other contractors;
 - (E) training regarding the Oklahoma IL program and the preparation of youth for a successful transition to adulthood;
 - (F) processing requests for youth development funds;
 - (G) issuing youth development fund payments for goods and services; and
 - (H) coordinating special IL funding to encourage OKDHS counties and tribes to develop IL activities within local communities that include, at a minimum, training for youth in an area of skill needed for successful transition to independence.

(2) Enrollment. To access community contracted services, the CW specialist enrolls the eligible youth with the contracted provider, when the youth reaches 16 years of age, utilizing Form 04IL004E, Independent Living (IL) Community Contracted Services Enrollment.

(3) Resource materials. Resource materials that assist the youth, available through the area IL specialist or National Resource Center for Youth Services (NRCYS), 918-660-3700, include:

(A) FYI3 binder for the youth's bookkeeping and finances, family history, photographs, important documents, and receipts;

(B) A Future Near Me workbook that contains 100 questions to guide a youth toward self-sufficiency;

(C) The Path Before Me workbook written for Native American youth; and

(D) one piece of luggage per eligible youth.

(4) IL opportunities.

(A) Teen conferences provide opportunities or youth to learn specialized skills through workshops and recreational activities. The CW specialist enrolls the eligible youth via KIDS Training screens and supervises the youth at the workshops and recreational activities. The youth to staff ratio is no more than three youth to one CW specialist.

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

(C) Shared Vision for Youth activities introduce youth to state vocational and technical schools, community colleges and universities, branches of the military, job corps, police, fire and emergency personnel, community business partners, and other employment opportunities.

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

(5) Technical assistance. The IL community contractor consults with CW specialists regarding:

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

(B) utilizing training resource materials;

(C) informing CW staff of new resources;

(D) implementing IL programs. Assistance may include site visits and phone consultation; and

(E) developing collaborative efforts between OKDHS and community-based resources.

(6) Area IL specialists. IL specialists in each Field Operations Division (FOD) service area assist CW and tribal staff by:

- (A) ensuring eligible youth receive an IL assessment;**
- (B) recommending elements to include in the youth's individual IL case and transition plan;**
- (C) consulting with CW staff regarding eligible youth for services with Social Security Administration, IL community contractors, and DDSD;**
- (D) reviewing and updating IL data on KIDS;**
- (E) facilitating life skills groups;**
- (F) attending family team and transitional planning meetings for IL eligible youth;**
- (G) providing IL resources;**
- (H) training CW staff regarding availability of IL services;**
- (I) facilitating area wide youth service boards;**
- (J) assisting each area with IL activities and events;**
- (K) maintaining a list of area IL resources;**
- (L) processing requests for youth development funds; and**
- (M) ensuring youth complete paperwork necessary to enter post-secondary education.**

(7) Assistance to promote involvement of OKDHS and tribal staff in IL activities. The IL program provides reimbursement for mileage, per diem, and lodging to specified IL activities and events for OKDHS and tribal CW staff and placement providers.

6. IL contingency funds.

- (1) The approval of IL contingency funds is contingent upon funding availability.**
- (2) IL contingency funds are not used to reimburse youth, OKDHS staff, or contractors for a purchase made on behalf of the youth.**
- (3) Exceptions to reimbursement and item cost limits, per OKDHS Appendix C-19-A, require approval by CFSD IL Section.**
- (4) Requests for an item, per OKDHS Appendix C-19-A, are not split between two codes.**
- (5) Eligibility criteria for IL contingency funds are listed in (A) through (D).**

(A) Preparation contingency funds.

(i) Eligible youth:

- (I) are 16 or 17 years of age and are currently in OKDHS or tribal custody in out-of-home placement; or**
- (II) entered adoption or a permanent guardianship with kin after age 16.**

(ii) Preparation contingency funds are used for education and work related expenses, miscellaneous services, and permanent connection related activities necessary to achieve the youth's IL plan. Appropriate request for IL Preparation contingency funds include:

- (I) education related – tutoring, summer and night school,**

correspondence courses, General Educational Development (GED) classes and testing, national college admission examinations, college application fees, calculators, tape recorders and other study aids, career assessments, or any item that enhances the youth's academic achievement;

(II) miscellaneous related – band, cheerleading squad, and sports equipment and clothing, class related trips, class ring, junior-senior prom expenses, animals and supplies needed for school related clubs, yearbooks, or goods and services that are identified on the IL case plan that assist the youth in a successful transition to adult living;

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

(IV) permanent connection related – costs connected with searches for family or unrelated persons willing to make a permanent connection to the youth, expenses associated with family group conferences, person-centered planning meetings or other activities that result in connections for youth, and costs for visits to support or maintain connections.

(B) Supportive services contingency funds.

(i) Eligible youth:

(I) are 18, 19, or 20 years of age and were in OKDHS or tribal custody and out-of-home placement for a cumulative total of nine months or more between 16 to 18 years of age; or

(II) entered adoption or a permanent guardianship with kin after 16 years of age.

(ii) Supported services contingency funds are used for education related expenses, car expenses, furniture, appliances, alternate transportation, clothing, medical expenses, purchased services, such as substance abuse counseling and mentors, work related services, and other miscellaneous services necessary to achieve the youth's IL plan. Appropriate requests for IL Supportive Services contingency funds include:

(I) car expenses to assist youth when the youth is in school or working and the repairs are necessary to maintain transportation to job or school;

(II) furniture or appliances to assist youth with housing needs excluding electronic items such as gaming, video, and music equipment;

(III) alternate transportation, such as public transit, bicycles, or gas for carpooling, that assist the youth with transportation when seeking or maintaining employment, education, or medical care;

(IV) clothing, including work clothing;

- (V) medical expenses for a youth's medical or dental treatment, prescriptions, eyeglasses, or medical insurance, when these services are not available through other resources;
- (VI) counseling and mentoring services for youth to obtain outpatient sliding scale counseling, non-medical substance abuse treatment, or mentoring;
- (VII) miscellaneous goods and services, planned with the youth, that assist in completing the goal of transition to independence and are not covered by any other contingency fund or IL service;
- (VIII) education related expenses such as tutoring, GED classes and testing, summer, night, and correspondence courses, national college admission examinations, college application fees, tape recorders, calculators, other study aids, and career assessments; and
- (IX) work related – expenses such as clothing, uniforms, special shoes and protective wear, inoculations and health tests, and transportation assistance, such as the purchase of a bicycle, taxi fare, gasoline, or bus tickets until the youth receives his or her first paycheck;

(C) Housing contingency funds.

- (i) Youth eligible for housing contingency funds were in OKDHS or tribal custody and out-of-home placement on their 18th birthday and have not yet reached 21 years of age.
- (ii) Housing contingency funds are:
 - (I) designated to assist youth with housing in emergency situations; and
 - (II) used for living expenses, such as rent, utilities, deposits, and food. Youth, 18 to 21 years of age, who have left care may use IL housing contingency funds for deposits and food to establish the initial post-care living arrangement or for housing assistance to prevent homelessness.
- (iii) Payment for housing for youth attending post secondary institutions where dorms are available is assessed on a case-by-case basis.
- (iv) Youth may be eligible for a total of six months housing payments.
- (v) Housing payments extending beyond two consecutive months require approval from Children and Family Services Division (CFSD) IL Section.
- (vi) Youth who take advantage of an IL specialized community home (SCH) or other community supported transitional placement may have three months of housing paid to the IL SCH or transitional placement and still be eligible for an additional six months of housing.
- (vii) All subsequent requests for emergencies are considered on a

case-by-case basis by CFSD IL Section.

(viii) Appropriate items for IL Housing contingency funds include:

- (I) rent deposit;
- (II) rent payment;
- (III) utility deposit for gas, water, and electric only;
- (IV) utility payments for gas, water, and electric only;
- (V) food; and
- (VI) room and board payments that include rent, utilities, and food.

(D) One time only contingency funds.

(i) Youth eligible for one time only contingency funds are ages:

- (I) 16 and 17 in OKDHS or tribal custody in out-of-home placement;
- (II) 18 through 20 who were in OKDHS or tribal custody for a cumulative total of nine months or more between ages 16 through 17; and
- (III) 16 through 20 who entered a permanent guardianship with kin or adoption at or after age 16.

(ii) The one time only contingency funds are used to purchase goods and services the youth needs on a one time only basis.

(3) Contingency funds limits. Eligible youth may access:

- (A) an item in IL preparation and supported services contingency funds more than once but expenditures may not exceed the cost limit for each item, per youth, per year October 1 through September 30;
- (B) graduation expenses only during the year of the youth's graduation; and
- (C) one time only contingency funds at any time.

(4) Accessing IL contingency funds for youth in care. To access preparation or one time only contingency funds for eligible youth, 16 and 17 years of age, or supportive services or one time only contingency funds for eligible youth, ages 18, 19, and 20 years of age in voluntary care, the CW specialist:

- (A) prior to requesting contingency funds, determines whether the goods and services are available elsewhere at no cost;
- (B) refers to OKDHS Appendix C-19-A, Independent Living Youth Development Funds, for a list of services and goods cost limits and codes available through contingency funds;
- (C) discusses goods and services that support the youth's IL case plan with the youth and placement provider during each visit and documents the discussion in KIDS Contracts screen;
- (D) negotiates with the vendor obtaining the lowest cost for goods, services, and cost comparisons on all goods and services greater than \$200;
- (E) completes Form 04IL006E, Request for Independent Living Youth Development Funds, and includes complete vendor information and

- instructions regarding where the youth development fund payment is mailed;
- (F) submits completed Form 04IL006E to the CW supervisor for approval;
- (G) emails or faxes the CW supervisor-approved Form 04IL006E to NRCYS, 918-660-3785. NRCYS IL staff:
- (i) processes the request by verifying youth's available funding and determining whether the request supports the youth's IL case plan; and
 - (ii) faxes approved Form 04IL006E to the contracted fiscal agent who issues the youth development fund payment and mails the payment to the location designated in the instruction section of Form 04IL006E;
- (H) enters the goods and services in KIDS Service Log screen;
- (I) verifies that the goods and services were received by the youth and advises the youth that the fiscal agent must have all receipts for goods and services for the youth to continue to receive youth development funds;
- (J) assists in obtaining the receipts for goods and services if requested by the fiscal agent; and
- (K) files Form 04IL006E and any supporting documentation in the youth's case record.
- (5) Accessing One Time Only, Supportive Services, and Housing contingency funds for youth, 18, 19, and 20 years of age who left care. When a youth contacts the current IL community contractor, the contractor:
- (A) verifies the youth's eligibility for services and opens a KIDS IL case;
 - (B) consults with the youth regarding the contingency fund request and how it complements the youth's efforts to achieve self-sufficiency;
 - (C) when necessary, requests the youth fax or provide verification of employment, housing lease agreement, or car ownership;
 - (D) when goods and services are needed, completes Form 04IL006E and consults, as needed, with the CW specialist familiar with the youth formerly in OKDHS custody to identify vendors and services in the area where the youth resides;
 - (E) faxes Form 04IL006E to the contracted fiscal agent. The contracted fiscal agent issues the contingency fund payment and mails the payment to the location identified in the instruction section of Form 04IL006E;
 - (F) enters the conversations with the youth in KIDS Contacts screen and documents goods and services received on KIDS Service Log screen; and
 - (G) when the contractor determines the youth requesting contingency funds may benefit from case management, such as a parenting youth or the youth who is in an unsafe place or relationship, makes an

agreement with the youth to allow a case manager to schedule a face-to-face contact.

7. Incentive payment process for exit interviews.

(1) The Child Welfare (CW) specialist discusses the incentive payment process with eligible youth at age 16 and refers to the list of accomplishment categories and payment schedule outlined in Form 04IL002E, Independent Living (IL) Incentive Payment Worksheet.

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

(A) conducts an exit interview with the youth using Form 04IL002E two months prior to the youth exiting OKDHS custody or voluntary care after age 18;

(B) offers the youth the opportunity to complete Form 04IL003E, Independent Living Youth Exit Interview, during the exit interview;

(C) completes Form 04IL005E, Independent Living Payment Claim for the youth's signature;

(D) determines the incentive payment by verifying the youth's accomplishments during the exit interview process;

(E) ensures the youth's address is correct as the incentive payment is mailed to the address listed on Form 04IL005E; and

(F) mails Forms 04IL002E, 04IL003E, and 04IL005E, and required documentation to CFSD IL Section.

8. IL scholarship and educational opportunities.

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

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

(B) OHLAP application for youth in OKDHS custody. CFSD IL Section staff initiates enrollment for eligible youth in OHLAP and documents enrollment in KIDS Education and Contacts screens.

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

(A) Youth are eligible until they:

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

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

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

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

(ii) be an Oklahoma resident;

(iii) have graduated from a high school accredited by the State Board of Education, Oklahoma School of Science and Mathematics,

completed GED requirements or, with approval, from a public high school in states bordering Oklahoma;

(iv) have satisfied admission standards determined by Oklahoma State Regents for Higher Education for first time students;

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

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

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

(C) To access the tuition waiver:

(i) the CW specialist notifies the current IL community contractor or CFSD IL Section staff of a youth who meets the eligibility criteria;

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

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

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

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

(A) Scholarships are available to youth who:

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

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

(B) The scholarship award:

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

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

(iii) continues as long as the youth:

(I) maintains a 2.0 grade average;

(II) enrolls in 12 hours or more per semester;

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

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

(iv) allotments are:

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

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

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

(C) To apply for the Lou Hartpence Scholarship, the eligible youth and CW specialist submit Form 04IL009E, Lou Hartpence Scholarship

Application, and all required attachments to CFSD IL Section no later than six months after the date of the youth's 18th birthday, regardless whether the youth has graduated from high school.

(i) Form 04IL009E and all required attachments are reviewed by a scholarship committee that recommends to the Commission for Human Services (Commission) the youth to receive the scholarship monies.

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

(4) Education and Training Voucher (ETV) program.

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

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

(ii) who entered a permanent guardianship with kin or was adopted from out-of-home care after reaching age 16; and

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

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

(i) meets the eligibility criteria; and

(ii) has been accepted into a post secondary education or vocational training program.

9. Youth Advisory Board.

(1) The CW specialist advises any eligible youth of the Youth Advisory Board and the youth's opportunity to participate.

(2) When a youth indicates a desire to participate in a Youth Advisory Board, the CW specialist contacts the current IL contractor.

(3) Reimbursement for mileage is available for the individual providing the transportation to the Youth Advisory Board. This reimbursement can be made to the eligible youth, the CW specialist, placement provider, or mentor. Mileage reimbursement requests are submitted to the CFSD IL Coordinator office for approval and processing.

10. Teen panels.

(1) Eligible youth are 16 to 21 years of age, in OKDHS or tribal custody, in out-of-home placement, or youth formerly in OKDHS custody.

(2) Participation in teen panels. The CW or tribal worker:

(A) advises any eligible youth of the opportunity to participate on a teen

panel;

(B) when a youth indicates a desire to participate on a teen panel, contacts CFSD IL staff to list the youth as an available participant;

(C) submits Form 04IL005E, Independent Living Payment Claim, to the current IL community contractor for payment of the stipend. The youth receives:

(i) \$25 stipend for participating on a teen panel for foster and adoptive parent training; and

(ii) up to \$100 stipend for participating on a teen panel for a conference or co-training with CFSD IL staff; and

(D) requests mileage reimbursement for the person, including youth, staff, or foster parent, providing transportation to the teen panel. Mileage reimbursement requests are submitted to the CFSD IL staff for approval and processing.

11. Voluntary placement.

(1) Eligibility for voluntary placement. Youth who request voluntary placement must meet the criteria in (A) - (F) of this paragraph.

(A) Youth is appropriate for out-of-home placement.

(B) Placement is available for the youth.

(C) Youth has made a written request for voluntary placement.

(D) Youth agrees to participate in the development of an IL plan outlining the steps to achieve self-sufficiency, participate in IL services and activities, and abide by the plan.

(E) Youth will apply for medical services through Title XIX.

(F) Youth will participate in an approved school or educational program to obtain a GED or high school diploma and seek employment, as appropriate.

(2) Special circumstances for voluntary placement. Requests for voluntary placement after age 18 for reasons other than completion of high school or GED such as providing care during the summer months following graduation from high school prior to the youth entering college or a vocational program, follow the same procedure as a voluntary placement request.

(3) Youth's benefits or resources. When the youth receives benefits, the youth signs a notarized statement agreeing to reimburse OKDHS for the cost of care from any benefits or resources available. When the youth does not wish to reimburse OKDHS from the benefits, the specialist explores with the youth alternatives to voluntary placement which are consistent with the goal of self-sufficiency. Refer to OAC 340:75-13-28.

(4) Voluntary placement request. To request voluntary placement, the youth signs Form 04IL001E, Voluntary Placement Request.

(A) Form 04IL001E is submitted to the CW supervisor for approval one month prior to the child's 18th birthday.

(B) When the supervisor approves the voluntary placement request, Form 04IL001E is forwarded to the county director for final approval.

- (C) When the youth's request for voluntary placement is approved by the county director, the status type for the official custody is changed to "voluntary" in KIDS and the youth's birth date is used as the status-begin date.
- (5) Medical eligibility. Youth 18 years of age in voluntary OKDHS or tribal placement are eligible for Title XIX Medicaid, known as SoonerCare, under a certified Temporary Assistance for Needy Families (TANF) case.
- (A) The CW specialist notifies and provides Form 04IL001E, Voluntary Placement Request, to the custody specialist when the youth enters voluntary placement to allow the youth to receive medical benefits. The CW specialist:
- (i) scans Form 04IL001E into the KIDS file cabinet in the Client tab;
 - (ii) chooses User Generated Form as the document type;
 - (iii) selects a file name; and
 - (iv) uses Voluntary Placement Agreement and date – Client Name as the document description.
- (B) When a youth exits care at 18 years of age or exits OKDHS or tribal voluntary care between 18 and up to 21 years of age, the CW specialist:
- (i) completes the exit interview that includes:
 - (I) Form 04IL002E, Independent Living (IL) Incentive Payment Worksheet;
 - (II) Form 04IL003E, Independent Living Youth Exit Interview; and
 - (III) Form 04IL005E, Independent Living Payment Claim.
 - (ii) completes pages 1-3 and 11 of non-OKDHS Form SC-1, http://www.okhca.org/publications/pdflib/SCapplication_english.pdf SoonerCare Health Benefits Application, at the time of the exit interview;
 - (iii) forwards to CFSD Independent Living Section:
 - (I) Form 04IL002E;
 - (II) Form 04IL003E;
 - (III) Form 04IL005E;
 - (IV) non-OKDHS Form SC-1; and
 - (V) a copy of the youth's birth certificate; and
 - (iv) documents in KIDS Contacts that the youth left care at age 18 or left voluntary care at 18, 19, or 20 years of age.
- (C) When the youth exiting voluntary OKDHS or tribal care is over 18 years of age, but has not reached his or her 21st birthday, the application is processed and approved by the Family Support Health Related and Medical Services Unit.
- (i) The Family Support Health Related and Medical Services Unit forward approved applications to the appropriate local OKDHS human services center where a Family Support Services eligibility worker is assigned.
 - (ii) CFSD IL Section sends the SoonerCare approval notice and procedure card to the youth.

(D) The youth locates a physician in the youth's local community.

(E) The youth is responsible to contact the local OKDHS human services center at ages 19 and 20 to have the SoonerCare case recertified.

(F) The CW specialist sends Form 04KI002E, Eligibility Determination, to Family Support Health Related and Medical Services Unit to remove the youth from or close the C case, as appropriate, for the youth leaving OKDHS or tribal voluntary foster care.

12. IL Specialized Community Homes (SCH). An IL SCH is a residential program for the youth preparing to transition to his or her first IL situation and for youth who have exited care and are homeless or in an unsafe environment.

(1) Eligible youth are:

(A) ages 16 and 17 years of age in OKDHS or tribal custody and in out-of-home placement;

(B) 18 years of age receiving voluntary extended services to complete high school education or GED; and

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

(2) Placement in a SCH. The CW specialist:

(A) follows procedures in OAC 340:75-11-233 when making a placement request for youth ages 17.3 to 18 in OKDHS custody;

(B) contacts CFSD IL Section when making a placement request for youth 18, 19, and 20 years of age in voluntary care; and

(C) refers youth who exited care at age 18 to the Youth In Care Alumni Network (YESICAN) toll-free number, 800-397-2945, for placement assistance. These youth are then referred to CFSD IL Section.