

Oklahoma Commission on Children and Youth

Volunteer Policies and Procedures

Postadjudication Review Boards

Dear member,

Thank you for your willingness to serve on your local board. You are a critical piece in the advocacy efforts for the children and families in your community. It is the goal of the Postadjudication Review Board (PARB) Program to assist and advise the Court that the treatment goals and services provided to adjudicated deprived children are in the best interests of the children who have been found to have been abused/neglected.

The local boards are supported by The State Postadjudication Advisory Board. The advisory board is comprised of twenty-one (21) members appointed by the Governor. Ex-officio members are also appointed by the Department of Human Services (OKDHS) and the Office of Juvenile Affairs (OJA). The board oversees the implementation of the Postadjudication Review Board program in coordination with the Oklahoma Commission on Children and Youth (OCCY). The advisory board meets at least four times a year and the meetings are open to the public. In addition, the local PARB members are always invited and encouraged to express their ideas and concerns to the advisory board through the PARB coordinator or any member of the advisory board.

This manual is provided as a reference for Postadjudication Review Board (PARB) members in fulfilling the statutory requirements of the program. This manual also serves as a resource guide. However, this manual does not contain an exhaustive collection of all of the information that may be necessary to serve as an effective board member. All new board members are required to attend New Member Training and all members are required to participate in annual training.

A glossary, statutes, abbreviations list, and other aids are provided in the appendix.

For assistance you are always welcome to contact the State Postadjudication Review Board Coordinator:

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BASIC PROGRAM GUIDELINES AND POLICIES

Purpose of Policies and Procedures

The purpose of these policies and procedures is to provide overall guidance and direction to PARB members. The Oklahoma Commission on Children and Youth (OCCY) reserves the right to change any of these policies and procedures at any time and expects adherence to the changed policy. Members will be required to sign an acknowledgement indicating that they have read, understood, and will comply with all of the policies and procedures. Members will be notified of any changes made to this policy and procedure manual.

Under particular circumstances, certain exceptions may be made to the policies and procedures of this program. Such exceptions will be made at the discretion of the Statewide PARB Coordinator and/or the Director of the OCCY, or his/her designee.

Exception to Policy

Exceptions to these policies may be granted only by the Statewide PARB Coordinator and/or the Director of the OCCY, or their designees, and must be obtained in advance of any action on the part of the member.

Approval of Policy

Approval of the PARB policies shall be the responsibility of the Director of the OCCY in consultation with the PARB State Advisory Board. Amendments to these policies are subject to final approval by the Director of the OCCY, or his/her designee, who has responsibility for such amendments and reserves the right to amend these policies in any way, at any time.

Service at the Discretion of the Program

The state of Oklahoma PARB program accepts the service of each member with the understanding that such service is at the sole discretion of the program. By signing the Acknowledgement of Policies and Procedures, the member acknowledges that the State of Oklahoma PARB, may at any time, for whatever reason, decide to separate the member's relationship with the PARB program.

Application

Individuals shall submit a written application provided by the PARB program. Included in the application is a consent for an Oklahoma State Bureau of Investigation (OSBI) background check, a commitment to participate, a demographic questionnaire, a self-screening interview, and a request for at least two, non-relative references. If an applicant has resided two years or less within the state of Oklahoma, a back ground check from the state of prior residence must be secured. All members must be over twenty-one (21) years of age. If an applicant is found to have committed a misdemeanor or felony that is unrelated to or would not pose a risk to children and would not negatively impact the credibility of the PARB program, the PARB program will consider the extent of the rehabilitation since the

misdemeanor or felony was committed as well. Any applicant found to have been convicted of, or having charges pending for a felony or misdemeanor involving a sex offense, child abuse or neglect, or who have been adjudicated in juvenile court to have abused or neglected a child, or related acts that would pose risks to children or the PARB program's credibility will not be accepted as a PARB member. The following are the list of qualifications, requirements, and duties of a PARB member:

I. Qualifications of a PARB member:

- A. Possess a strong interest in children, their rights and their special needs.
- B. Have time to devote to New Member Training (approximately six hours) and annual training (approximately four hours) sessions.
- C. Possess an ability to work with professionals using tact, concern and basic human relations skills.
- D. Possess an ability to communicate verbally and in writing.
- E. Be at least 21-years-old.
- F. Pass a sex offender, domestic violence, OSBI and/or any other relevant national or statewide background check.
- G. Provide at least two favorable references (no relatives).

II. Requirements of a PARB member:

- A. Maintain strict confidentiality.
- B. Attend 4-hour New Member Training.
- C. Attend a minimum of 2 hours of in-service training and/or other approved training annually.
- D. Agree to a three year commitment to the program.
- E. Provide all information requested by the PARB program staff, which may be needed for overall program evaluation, i.e., PARB minutes, agendas, and monthly time sheets, etc.

III. Specific duties of a PARB member:

- A. Conduct an independent case review
 - 1. Review the court file and all relevant documentation.
 - 2. Contact the OKDHS case workers or supervisors, foster parents, therapists, and if necessary, other parties of the case.
- B. Advocate for the child
 - 1. Prepare a report to the court that documents your recommendations.
 - 2. Document concerns about the case to the Court.
 - 3. Ensure the child's best interests are being represented.

C. Determine the best interests of the child

1. May participate in any planning or treatment team meetings involving the child in order to keep informed of the child's plan for permanency.
2. Monitor the development and/or revisions of a case plan, ensuring the inclusion of specific tasks with target dates for completion.
3. Review the service plan and if needed, ask questions to ensure all of the child's needs are being met by the plan.

Appointment

PARB members are appointed for three year terms by the OCCY after the approval made by the Director of the OCCY and the consultation with the local judge having juvenile docket responsibility. Following the end of the three year term, each member shall submit to a background check. Members may continue to serve until reappointed or replaced by the OCCY. The cost of the background checks will be borne by the PARB program through the OCCY.

Confidentiality

The Oklahoma State statutes strictly protect the identities of families involved with the Juvenile Court. [See Appendix C] Violation of confidentiality can result in the discrediting of the PARB program and shall be cause for immediate separation from the program. Any disclosure of confidential information is unlawful and may subject the member to being charged with a misdemeanor. The rule of thumb is "The less said, the better." This is particularly true when discussing your case outside the confines of the PARB program, for example, at home. Discussion of the case with others, even if the family name and other identifying information is omitted, is strictly forbidden. PARB members are responsible for maintaining strict confidentiality of all information to which they are privy while serving as a PARB member. A PARB member is not a "Privileged Information" professional. Any information given to you, a PARB member is subject to being reported to the Court. During contact with foster parents, school personnel, and other professionals pertaining to the case, **the PARB member may collect information but is prohibited from giving out information.**

A PARB member becomes an advisor to the Court upon assignment of a case to the PARB. A PARB member participating in a judicial proceeding as a PARB member shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed.

Court files shall not be removed from the court house and should never be left unattended before, during or after a meeting. No documents should be removed or added to a court file by a PARB member. Any information pertaining to the individual families or children that the member receives in the discharge of his/her

duties is strictly confidential. It may not be discussed with anyone except the following:

- The Juvenile Court Judge;
- The District Attorney and the Assistant District Attorney assigned to the case;
- The Oklahoma Department of Human Services (OKDHS) and its private agencies assigned to the case;
- Other individuals assigned by the Court to conduct investigations, evaluations or provide recommendations to the Court for any child or family member who is a party to the case;
- All parties to the case who are privileged to get the information.

Discrimination

Racial slurs, ethnic jokes or other disparaging remarks or conduct based on race, religious creed, national origin, sexual orientation, physical or mental disability, color, gender, age, marital status, political affiliation, or veteran status are never appropriate in the workplace. For purpose of these policies, workplace extends to any area or aspect of the member's role wherein he or she is acting in such capacity. Any member found to be in violation of this policy will be subject to negative action, up to and including separation from the PARB program.

Sexual Harassment

The State of Oklahoma PARB program affirms that all women and men are to be treated fairly and equally, with dignity and respect. Sexual harassment is defined to be any unsolicited behavior, which asserts a person's sex as a factor of his/her function as a member. Any member found to be in violation of this policy will be subject to negative action, up to and including separation from the PARB program.

Alcohol/Drug Use

The state of Oklahoma PARB program endorses the philosophy that the workplace should be free from the detrimental effects of alcohol and/or drugs. Any member found to be in violation of this policy will be subject to negative action, up to and including separation from the PARB program.

Reporting of Abuse/Neglect

Where warranted, PARB members shall report all suspected incidents of abuse or neglect to the Oklahoma Statewide Hotline 1-800-522-3511. Oklahoma state statute, 10A O.S. §§ 1-2-101, 104, requires every person "having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect shall report the matter promptly to the Department of Human Services. Any person, who knowingly and willfully fails to promptly report suspected child abuse or neglect or who interferes with the prompt reporting of suspected child abuse or neglect may be reported to local law enforcement for criminal investigation and, upon conviction thereof, shall be guilty of a misdemeanor. Any person who, in good faith and

exercising due care, reports suspected child abuse or neglect, or who allows access to a child by persons authorized to investigate a report concerning the child shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed.”

Professional Conduct

At all times, PARB members are expected to conduct themselves in a manner that upholds the credibility and positive reputation of the PARB program in the courtroom and in the community. Members should dress appropriately for court and for other meetings wherein the member is participating as a representative of the PARB program. Communications by phone, fax or email should be of professional caliber whether addressed to the OKDHS staff or other persons related to the member’s PARB duties.

Dress Code

Please dress in a professional manner when attending court or professional meetings. No blue jeans or t-shirts.

Courtroom Etiquette

No food, drink, or chewing gum is allowed in the courtrooms. All cell phones must be turned off or turned to vibrate. Hats and sunglasses on the head should also be removed while in the courtroom. Speaking during hearings should be kept to a minimum and very quiet. If you need to have an extended conversation, please step outside the courtroom to do so. When at the bench, respect others who are speaking and do not interrupt. **NEVER INTERRUPT OR CORRECT THE JUDGE.** Address him/her as “your honor” or “judge.”

Training

PARB members are required to complete the next available New Member Training after being appointed to a local board. New members will be required to observe a local Juvenile Deprived Court in session with a PARB member as part of the New Member Training. Annual training is required for all PARB members as a condition of membership, pursuant to Title 10 O.S. § 1116.2 (F) of Oklahoma’s Children’s Code. Training curriculum hours can and will be changed in accordance with state and/or local standards and/or needs. Typically, the New Member Training is six hours with two of the hours spent observing a Juvenile Deprived Court in session. In addition, the PARB program expects that members participate in four hours of training each calendar year after the member receives the New Member Training. Members shall be reimbursed mileage, lodging and per diem for training. If funds are available, the PARB program will provide several training opportunities on a regional or statewide basis at various times during the year. Members may submit other training attended to the State PARB Coordinator to determine if the other training may be substituted for PARB sponsored training.

Attendance

PARB members are expected to attend all board meetings. If unable to attend, the member should notify the Chair of the board as soon as possible. The policy set by the State Postadjudication Review Advisory Board states: "If a member of a local PARB cannot attend a scheduled meeting, the member is responsible for notifying the Chair in advance with a valid excuse. If a member fails to attend two or three meetings within a board year without proper notification and valid excuse, the Chair may notify the judge with jurisdiction, and the local board shall review the member's status in executive session at the next meeting. The member in question may attend said meeting if he or she wishes. The local board may then request the OCCY to remove the member's appointment. Notice of the revocation and the reasons for it shall be given to the State Postadjudication Review Advisory Board, the local board chairperson and the revoked member by the OCCY."

Note: The rule indicates that the board may request revocation. It is not mandatory in the event that the local board is satisfied with the performance of the board member. Also, please note that there is no definition of "valid excuse." This would be left to the discretion of the board.

Leave of Absence

PARB members may request a leave of absence from their role as a PARB member. It is requested that the member provide information regarding the time period of the leave to the Chair of his/her local PARB as early as possible. A member may be asked to complete "re-training" upon his/her return to the program if the leave extended twelve months or more.

Resignation

A PARB member may, at any time, decide to separate from the PARB program. Notice of such a decision should be communicated in writing as soon as possible to the State PARB Coordinator. It is expected that, insofar as possible, the member will continue to fulfill his/her responsibilities until another member can be assigned to his/her local board.

Program Evaluations

PARB members will be required to participate in an annual program evaluation. Participation is needed to measure the program outcomes and to facilitate change within the program if necessary.

Member Evaluations

Periodically, PARB members may be asked to complete and submit self-performance evaluations.

Exit Interviews

A member who is leaving the PARB program may be asked to complete an evaluation that will seek to ascertain why the member is leaving as well as provide the opportunity for the member to evaluate the program.

Grounds for Removal from PARB

Appropriate grounds for a member to be removed from the PARB program include, but are not limited to:

- Engaging in illegal conduct involving moral turpitude
- Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation
- Violating of the Confidentiality Policy.
- Displaying attitudes and actions of a discriminatory nature.
- Repeated failure to complete Court Reports and/or otherwise demonstrating an inability to effectively carry out assigned duties.
- Inadequate case review on the part of the PARB member.
- A Judge requests removal.
- Failing to complete required training.
- Failure to report child abuse
- Being charged with a crime against a child or any gross neglect or misconduct.
- The PARB member falsifies a member application or misrepresents facts during the application process.
- References are not consistent with application or application process.
- Violating program policy, court rule or law.

Process for Removal from PARB

1. The State PARB Coordinator shall be informed of the issues/concerns
2. Efforts to address those issues/concerns should occur at the local level. Efforts include but are not limited to:
 - a. The local PARB members speak directly with the PARB member to discuss the issues/concerns
 - b. The local PARB communicates with the local judge for direction on how to address the situation
3. If local efforts are not successful, the local PARB requests the intervention of the State PARB Coordinator.
4. The State PARB Coordinator may:
 - a. Conduct an office conference with the member and address the issues/concerns. The conference shall be documented.
 - b. Submit a recommendation to the Executive Director of the OCCY or designee that the member be removed from the PARB program when the issues/concerns have not been corrected by the member. A notice of the recommendation shall be sent to the member.

5. The Director of the OCCY or designee will contact the local judge and inform the Court of the recommendation and the possible removal of the PARB member from the local board.
6. The member may submit a response within ten (10) days of the receipt of the notice of the recommendation that the member be removed from the PARB program to the OCCY Director or the OCCY Director designee.
7. The Director of the OCCY or designee will make the final decision within thirty (30) days of the recommendation that the member be removed from the PARB program.
8. The State PARB Coordinator will send a finding letter within forty-five (45) days of the recommendation to remove the member from the PARB program to the member, the local judge, and the PARB chairperson regarding the recommendation to remove the member from the PARB program.
9. The member may appeal the final decision of removal the Commission.

Member Files and Member Access to Files

The PARB program maintains a written record for each member which contains the following, as appropriate:

- Application
- Documentation on all records checks.
- Appointment letter
- Acknowledgement of receipt of the member policies and procedures.
- Correspondence.
- Reason for separation.

All member files shall remain confidential. A PARB member may have access to view the contents of his/her member file. If a member finds a discrepancy or needs to update information in the member file, the member should inform the State PARB Coordinator immediately. All PARB members are responsible to report any changes of address, telephone, email, or other pertinent information to the PARB office.

Frequently Asked Questions

How does a PARB get assigned to a case?

While every local PARB develops its own process to assign and review cases, typically, cases are assigned to a PARB after a child has been adjudicated deprived or is alleged to be deprived by the District Juvenile Court. State statute mandates that a PARB review the case of every adjudicated deprived child at least once every six (6) months and that a PARB review the case of every child alleged to be deprived and held in an out-of-home placement six (6) months after removal and every six (6) months thereafter until adjudication occurs or the child is release from out of home placement

How much training is required of a PARB member?

Approximately four (4) hours of New Member Training and a minimum of two (2) hours of annual training thereafter is provided by the PARB Coordinator or its designee.

What are the trainings training topics offered?

In-service trainings have covered a wide range of topics such as domestic violence, shaken baby syndrome, childhood trauma, court processes, and others.

How much time does it require to be a PARB member?

The amount of time depends on how thorough you are in your case reviews. Typically, it takes an average of two (2) to eight (8) hours a month to complete your case reviews and conduct a PARB meeting.

CASE REVIEW-RELATED POLICIES

Local PARB

Per State statutes, 10 O.S. § 1116.2 et seq. (Appendices A, B, and C), the local Postadjudication Review Board (PARB) functions in advisory capacity to the Court regarding every adjudicated deprived child as well as every child alleged to be deprived and held in an out-of-home placement. The state statute mandates that a PARB review the case of every adjudicated deprived child at least once every six (6) months and that a PARB review the case of every child alleged to be deprived and held in an out-of-home placement six (6) months after removal and every six (6) months thereafter until adjudication occurs or the child is release from out of home placement. Each local PARB is composed of at least five people living or working within the local judicial district. The PARB members are appointed by the Oklahoma Commission on Children and Youth (OCCY) through the recommendation of the local judge having juvenile court responsibilities. While state statute mandates that each board meet at least two times per year, most boards meet monthly, bi-monthly, or quarterly. The State statute also mandates that all boards must operate in compliance with the Oklahoma Open Meeting Act, except that the actual case reviews shall be held in executive session and the names of the children in placement shall not be published [10 O.S. 1116.2 (E)]. A simple quorum (half of members, plus one) must be present before recommendations can be made on individual cases. At least two members must be present during the interviews with youth, family or interested parties.

Case Review

Each local PARB has the responsibility to develop a process for case reviews. The process must be approved by the State PARB Coordinator and the following requirements must be met in the process:

1. The PARB shall submit a Report to the Court that documents the recommendations and the findings/rationale for the recommendations to the court within ten (10) days of any review hearing regarding the adjudicated deprived child.
2. The PARB review of cases and the PARB reports to the court shall be scheduled to ensure that the court receives the PARB recommendations and the findings/rationale for the recommendations prior to each regularly scheduled six-month review of the case by the court.

3. The PARB recommendations are entered into the court file and may be acknowledged by the presiding judge.

Consensus of the PARB is not required and the recommendation may reflect a dissenting or minority opinions.

A review board member may attend any court hearing or meeting pertaining to the permanency of any child related to a case that is subject to the review of the PARB. As part of the case review, the PARB members examine each child's court file and may request additional information from the Oklahoma Department of Human Services (OKDHS) case workers and/or the workers' supervisors, foster parents, court officials, and other parties involved in the case. The review shall include, but not be limited to, the consideration and the evaluation of:

1. The appropriateness of the goals and objectives of the treatment and service plan;
2. The appropriateness of the goals and objectives of the permanency plan and permanency planning; and
3. The appropriateness of the services provided to the child, and to the parent, step-parent, or other adult living in the home of the child, or legal guardian, or custodian.

The PARB shall submit a Report to the Court that documents the recommendations and the findings/rationale for the recommendations to the court within ten (10) days of any scheduled hearing of a child alleged to be deprived and held in an out-of-home placement six (6) months after removal and every six (6) months thereafter until adjudication occurs or the child is release from out of home placement. The review shall include, but not be limited to, the consideration and the evaluation of:

1. Whether the continued out of home placement is in the best interests of the child in light of the child's need for permanency and recognizing that permanency is in the best interests of the child;
2. The appropriateness of the continued out of home placement; and
3. In the absence of a court ordered treatment and service plan, the appropriateness of the services provided to the child and any family members or other adult living in the home of the child.

The following are the minimum requirements of the state of Oklahoma PARB program as it pertains to the review of a court case:

1. Review the court file.
2. Make notations and list questions that you have about the information that you have read.
3. Contact the assigned OKDHS case worker or the worker's supervisor. Request the current status of the case and the placement of the child. If appropriate, discuss your notations and ask the questions related to your review of the court file.
4. If necessary, contact others that you believe are appropriate to discuss your notations and ask the questions related to your review of the court file, such as: attorneys, school personnel, therapist, medical personnel doctors, etc.
5. Review all of the relevant documents, including those of the OKDHS, law enforcement, court, medical, and the schools.

Conflict of Interest

A PARB member should not be related to or be employed in a position and/or agency that might result in a conflict of interest. This also includes review board members who are or were foster parents for the youth being reviewed. These members may be heard by the board in their role as foster parent or as other interested party, but they should leave the room during the discussion of the recommendations. PARB members who are natural, step, or adoptive in their role as parent or relative of the child may also be heard by the board but must leave the room during discussion of the recommendations. Also, PARB members who are employees of a service provider or residential facility which currently serves the youth may not be present during the discussion, but they may be heard as an interested party. Any PARB member who has or had a significant personal or professional relationship with the youth, the parent, or any interested party may not be present during the case review. It is the responsibility of the PARB member to make the PARB aware of a potential conflict. If the PARB member with a potential conflict has information that would be important for the PARB recommendations, the PARB may allow the member to be included in the case discussion, but that member may not vote on any recommendations to the court.

Record Keeping

Once assigned to a case, the PARB member shall maintain documentation to include all notes relating to the time spent to complete the case review which includes:

1. The review of the court file and all relevant documentation.

2. The contact with the OKDHS case worker or worker's supervisor.
3. The contact with others involved in the case.
4. The time spent participating in the local PARB meeting.

The member shall also maintain documentation related to the correspondence he/she has received or sent in regard to the case. The member assumes responsibility to maintain confidentiality of all records in his/her possession, whether written or computerized. The member needs to mark notes and/or records pertaining to the PARB case "Confidential." The member needs to keep these records in a drawer or in a private place at home that is inaccessible to family members or guests in the home. At the conclusion of the member's involvement with the case, his/her entire file, including notes, must be turned over to the chair of the local board and shredded within forty-eight (48) hours.

Court Reports

A primary responsibility of the PARB is to complete a typed or handwritten Report to the Court. The report will document the PARB recommendations and the findings/rationale for the PARB recommendations which are based on the PARB review of the case. The member will receive training from the PARB program as it relates to writing the report as part of the New Member Training. Each local PARB is responsible for developing the process for submitting the reports to the court. The chair of the local PARB is responsible for ensuring that each member of their local PARB is trained and understands the process for submitting the PARB reports to the court. (Appendix D) It may also be downloaded from the PARB's program website at okkids.org on the PARB page. The chair of the local PARB will review the report and offer input to the member regarding any alterations to the report. The chair does not alter the content of the report or the recommendations without the knowledge and agreement of the PARB member. The chair will not submit the PARB Report to the Court until the minimum requirements of the state of Oklahoma PARB program as it pertains to the PARB Reports to the Court are met. Each PARB Report to the Court must meet the following requirements and must:

1. Be legible.
2. Clearly document the recommendations.
3. Clearly document the findings/rationale for the recommendations
4. Clearly correlate the recommendations and the findings/rationale for the recommendations.

It is the state of Oklahoma PARB program's policy to resolve conflicts between a PARB member and the chair of his/her local PARB regarding the reporting of information, and/or the recommendations, and/or the findings/rationale for the recommendations to be included in a PARB Report to the Court. If the conflict cannot be resolved, the State PARB Coordinator will request an invitation to be present during a PARB review of the case and provide training, guidance and feedback to the local PARB.

Subpoenas/Requests to Testify

Local PARB members have been requested to testify regarding details related to a PARB case as all of the parties to the case have access to the court.

APPENDIX A

Oklahoma Statutes Citationized

Title 10. Children

Chapter 51 - Delinquent, Dependent, and Disabled Children

Section 1116.2 - Review Board - Membership - Qualifications - Officers – Meetings - Orientation Program - Compensation

A. There is hereby established a postadjudication review board in each judicial district in the state. Members and alternate members of the postadjudication review boards shall be residents of or employed within the judicial district in which the board serves and shall be appointed by the Director of the Oklahoma Commission on Children and Youth after consultation with judges in the judicial district having juvenile docket responsibility, provided that in the event of a conflict of interest or for any reason when circumstances or the appearances of justice dictate, the Director of the Oklahoma Commission on Children and Youth may transfer the appointment decision to the entire Oklahoma Commission on Children and Youth whose decision shall be final and further provided, that any aggrieved aspirant may appeal the decision denying appointment by the Director of the Oklahoma Commission on Children and Youth within five (5) days to the Oklahoma Commission on Children and Youth whose decision shall be final. The Oklahoma Commission on Children and Youth may establish additional postadjudication review boards as needed for each county within a judicial district.

B. A postadjudication review board for each judicial district shall consist of at least five (5) members. Alternate review board members may be appointed to serve in the absence of a regularly appointed board member. Alternate board members shall be appointed in the same manner as regularly appointed board members. On and after September 1, 1991, currently serving board members shall serve until appointments are made by the Commission on Children and Youth. The Commission on Children and Youth shall complete initial appointments to the review boards no later than June 30, 1992.

C. Board members shall be appointed for a term of three (3) years. Members shall serve after the expiration of their terms until their respective successors shall have been appointed. Vacancies shall be filled for the duration of unexpired terms. The review board members shall be appointed according to the following guidelines:

1. One member shall be a person who has training or experience in issues concerning child welfare, or a person who has demonstrated an interest in children through voluntary community service or professional activities;

2. Whenever possible, at least one member of the board shall be an individual who has served as a foster parent, provided that no person on the review board shall participate as a board member in any review hearing in which the person is a party; and

3. No more than one person employed by any child welfare agency or juvenile court may be appointed to a board at the same time, provided such person shall not participate in any review hearing in which the person is professionally involved.

D. Each postadjudication review board shall annually elect a chair and shall notify the Commission on Children and Youth as to the name and address of the chair. A list of the members of each local board and its officers shall be filed with the Presiding Judge of the judicial district and each judge within the district having juvenile docket responsibility.

E. There shall be a rebuttable presumption that a person participating in a judicial proceeding as a postadjudication review board member or a postadjudication review advisory board or postadjudication review board coordinator is acting in good faith. When acting in good faith, a participant shall be immune from any civil liability that might otherwise be incurred or imposed. Each postadjudication review board shall meet as often as is necessary at a place it designates to carry out the duties of the board established by Section 1116.3 of this title. The review board shall meet at least twice annually. Each review board shall be subject to the provisions of the Oklahoma Open Meeting Act, except that the actual case reviews shall be held in executive session; provided, however, that upon the request of the board, members or prospective members of other existing review boards, students or researchers may attend and observe but not participate in board hearings subject to restrictions and conditions imposed by the board. Members and employees of the State Postadjudication Review Advisory Board who are exercising their oversight responsibilities pursuant to Section 1116.6 of this title may attend and observe but not participate in board hearings. All parties shall maintain confidentiality, and the names of the children in placement shall not be published. Temporary ad hoc review boards may be created in counties in which there is no active review board. The Director of the Oklahoma Commission on Children and Youth may appoint active or alternate members of existing review boards to serve as members of local boards that are unable to meet quorum requirements and to temporarily constitute members of a new board where no current board exists. A member appointed to temporary service shall be fully qualified as provided by law, and such service shall terminate when the basis for the appointment is remedied or upon the order of the Director.

F. As a condition of membership thereto, members and alternates of the postadjudication review boards shall attend the next available orientation program after appointment to the board. Failure to attend an orientation program, at the discretion of the Commission on Children and Youth, may result in the removal of the board member. Members of postadjudication review boards shall attend the

annual meeting or training programs or both such meeting and training programs as are authorized and directed by the Commission on Children and Youth.

G. Members of postadjudication review boards shall serve without compensation, but shall be reimbursed for travel and training expenses from monies appropriated by the Legislature for such purposes, as provided by the State Travel Reimbursement Act. The Commission on Children and Youth shall provide members of postadjudication review boards with necessary operating supplies and postage fees or members shall be reimbursed for these expenses.

H. The Commission on Children and Youth shall be responsible for developing procedures for the removal of a member from a postadjudication review board. The grounds for the removal of a postadjudication review board member shall include but not be limited to:

1. Failure to attend board meetings as required by the Commission on Children and Youth;
2. Engaging in illegal conduct involving moral turpitude;
3. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation; or
4. Wrongful disclosure of information as provided by Section 1116.4 of this title.

I. Necessary staff assistance required by the postadjudication review boards may be provided by the bailiff or bailiffs, or other person designated by the court, of the judges with juvenile docket responsibility in the judicial district. Upon the request of the presiding judge, the Chief Justice of the Supreme Court may authorize additional staff to be paid from local court funds to assist the review board.

The Administrative Director of the Courts may include such additional funding requests in the annual budget for the courts as are necessary to provide staff and administrative support for the review boards.

[Last amendment effective November 1, 2009]

APPENDIX B

Oklahoma Statutes Citationized

Title 10. Children

Chapter 51 - Delinquent, Dependent, and Disabled Children

Section 1116.3 - Advisory Status of Review Boards - Duties and Responsibilities

A. Postadjudication review boards shall function in an advisory capacity to the district court and, in accordance with the provisions of subsection C of this section, the district planning and coordination boards for services to children and youth of the Oklahoma Commission on Children and Youth.

The duties of a review board shall be to:

1. Review the case of every adjudicated deprived child at least once every six (6) months and submit to the court within ten (10) days of any review hearing its findings and recommendations.

a. Such review shall include, but not be limited to, consideration and evaluation of:

(1) the appropriateness of the goals and objectives of the treatment and service plan,

(2) the appropriateness of the goals and objectives of the permanency plan and permanency planning, and

(3) the appropriateness of the services provided to the child, and to the parent, step-parent, or other adult living in the home of the child, or legal guardian, or custodian.

b. Reviews of cases and reports to the court shall be scheduled to ensure that the court receives the findings and recommendations of the review board prior to each regularly scheduled six-month review of the case by the court;

2. Review the case of every child alleged to be deprived and held in an out-of-home placement six (6) months after removal and every six (6) months thereafter until adjudication occurs or the child is released from out-of-home placement and submit to the court within ten (10) days of any scheduled hearing its findings and recommendations. Such review shall include, but not be limited to, consideration and evaluation of:

a. whether the continued out-of-home placement is in the best interests of the child in light of the child's need for permanency and recognizing that permanency is in the best interests of the child,

b. the appropriateness of the continued out-of-home placement, and

c. in the absence of a court-ordered treatment and service plan, the appropriateness of the services provided to the child and any family members or other adult living in the home of the child;

3. Review the case of every child adjudicated deprived pursuant to the laws of another state or territory, when the child is currently residing in Oklahoma and the Department of Human Services has been notified of the change of residence by the other state or territory and has agreed to provide services to the child pursuant to the Interstate Compact on the Placement of Children or other agreement concerning the child. The Department shall notify the proper review board of the location of the child and shall provide such review board with information received by the Department from the other state concerning the child or placement along with any reports made by the Department concerning the child or placement. The review board shall report its findings to the Department and may report such findings to the agency or court in the state having jurisdiction for the custody of the child. The child and the custodian of the child may be required to be present at the review board's meeting regarding the child;

4. If approved by the court, review the case of any juvenile adjudicated delinquent or in need of supervision. Such review shall include, but not be limited to, consideration and evaluation of:

a. the appropriateness of the placement,

b. the appropriateness of the services provided to the child and any family members or other adult living in the home of the child, and

c. the appropriateness of the goals and objectives of the treatment and service plan; and

5. Forward copies of the findings and recommendations of the review board to the court having jurisdiction of the case, the parent, legal guardian, attorney representing the child, custodian of the child, agency supervising the case or legal custodian of the child and to any other interested party as determined by the court. It shall be the duty of the court clerk to ensure that all documents filed pertaining to the case of an adjudicated child are properly noted and affixed in the file of the child prior to the commencement of the review process by the review board. The bailiff or bailiffs of the judges having juvenile docket responsibility within the district shall

transmit the information necessary for the case reviews to the review board for that district.

B. The review board's report of its findings and recommendations shall be admitted into evidence in any dispositional hearing, and may be relied upon to the extent of its probative value, even though not competent for purposes of an adjudicatory hearing.

C. In addition to its reviewing function, a review board, as directed by the Oklahoma Commission on Children and Youth and in coordination with the district planning and coordination boards shall:

1. Promote and encourage all child placement agencies to maximize family stability and continuity for a child by discouraging unnecessary changes in placement and by recruiting persons to provide placement who may be suitable and willing to adopt;
2. Review the efforts of agencies and institutions to find permanent placement for eligible children and report to the court;
3. Encourage a meeting between the various responsible public and private agencies, institutions, and officers of the court in order to facilitate cooperation and coordination of efforts; and
4. Assess community resources, and develop, if not already available, a directory of responsible persons, agencies, and institutions.

D. A review board may solicit the attendance at its meetings of persons known to the board with information concerning the case of any child subject to its review. However, no employee of the Office of Juvenile Affairs shall be required to attend a review board meeting.

E. A review board shall report annually its findings, recommendations, and assessments of the effectiveness of sections of law pertaining to individual treatment plans, information to accompany deprived children placed outside the home, and dispositional orders and Sections 1116.2 through 1116.6 of this title to the Administrator of the Courts, the Supreme Court, to the court having jurisdiction of the case, to the State Postadjudication Review Advisory Board, and the Oklahoma Commission on Children and Youth and provide such other reports as deemed proper or that may be requested from time to time by the Oklahoma Commission on Children and Youth, the Governor, the Legislature, or the Supreme Court.

F. It shall be the duty of the court having jurisdiction of the case to acknowledge the receipt of the recommendations of the review board and note to the review board the actions of the court regarding the recommendations submitted by the review board.

G. A review board member may attend any court hearing concerning the case of any child subject to review by the board.

[Last amendment effective November 1, 2002]

APPENDIX C

Oklahoma Statutes Citationized

Title 10. Children

Chapter 51

Section 1116.4 - Disclosure of Certain Information Prohibited - Exceptions

No member of a postadjudication review board or staff member of such board may disclose any information regarding individual cases acquired from case reviews or be compelled to disclose such information except:

1. When such information pertains to criminal acts or violations of any law;
2. When the child was the victim of a crime. The members of the board or staff member of such board may be required by a court of competent jurisdiction to testify at any proceeding in which the commission of such a crime is the subject of inquiry; or
3. When the person waives the privilege by bringing charges against the board.

Nothing in this act shall be construed to prohibit any board member or staff member of such board from testifying in court hearings concerning matters of adoption, child abuse, child neglect, or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues and administrative superiors on behalf of the child, parent or parents of the child.

Any person participating in a judicial proceeding as a postadjudication review board member shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed.

[Last amendment effective June 5, 2001]

APPENDIX D

THE JUDICIAL PROCESS IN JUVENILE PROCEEDINGS

REMOVAL AND PLACEMENT IN CUSTODY

If a child is in need of immediate protection due to an “imminent safety threat,” a law enforcement officer may remove the child from the home, taking the child into “*protective*” custody prior to the filing of a petition without a court order; or the CPS Worker may take the child into “*emergency*” custody subsequent to a court order, issued upon application of the District Attorney.

EMERGENCY CUSTODY SHOW CAUSE HEARING

Within two judicial days, the court decides whether the children can safely be returned home or whether the child should remain in emergency custody until the District Attorney decides whether or not to file a deprived Petition.

FILING OF DEPRIVED PETITION

This petition must be filed and a summons issued within 5 judicial days from the date the child was taken into custody.

Attorneys are appointed to represent children (Public Defenders or Lawyers for Children in Oklahoma and Tulsa counties). Attorneys are appointed to parents who qualify on a low income basis.

ADJUDICATION HEARING

The Adjudication shall not exceed 90 days after the petition is filed unless the court finds good cause to the contrary. The parents may agree to the allegation stated in the Deprived Petition or request a non-jury, or bench, trial. Jury trials are no longer allowed in adjudications. The Adjudication Order states the conditions which led to the child being adjudicated deprived and which must be corrected by the parent before the case can be closed.

DISPOSITION HEARING

The court decides who gets legal custody of the children. An Individualized Service Plan (ISP) is prepared by OKDHS that states what the parent must do to get the child returned and what services OKDHS will provide to the child and family. The service plan is then ordered by the Court.

PERMANENCY HEARING

The court conducts a hearing to consider the issue of establishing permanency. This hearing must occur no later than 6 months after the child has been placed in an out-of-home placement or within 30 days if efforts to reunite are not required.

POST-DISPOSITIONAL REVIEW HEARING

Disposition orders are reviewed by the court at least once every six months. OKDHS must provide a written report to the Court describing the current situation and progress being made by the parents on correcting the conditions and services being provided to the child.

REUNIFICATION HEARING (RYAN LUKE)

If children are reunified with the parents, OKDHS is required to continue monitoring the family for 6 months from the time the first child is returned home. It is possible for the Court to extend this time at its discretion.

TERMINATION HEARING

If the abuse is so bad, or "heinous or shocking" that there is virtually no chance the parent(s) will be rehabilitated, the District Attorney may ask for immediate termination of parental rights in the original petition or amend the petition for termination. In this case the issue of termination is decided at the Adjudication hearing. In all other cases, the State or the children's attorney may file a Motion to Terminate. When termination of parental rights is included in the original Deprived Petition or is filed as a motion later in the case, the parent(s) is entitled to a jury trial or a non-jury trial or may stipulate (agree to the termination). The major factors to be considered when asking for termination are whether the parents' right should be terminated based on the facts alleged in the Petition or Motion to Terminate AND is it in the best interest of the children to have the parents' rights terminated. If termination occurs, the children are freed from the custody and control of the parent(s).

GENERAL GUIDELINES FOR TERMINATION

When a child has resided in foster care 15 of the last 22 months (time starts at adjudication or 60 days after removal from home, whichever is earlier), the state must file a petition to terminate parental rights unless it is shown that compelling reasons exist not to terminate rights. If the parental rights are terminated, the parent has 30 days to appeal and the termination is not final for 6 months. The parent(s) duty to financially support the child continues until the child is adopted.

GROUNDINGS FOR TERMINATION

Consent of the parent, who voluntarily agrees to termination of parental rights

Abandonment by the parent

Parent failed, refused, or neglected to contribute to the support (emotional and physical) of the child.

Parent has not corrected the conditions which led to the adjudication of the child as deprived and the parent has had at least 3 months to correct the conditions

Parent has had his/her rights to another child terminated and the conditions that led to the prior termination have not been corrected

Parent has been convicted of certain criminal acts perpetrated on a child

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 that is heinous or shocking

Parent has previously abused or neglected the child or a sibling of the child or failed to protect the child or sibling of the child from abuse or neglect and the child or a sibling of the child has been subjected to subsequent abuse

Parent who perpetrated rape on the parent which resulted in the conception of the child who is the subject of the deprived case

Parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health which renders the parent incapable of adequately and appropriately exercising the parental rights, duties, and responsibilities within a reasonable time considering the age of the child, AND allowing the parent to have custody would cause the child actual harm or harm in the near future

If the parent is incarcerated, factors which need to be considered are: duration of incarceration, history of criminal behavior, age of child, the current relationship

between the parent and the child, and the manner in which the parent has exercised parental rights in the past.

Child has been in foster care for 15 of the most recent 22 months preceding the filing of the petition or motion to terminate parental rights (time starts at adjudication or 60 days after removal from home, whichever is earlier).

GROUNDINGS FOR IMMEDIATE TERMINATION

Parent has abandoned or deserted the child.

Parent has committed murder, voluntary manslaughter of another child OR aided, abetted, attempted to commit such murder or manslaughter.

Another child has been born to the parent whose rights to another child have previously been terminated, and the conditions which led to earlier TPR have not been corrected.

A conviction in a criminal action in which the parent caused the death of a child due to physical or sexual abuse, chronic abuse, or neglect.

Parent committed heinous and shocking physical or sexual abuse to the child or failed to protect the child from such abuse.

Parent has a history of extensive, abusive and chronic use of drugs or alcohol and has resisted treatment for a 3-year period.

EXCEPTIONS TO THE REQUIREMENT FOR THE D.A. TO FILE A PETITION OR MOTION TO TERMINATE PARENTAL RIGHTS

The child is being cared for by a relative.

The state agency documents in the case plan a compelling reason why termination is not in the best interest of the child. Examples of a compelling reason may include: bond exists between the child and parent who is unable to care for the child, age of child, or desire of child to maintain the relationship with the parent.

The State agency has not provided the family the services necessary to return the child to a safe home.

APPENDIX E

GATHERING INFORMATION

CONTACTING OKDHS AND OTHER SERVICE PROVIDERS

When first contacting an agency, introduce yourself as a PARB member and show your PARB I.D. If the person/agency is unfamiliar with the PARB program, explain the role of the PARB. If seeking information, provide a copy of Title 10A. Section 1-6-103- Inspection of records without court order (Appendix J)

Document all of your contacts and conversations in your case notes by entering the date, type of contact, agency and individual names.

Maintain complete written records regarding the case, including a log of all of the contacts, documents reviewed, and correspondence.

Remember: Gather – don't Give information.

APPENDIX F

SOURCES OF INFORMATION AND ASSISTANCE

Source	Type of Information/Assistance
OKDHS Caseworkers	<ul style="list-style-type: none"> • Documentation contained in the case record • Case plan within thirty days of placement • Names, addresses, and phone numbers of the other parties to the case • Advice on how you might make contacts • Discuss community and/or educational resources • Discuss progress of case plan
Lawyers <u>For parents:</u> Contract Private Hire <u>For child:</u> Public Defender OR Oklahoma Lawyers for Children Member Attorney and Tulsa Lawyers for Children Volunteer Attorney OR Private Court-appointed <u>Attorney</u>	<ul style="list-style-type: none"> • Works with the other attorneys on the case • Assistance in negotiating settlements in preparation for trial • Files legal documents • Subpoenas witnesses • Children’s attorneys represent the child’s expressed interests • In some cases, depending on child’s age or disability, represents child’s best interests (limited by statute)
Guardian ad litem (GAL) Attorney GAL OR Court Appointed Special Advocate (CASA)	<ul style="list-style-type: none"> • Represents child’s best interests • Has access to all court and agency records, all parties and service providers and other people involved in a case, i.e. teachers, foster parents, doctors, therapists, etc.
Foster Parents	<ul style="list-style-type: none"> • Specific information about the child’s daily life and about the child’s behavior related to: <ol style="list-style-type: none"> 1. Visits with parents and siblings

	<ol style="list-style-type: none"> 2. Adjustments in school [Individualized Educational Plans (IEP)] 3. Behavior problems and strengths 4. Medical concerns 5. Contacts made by parents through letters, phone calls, etc. 6. Child's daily functioning and 7. Adjustments to separation/loss
Child's Teacher	<ul style="list-style-type: none"> • Child's behavior at school • Educational problems or delays, strengths [IEPs] • Changes in behavior • Child's appearance • Peer relationships • Grades • Parental involvement • Likes/Dislikes • Attendance prior / post-removal • School nurse reports • School counselor reports
Medical Personnel	<ul style="list-style-type: none"> • Child's medical condition as related to the abuse • Past medical history, medical records • Follow-up services that may be required to address medical conditions resulting from abuse and /or neglect • A particular medical condition that should be brought to the attention of the caseworker, foster parents, courts, etc. • Medicines prescribed to the child. • Contact with parent(s), if any • Must obtain Release or Court Order to view/discuss medical records
Legal/Court Personnel	<ul style="list-style-type: none"> • Criminal records, Juvenile court records and other court records
Psychological / Psychiatric Professionals	<ul style="list-style-type: none"> • Nature of referral information they received • How they came to a particular conclusion • What the diagnosis means in practical terms and how progress is measured

	<ul style="list-style-type: none"> • Discrepancies in opinion • Possible counseling or therapeutic models being recommended for the child, parents, family, etc. • Psychotropic drugs prescribed to child and their purpose • Must obtain Release or Court Order to view/discuss medical records
Parents	<ul style="list-style-type: none"> • Can describe any omissions or extenuating circumstances they feel are important to the case • Ask them about their child - same questions as foster parents and more: child's developmental milestones, joys, fears, etc.
Tribe	<ul style="list-style-type: none"> • Advise the tribe you have been assigned to review the case • Discuss potential service resources and potential placement options for the Indian child • Find out if anyone is going to appear for the tribe and if the tribe is going to formally intervene, send a representative, make a written recommendation or request transfer of the case -- idiscuss recommendations

APPENDIX G

IMPORTANT POINTS TO CONSIDER DURING THE REVIEW

COURT

- Case Review:
 - Has the court reviewed the case within the past six-months?
 - If not, this needs to be brought to the court's attention ASAP. Don't put your notice to the court inside the court file and expect anyone to see it if the case is not on the court docket. Give notice directly to the judge in the PARB Findings and Recommendations form (Appendix D).
- Indian Child Welfare Act:
 - Does the child fall under the provisions of the Indian Child Welfare Act?
 - Has the tribe been notified?
 - Is placement in accordance with ICWA?
 - Does the tribe wish to participate? If no, why?
- Child Support:
 - Are both parents contributing child support? Should they?
 - If they are not capable of providing financial support, what services are being offered to assist them in this area?
- Prior Child Welfare Involvement:
 - Has this family had prior involvement with Child Welfare within the past three years?
 - What were the circumstances?
 - What services were offered then and did the parents comply with the previous treatment plan?
 - Have rights to other children been terminated through prior court involvement?
 - If the same conditions exist now, should parental right be terminated for these children?

TREATMENT PLAN

- Visitation:
 - How often has visitation occurred between the child and parent(s)?
 - Is this sufficient for a child this age?
 - Is the setting for these visits appropriate considering the charges in the petition as well as the cooperation exercised by the parents?
- Timeframes:
 - Are timeframes realistic?
 - Are they being adhered to?
 - Are the services noted on the plan available in the community?
 - If not, how will OKDHS provide them?
 - Is the agency assisting with transportation to obtain these services?

- Services Ordered:
 - Do the services ordered really address the problems as stated in the petition?
 - Are additional services needed?
- Foster parents:
 - Are the foster parents satisfied with the services offered to the child?
 - Has their input been considered by the court, agency and your review board?
- Termination of Parental Rights:
 - Has child been out of the home for the last 15 out of 22 months? If yes,
 - Is the child being properly cared for by a relative?
 - Has DHS documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the best interests of the child?
 - Has the State provided the family, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home (reasonable efforts)?
 - Has the State made "active efforts" to prevent the break-up of the Indian family (ICWA case) and have those efforts proved unsuccessful?

PERMANENCY PLANNING and PLACEMENT

- Placement:
 - Is the child safe in the current placement?
 - Has placement changed since the last board review? If yes, why?
 - Are siblings placed together? If not, why?
 - Do the children receive regular visitation with one another if placed separately?
 - If the children are adopted by different families, can a plan be designed so they will still have contact with one another? If not, why?
- Permanency:
 - Can we expect this family to be reunited within six months? If not, why and when?
 - Will the child be at risk if returned to the home at this point? If yes, why?
 - What obstacles prevent the child from returning home?
 - If reunification is not likely or required, what alternate plan has been devised?
 - If the child has been placed with a relative or kinship and unlikely to return to the parent's home, what efforts have been made to achieve permanency in this placement by adoption or guardianship?

OKDHS PERMANENCY PLANNING

A permanency plan should be written by the OKDHS worker within 90 days of placement. The plan must include the service goals and objectives, the barriers, the steps to be taken to achieve the goals, and the time frame for goal achievement. This planning session occurs outside of the court and concerned parties are invited by OKDHS to attend and provide input.

A permanency plan is intended to assure permanence in a child's living arrangement and continuity of relationship. The plan should include immediate and long-term goals that address the child's need for safety, belonging, stability, and continuity of care.

The plan should be detailed in a written service agreement, which has been discussed with and agreed upon by the parents and approved by the court.

The permanency plan should be accomplished as soon as possible, but no later than 18 months after date of foster care entry.

Types of permanency plans:

- Return to home
- Placement with relative with legal status (guardianship)
- Adoption
- Planned Alternative Permanent Placement (Long-term foster care, kinship placement or Independent living)

TREATMENT PLAN or INDIVIDUAL SERVICE PLAN (ISP)

OKDHS is required to prepare and maintain a written individualized service plan (ISP) for any child adjudicated to be a deprived child. The ISP shall be individualized and specific to each child and the family of the child. The health and safety of the child shall be the paramount concern in the development of the plan. The ISP should be consistent with the correction of the conditions that led to the adjudication of the child (as stated in the Adjudication Order), and it should be measurable, realistic and consistent with the requirements of other court orders. The ISP is designed with client participation whenever possible and should contain:

- permanency goals for the child
- conditions that must be corrected in order for the child to be returned
- set time limit for completion of the treatment plan and re-unification services to be provided to the parent, legal guardian, other adult living in the home or other family members
- identification of the specific services to be provided to the child including:
 - educational services
 - vocational educational services
 - medical services
 - drug or alcohol abuse treatment
 - counseling

- other treatment services

If the child is placed outside the home, the ISP shall further provide:

- sequence and time frame for services to parent, child and foster parent to facilitate the child's return to home
- description of child's placement, whether the placement is the least restrictive for the child and closest proximity to the child's home and how the placement is consistent with the child's best interest
- description of services requested for child and whether services provided or basis for denial of services
- efforts made by parent and DHS to enable child's return to home
- description of independent living plan for child age 16 years or older
- diagnostic and assessment information, special services required for a child in placement due solely to child's behavioral or medical health issues (inpatient or therapeutic foster care)
- a plan and schedule for regular and frequent visitation for the child and the child's parent, legal guardian and siblings – unless the court has determined that such visitation would be harmful to the child
- a plan for ensuring the educational stability of the child while in out-of-home placement

The ISP must specifically provide for the safety of the child; therefore, the ISP must include a statement addressing the possible consequences of the parents' failure to provide their child with a safe home within a reasonable period, including that their parental and custodial duties and rights may be restricted or terminated or their child may not be returned to them.

APPENDIX H

WRITING A RECOMMENDATION

Be brief, accurate, and organized.

The time it takes to hear a case averages between 7 and 15 minutes.

Do not explain the obvious

The Board recommends that OKDHS make every effort to place the children in the same foster home. (No explanation is needed.)

Write legibly. Neatness counts.

Remember how difficult it is for you to read other people's writing.

Do not dictate to the court.

Incorrect: Terminate the parents' rights.

Correct: The PARB recommends that the parents' rights be terminated DUE to the lack of progress on completing treatment plan, lack of financial and emotional support, etc.

Suggest Local Resources.

APPENDIX I

Oklahoma Statutes Citationized

Title 10A. Children and Juvenile Code

Article 1 - Oklahoma Children's Code

Article Chapter 6 - Children's Records

Section 1-6-103 - Inspection of Juvenile Court Records and Department of Human Services Agency Records Without Court Order

A. Juvenile court records and Department of Human Services agency records pertaining to a child may be inspected, and their contents shall be disclosed, without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. The court having the child currently before it in any proceeding pursuant to this title, any district court or tribal court to which such proceedings may be transferred, employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem appointed by the court, and court-appointed special advocates;
2. A district attorney, United States Attorney, or Attorney General of this or another state and the employees of such offices in the course of their official duties pursuant to this title or the prosecution of crimes against children, or upon their request in their official capacity as advisor in a grand jury proceeding;
3. The attorney representing a child who is the subject of a proceeding pursuant to the provisions of this title or other proceeding where child custody or visitation is at issue;
4. Employees of juvenile bureaus in the course of their official duties pursuant to this title, and employees of the Department of Human Services in the course of their official duties;
5. Employees of a law enforcement agency of this or another state or military enclave and employees of a child protective service of another state or military enclave in the course of their official duties pertaining to investigations of a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;
6. The Oklahoma Commission on Children and Youth as provided by Sections 601.2 and 601.6 of Title 10 of the Oklahoma Statutes;
7. The Office of Juvenile Affairs;
8. A federally recognized Indian tribe in which the child who is the subject of the record is a member or is eligible to become a member of the tribe and is the

biological child of a member of an Indian tribe pursuant to the provisions of the Federal Indian Child Welfare Act and the Oklahoma Indian Child Welfare Act; provided such Indian tribe, in the course of its official duties, is:

- a. investigating a report of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody,
- b. providing services to or for the benefit of a child including, but not limited to, protective, emergency, social and medical services, or
- c. the tribe, the tribal court or the tribal child welfare program has asserted jurisdiction or intervened in any case in which the child is the subject of the proceedings or is a party to the proceedings pursuant to the authority provided in the Oklahoma Indian Child Welfare Act.

The records that are to be provided to Indian tribes under this subsection shall include all case records, reports, and documents as defined in Section 1-6-101 of this title;

9. The Governor or to any person the Governor designates, in writing;
10. Any federal official of the United States Department of Health and Human Services;
11. Any member of the Legislature approved in writing by the Speaker of the House of Representatives or the President Pro Tempore of the Senate;
12. A foster parent, with regard to records concerning the social, medical, psychological, or educational needs of a child currently placed with that foster parent or of a child being considered for placement with that foster parent;
13. An employee of any state or federal corrections or law enforcement agency in the performance of the official duties of the employee concerning presentence investigations or supervision of a parent of an alleged or adjudicated deprived child, or the legal guardian, custodian, or any other adult member of the child's home who is responsible for the health, safety, or welfare of the child; and
14. An employee of a state agency of this or another state in the performance of the official duties of the employee concerning the establishment of paternity or the establishment or enforcement of a child support order or other entitlement for the benefit of a child; provided, disclosure shall be limited to information directly related to the purpose of such disclosure.

B. In addition to the persons listed in subsection A of this section, juvenile court records may be inspected, and their contents shall be disclosed, without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. Employees of court-appointed special advocate programs, as defined in Section 1-1-105 of this title, in the course of their official duties pertaining to recruiting, screening, training, assigning cases, supervising, and supporting volunteers in their roles as guardian ad litem pursuant to Section 1-4-306 of this title;

2. Members of postadjudication review boards established pursuant to the provisions of Section 1116.2 of Title 10 of the Oklahoma Statutes, the Child Death Review Board, and multidisciplinary personnel. In addition to juvenile court records, members of such postadjudication review boards may inspect, without a court order, information that includes, but is not limited to:

a. psychological and medical records,

b. placement history and information, including the names and addresses of foster parents,

c. family assessments,

d. treatment or service plans, and

e. school records;

3. The Department of Human Services or other public or private agency or individual having court-ordered custody or physical custody pursuant to Department placement of the child who is the subject of the record;

4. The child who is the subject of the record and the parents, legal guardian, custodian, or foster parent of such child; and

5. A person authorized by the court to conduct bona fide research, provided such research may not publish the names or identities of parents, children, or other persons contained in the records.

C. In addition to the persons and entities named in subsection A of this section, Department of Human Services agency records may be inspected, and their contents shall be disclosed, without a court order to the following persons upon showing of proper credentials and pursuant to their lawful duties:

1. Postadjudicatory review boards, court-appointed special advocates, and members of the Child Death Review Board;

2. Any district court which has ordered a home study by the Department in an action for divorce, annulment, custody of a child, or appointment of a legal guardian of a child, or any subsequent proceeding in such actions; provided, however, the Department may limit disclosure in the home study to summaries or to information directly related to the purpose of the disclosure;

3. Members of multidisciplinary teams or multidisciplinary personnel designated by the Department, investigating a report of known or suspected child abuse or neglect or providing services to a child or family which is the subject of the report;

4. A physician who has before him or her a child whom the physician reasonably suspects may be abused or neglected or any health care or mental health professionals involved in the evaluation or treatment of the child or the parents, legal guardian, foster parent, custodian, or other family members of the child;

5. Any public or private agency or person authorized by the Department to diagnose, or provide care, treatment, supervision, or other services to a child who is the subject of a report or record of child abuse or neglect; provided, the Department may limit such disclosure to summaries or to information directly necessary for the purpose of such disclosure;

6. Any person or agency for research purposes, if all of the following conditions are met:

a. the person or agency conducting the research is employed by the State of Oklahoma or is under contract with this state and is authorized by the Department to conduct the research, and

b. the person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to the documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;

7. The Oklahoma Health Care Authority; and

8. A medical examiner when such person is determining the cause of death of a child.

D. In accordance with the rules promulgated for such purpose pursuant to Section 620.6 of this title, records listed in subsection A of Section 1-6-102 of this title may be inspected and their contents disclosed without a court order to participating agencies.

E. The court may disclose to an employee of an out-of-state entity, licensed to perform adoption home studies in that state, whether the prospective adoptive parent has had parental rights to a child terminated in Oklahoma or whether the prospective adoptive parent has relinquished parental rights to a child in Oklahoma.

F. Nothing in this section shall be construed as prohibiting the Department from disclosing such confidential information as may be necessary to secure appropriate care, treatment, protection or supervision of a child alleged to be abused or neglected.

[Last amendment effective November 1, 2011]

APPENDIX J

Oklahoma Statutes Citationized

Title 10A. Children and Juvenile Code

Article 1 - Oklahoma Children's Code

Article Chapter 9 - Programs, Contracts and Administrative Provisions

Section 1-9-118 - Written Agreement with Foster Care Placement

Provider - Information Provided to Foster Parents – Supervision of Placed Children

A. The Department of Human Services or any child-placing agency shall, prior to any foster placement, enter into a written contract with the foster care placement provider. The contract shall provide, at a minimum:

1. That the state agency and the child-placing agency shall have access at all times to the child and to the foster placement;
2. A listing of any specific requirements, specific duties or restrictions in providing foster care services;
3. That any foster child shall have access to and be accessible by any court-appointed special advocate for the foster child and the foster child's attorney;
4. That the foster care placement provider shall comply with performance standards required pursuant to the Oklahoma Children's Code and the Oklahoma Child Care Facilities Licensing Act;
5. Information regarding the amount of payments to be made for foster care services, including but not limited to a description of the process involved in receiving payments, including projected time frames, information related to reimbursements for eligible costs and expenses for which the foster parent may be reimbursed and any information concerning the accessibility and availability of funds for foster parents;
6. That any foster child placed with a foster care placement provider shall be released to the state agency or the child-placing agency whenever, in the opinion of the state agency or the child-placing agency, the best interests of the deprived child require such release; and
7. Such other information required by the state agency and the child-placing agency.

B. The state agency or child-placing agency shall provide the following information to the foster parent at the time of placement, along with a copy of the written contract required pursuant to subsection A of this section:

1. The names and telephone numbers of the child's case worker, the foster parents' case worker, the case workers' supervisors, and the contact within the state agency central office, or the name and telephone number of the contact person within the child-placing agency and any other medical, psychological, social or other pertinent information relating to foster care;

2. A copy of the grievance procedure established by the state agency or the child-placing agency;

3. The name and telephone number of any foster parent association in the county of residence of the foster parent;

4. For foster parents of deprived children, the name and telephone number of any postadjudication review board established in the county of residence of the foster parent or the nearest postadjudication review board and the court having jurisdiction over the child;

5. A copy of the statement of foster parent rights;

6. Information detailing the ability of the foster parent to submit information and written reports to the court, and to request the court for review of a decision by the state agency or the child-placing agency to remove a foster child who has been placed with the foster parent, in accordance with the limitations and requirements of Section 1-4-805 of this title; and

7. A copy of the policies and procedures of the Department or child-placing agency which pertain to placement operations of the agency, and which may be necessary to properly inform the out-of-home placement providers of the duties, rights and responsibilities of the out-of-home placement providers and the Department.

C. 1. In addition to other requirements made pursuant to the Oklahoma Child Care Facilities Licensing Act, each child-placing agency shall maintain supervision of all children placed by the agency in foster placement and shall maintain supervision of and make regular visits to such foster placements.

2. The child-placing agency shall visit each foster child no less than once every month with no less than two visits per quarter in the foster placement.

3. The child-placing agency shall prepare and maintain a written report of its findings for each visit.

4. a. A complete written review of the placement, well-being, and progress of any foster child in foster care with a child-placing agency shall be made by the child-placing agency as required by the Department.

b. If a child-placing agency is providing foster care services for a child pursuant to a written agreement or contract with the parents or guardian of a child, the child-placing agency shall provide a copy of the written review to the parents or guardian of the child. The written agreement or contract shall specify how often the review shall be conducted.

[Last amendment effective May 21, 2009]

GLOSSARY OF JUVENILE PROCESS TERMS

ABANDONMENT - the willful intent by words, actions, or omissions not to return for a child, or the failure to maintain a significant parental relationship with a child through visitation or communication in which incidental or token visits or communication are not considered significant, or the failure to respond to notice of deprived proceedings

ABUSE - harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child by a person responsible for the child's health, safety, or welfare, including but not limited to non-accidental physical or mental injury, sexual abuse, or sexual exploitation

ABUSED CHILD - a child who has suffered physical harm, inflicted intentionally upon him/her by his/her parent(s) or person(s) exercising essentially equivalent custody and control over the child, which injury causes or creates a substantial risk of death, disfigurement, impairment of bodily functioning or other serious physical injuries; also includes the failure to provide adequate food, clothing or shelter

ADJUDICATION - a finding by the court that the allegations in a petition alleging that a child is deprived are supported by a preponderance of the evidence (clear and convincing evidence in an ICWA case)

ADJUDICATORY HEARING - a hearing to determine whether the allegations of a petition are supported by the evidence and whether a child should be adjudged to be a ward of the court [For statutes covering conduct of hearing, see Title 10A O.S. § 1-4-503]

ADMISSIBLE EVIDENCE - evidence which can legally and properly be used in court

ADOPTION - the establishment of a permanent legal relationship between adoptive parents and child which bestows rights on the parent and child as if the child was biologically born to the parents

AKA (Also Known As) - refers to an alias that a person may be known as

ALLEGED FATHER - 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

AMICUS CURIAE - a legal term meaning "friend of the Court"

APPEAL - the process by which a higher court is urged to overturn the decision of a lower court

APPELLANT - the party initiating the appeal

APPELLEE - the party against whom the appeal is taken

ARREST - the taking of a person into custody for the purpose of answering to a court

ASSESSMENT - a comprehensive review of child safety and evaluation of family functioning and protective capacities that is conducted in response to a child abuse or neglect referral that does not allege a serious and immediate safety threat to a child

BENCH TRIAL - a non-jury trial

BEYOND REASONABLE DOUBT - degree of proof requiring that a person be entirely convinced or satisfied to a moral certainty; used in criminal proceedings and ICWA termination proceedings [See "*Standard of Proof*"]

BIFURCATE - to divide into two phases; such as, adjudication and disposition in a juvenile proceeding Price v. Price, 573 P.2d 251 (1977), requires a two-stage proceeding in juvenile matters.

BRIEF - a document prepared by an attorney for presentation to a court which contains arguments and data in support of a case or issue in a case

BURDEN OF PROOF - obligation of a party to establish by evidence a requisite degree of belief concerning a fact - In a deprived case, burden is on the state to prove its case.

CASA ("Court-Appointed Special Advocate") - responsible adult volunteer who has been trained and is supervised by a court-appointed special advocate program recognized by the court, and when appointed by the court, serves as an officer of the court in the capacity as a guardian ad litem pursuant to the provisions of Title 10A O.S. § 1-4-306(B) to represent the best interests of any deprived child over whom the court exercises jurisdiction until discharged by the court

CERTIFICATION - the process by which a minor's case is transferred from the juvenile docket to the criminal docket - Oklahoma process as to whether a juvenile should be certified to stand trial as an adult is found at Title 10A O.S. § 2-2-403. Offenses for which a juvenile shall be considered an adult are found in Title 10A O.S. § 2-5-101

CHILD - any person under the age of eighteen (18) years except any person convicted of a crime specified in Title 10A O.S. § 2-5-101 or any person who has been certified as an adult pursuant to Title 10A O.S. § 2-2-403 and convicted of a felony

CHILD DEATH REVIEW BOARD - a 26-member board which may: conduct case reviews of child deaths within the state; collect statistical data of child deaths due to abuse and neglect; and recommend improved policies and procedures with the child protection system. [See Title 10 O.S. § 1150 et seq.]

CHILD-PLACING AGENCY - a private agency licensed to place children in foster homes, group homes, adoptive homes, transitional or independent living programs, or family child care homes or other out-of-home placements - Such agencies also approve and monitor such placements and facilities in accordance with the licensing requirements established by the Oklahoma Child Care Facilities Licensing Act

CHILD PROTECTION SYSTEM - public and private agencies, medical personnel, courts, law enforcement agencies and legal, education and social service professionals with responsibilities and services related to child abuse and neglect

CHRONIC ABUSE OR CHRONIC NEGLECT - a pattern of physical or sexual abuse or neglect which is repeated or continuing

CIRCUMSTANTIAL EVIDENCE - the proof of certain facts and circumstances in a given case, from which jury may infer other connected facts which usually and reasonably follow according to the common experience of mankind

CODE - a compilation of laws in force, classified according to subject matter - Reference is often made to the Children's Code and the Juvenile Code found in Title 10A of the Oklahoma Statutes

COERCED - compelled to compliance; compelled by force or arms

COERCIVE DISPOSITIONS - when disposition limits the freedom of action of the adjudicated juvenile in any way that is distinguishable from that of a non-adjudicated juvenile; the failure or refusal to comply with the disposition may result in further enforcement

COMMITMENT - the assignment of a person to an institution

COMMUNITY-BASED SERVICES OR PROGRAMS - services or programs which maintain community participation or supervision in their planning, operation, and

evaluation – These may include, but are not limited to: emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational, social, preventive and psychological guidance, training, counseling, early intervention and diversionary substance abuse treatment, sexual abuse treatment, transitional living, independent living, and other related services and programs. [See Title 10A O.S. § 1-9-110, 10A O.S. § 2-1-120(9)&(11)]

COMMUNITY INTERVENTION CENTER – facility which serves as a short-term reception center to receive and hold Juveniles for an alleged violation of a municipal ordinance, state law or who are alleged to be in need of supervision [See Title 10A O.S. § 2-1-103(10)]

COMPETENCY – in the law of evidence, ability of a witness to observe, recall, and recount under oath the facts and circumstances – In Mental Health and Probate cases, one’s mental capacity to understand the nature of one’s actions. Procedures for restoration to soundness of mind are found in Title 43A O.S. § 7-112

CONSENT ADJUDICATION – when a person/parent is notified of a court action against him/her and fails to reply or defend against the action, he/she is deemed to consent to the outcome or judgment [See “Default”]

CONTEMPT OF COURT – the disobedience of a court order - In Oklahoma, contempt may be either direct or indirect. Direct contempt consists of disorderly or insolent behavior committed during the session of the court and in its immediate view, and presence, and of the unlawful and willful refusal of any person to be sworn as a witness, and the refusal to answer any legal or proper question; and any breach of the peace, noise or disturbance, so near to it as to interrupt its proceedings. Indirect contempt of court consists of willful disobedience of any process or order lawfully issued or made by court; resistance willfully offered by any person to the execution of a lawful order or process of a court. [See Title 21 O.S. § 565]

CONTINUANCE – postponement of court hearing until a later date - Judicial approval is required for continuance of a hearing.

CORROBORATING EVIDENCE – evidence that supports previously offered evidence

COURT MINUTE – a written statement by the judge as to his/her findings pertaining to the adjudication of a juvenile and disposition of matters before the court

COURT RECORD (JUVENILE) - as used in the Oklahoma Children's Code, this refers to legal records other than adoption records, filed with the court that are related to a child who is the subject of a court proceeding

CUSTODY - care and control of a person, carrying with it the duty of providing food, clothing, shelter, medical care, education and discipline

CUSTODY DECREE - a custody determination contained in a judicial decree or order made in a custody proceeding and includes an initial decree or a modification decree

DAY TREATMENT - a nonresidential program which provides intensive services to children who reside in their own home, a relative's home, group home, foster home or residential child care facility - Day treatment programs include, but are not limited to, educational services [See Title 10A O.S. § 1-1-105]

DDSD - Developmental Disabilities Services Division of the Department of Human Services [See "Specialized Foster Home"]

DEFAULT - When a party fails to answer or defend a lawsuit, they are in default and a default judgment may be entered against them

DEFERRED ADJUDICATION - in delinquent cases, this refers to a direct court referral to a probation counselor where the court or district attorney has determined to withhold formal adjudication until more information is available to the court – a diversionary mechanism which may allow the court to dismiss in the future provided that the minor has lived up to rules and conditions of probation or those of the parents (Deferred adjudication is not available in deprived cases.)

DELINQUENT CHILD - a child who has violated any federal or state law or municipal ordinance, except a traffic statute or any provision of the Oklahoma Wildlife Conservation Code, or who has violated any lawful order of the court made pursuant to the provisions of the Oklahoma Juvenile Code or who has habitually violated traffic laws, traffic ordinances or boating safety laws or rules [See Title 10A O.S. § 2-1-103]

DEPENDENT AND NEGLECTED CHILD - [See "Deprived Child"]

DEPRIVED CHILD - a child who (a) is for any reason destitute, homeless or abandoned; (b) who does not have the proper parental care or guardianship; (c) has been abused, neglected, or is dependent; (d) whose home is an unfit place for the child by reason of depravity on the part of the child's parents, legal guardian, or other

person responsible for the child's welfare; (e) is a child in need of special care and treatment because of his physical or mental condition including, but not limited to, a child born in a condition of dependence on a controlled dangerous substance, and his parents, legal guardian or other custodian is unable or willfully fails to provide said special care and treatment; (f) is a child with a disability deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of said child if such nutrition or medical treatment is generally provided to similarly situated children without a disability or children with disabilities; provided that no medical treatment shall be necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child; (g) is, due to improper parental care and guardianship, absent from school as specified in Section 10-106 of Title 10 of the Oklahoma Statutes, if said child is subject to compulsory school attendance; (h) whose parent or legal guardian for good cause desires to be relieved of custody; (i) has been born to a parent whose parental rights to another child have been involuntarily terminated by the court and the conditions which led to the making of the finding, which resulted in the termination of the parental rights of the parent to the other child, have not been corrected; or (j) whose parent, legal guardian, or custodian has subjected another child to abuse or neglect or has allowed another child to be subjected to abuse or neglect and is currently a respondent in a deprived proceeding

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Nothing in the Oklahoma Children's Code shall be construed to mean a child is deprived for the sole reason the parent, legal guardian, or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child. Nothing contained in this paragraph shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare. [See Title 10A O.S. § 1-1-105]

DEVELOPMENTAL DISABILITY- as used in Title 10 of Oklahoma Statutes, refers to a severe, chronic disability of a person which is attributable to a mental or physical impairment or combination of such impairments, such as mental retardation, cerebral palsy or autism; is manifested before the person attains 22 years of age; is likely to continue indefinitely; results in substantial functional limitations in three or more of the following life activities: self-care, receptive and expressive language, learning,

mobility, self-direction, capacity for independent living, and economic self-sufficiency; and reflects the person's need for a combination of special care or treatment which are of lifelong or extended duration [See Title 10 O.S. § 1430.2(11)] – This does not include mentally ill persons as defined in Title 43A O.S. 1-103.

DISCOVERY - disclosure of facts, statements, production of documents, through subpoena *duces tecum*, or depositions prior to trial

DISMISSAL - the legal closing of a case - done by an order of the court

DISPOSITION - the second stage of the bifurcated juvenile process where the court determines what is to be done with the adjudicated ward [See "*Dispositional Hearing*"]

DISPOSITIONAL HEARING - a hearing to determine what order of disposition should be made with respect to a child adjudged to be a ward of the court [See Title 10A O.S. § 1-4-706] - Issues determined include child support, visitation and legal custody of the child and the individualized service plan for the parties, which includes specific efforts the parents must make to correct the conditions which led to court intervention

DISPOSITIONAL REVIEW HEARING - a hearing held no later than 6 months after the dispositional hearing and every 6 months thereafter to consider, in the best interests of the child, whether: the child should be returned to the parents or other relative; the child should remain in out-of-home placement for a specified period; the rights of the parents should be terminated and the child placed for adoption or legal guardianship; or because of exceptional circumstances, the child should remain in long-term foster care as a permanent plan.

DOC - Department of Corrections

DRUG-ENDANGERED CHILD - a child who is at risk of suffering physical, psychological or sexual harm as a result of the use, possession, distribution, manufacture or cultivation of controlled substances, or the attempt of any of these acts, by a person responsible for the health, safety or welfare of the child, as defined in Title 10A O.S. § 1-1-105(51). This term includes circumstances wherein the substance abuse of the person responsible for the health, safety or welfare of the child interferes with that person's ability to parent and provide a safe and nurturing environment for the child. The term also includes newborns who test positive for a controlled dangerous substance, with the exception of those substances administered under the care of a physician

DUE PROCESS- constitutionally-guaranteed right of persons to be treated by the law with fundamental fairness, including, in juvenile proceedings, examination, right against self-incrimination and the standard of proof beyond a reasonable doubt - In Oklahoma, parties are entitled to a non-jury trial for adjudication of issues and a jury trial for termination of parental rights.

EMANCIPATION- the act by which one who was in custody or under the power and control of another is rendered free - the court may emancipate a youth by conferring majority rights to a minor [See Title 10 O.S. §§ 91-94]

EMERGENCY CUSTODY- custody of a child prior to adjudication of the child following issuance of an order of the court pursuant to Title 10A O.S. § 1-4-201

EMERGENCY CUSTODY HEARING - held within 2 judicial days following the child's being taken into emergency or protective custody in order for the court to determine whether there facts exist that are sufficient to demonstrate to the court there is reasonable suspicion that the child is in need of immediate protection due to abuse or neglect, or that the circumstances or surroundings of the child are such that continuation of the child in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent danger to the child [See Title 10A O.S. § 1-4-203]

EPSDT- Early Periodic Screening and Diagnostic Testing

EVIDENCE- anything offered in court to prove the truth or falsity of a fact in issue

EX PARTE- a judicial proceeding by or for one party without notification or contest by an adverse party - Talking to a judge outside the courtroom without any of the involved parties present is considered ex parte and may be objected by one of the parties not present, if they believe the communication was injurious to their argument.

EXCLUSIONARY RULE- a rule of evidence that allows suppression and rejection of otherwise admissible evidence because it was obtained in violation of the U.S. Constitution; - the Rule may be invoked and the evidence may be suppressed on the moving party's motion

EXPERT WITNESS- a person who must appear to the trier of fact to have such knowledge, skill, or experience within the particular subject of inquiry that his/her opinion will be of some aid to the trier of fact

EXPUNGEMENT - destruction or sealing of records of minors after passage of a specified period of time or when the person reaches a specified age and has not committed another offense

EXTENDED FAMILY MEMBER - shall be defined by the law or custom of an Indian tribe or, in the absence of such law or custom, shall be a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or step-parent [See Indian Child Welfare Act, Title 25 U.S.C. § 1903 (2)]

FACILITY - a place, institution, building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of children and youth - A secure facility relies on locked rooms and buildings, fences or physical restraint in order to control movement and behavior of residents.

FAILURE TO THRIVE - a serious medical condition in which a child's height, weight and motor development are significantly below average for his or her age, the condition being usually found in children less than one year old

FIFTH AMENDMENT - the U.S. Constitutional guarantee that a person cannot be compelled to present self-incriminating testimony in any proceeding for which the possible result would be the deprivation of the person's freedom

FOSTER CARE - continuous 24-hour care and supportive services provided for a child who is a ward of the court and whose legal custody has been placed with the State - The term "foster home" shall include a foster family home licensed by OKDHS, a home with a child-placing agency who has contracted with OKDHS or OJA to provide foster care services, or the home of a relative or a kinship care home.

FOURTEENTH AMENDMENT - the U.S. Constitutional provision that secures to every person due process rights to life, liberty and property and equal protection of the law

GATEKEEPING - See "Pre-screening Mental Health Evaluation"

GAULT CASE - U.S. Supreme Court case that established by its ruling that the minor has a right to notice of charges, an attorney, to confront and cross-examine and the right to exercise the privilege against self-incrimination at adjudication (In re Gault, 387 U.S. 1; 87 S.Ct. 1428)

GRIEVANCE MECHANISM - administrative procedure through which the complaints of individuals about residential programs or agency policies, personnel, conditions, or procedures can be expressed and resolved [See Title 10A O.S. § 1-9-211]

GROUP HOME - home providing full-time care and community-based services for more than five children but less than thirteen

GUARDIAN - an individual lawfully invested with the power and charged with the duty of caring for and managing the person and property rights of another because that person is considered a child or is incapable due to a legal disability of administering his own affairs [Permanent Guardianship, See Title 10A O.S. §§ 1-4-709 – 1-4-711 and Oklahoma Guardianship and Conservatorship Act, See Title 30 O.S. § 1-101 et seq]

GUARDIAN AD LITEM (GAL) - person appointed by the court to protect the best interests of a child pursuant to 10A O.S. § 1-4-306 in a juvenile deprived case before the court - In Oklahoma, the GAL does not have to be an attorney. A district attorney may not serve as a child's GAL. [See Title 10A O.S. § 1-4-306]

HABEAS CORPUS - a writ seeking to bring a person before a court or judge

HARM or THREATENED HARM - to a child's health or safety includes, but is not limited to: intentional physical or mental injury; sexual abuse; sexual exploitation; neglect; or failure or omission to provide protection from harm or threatened harm

HEARING DE NOVO - a full, complete new hearing (as opposed to a review)

HEARSAY - a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted (Hearsay evidence is generally inadmissible because the person originally making the statement is not available for cross-examination.)

HOME STATE - the state in which the child lived with a parent or a person acting as his parent for at least six consecutive months - In the case of a child less than six months old, home state is the state in which the child lived from birth with any of the persons mentioned

HOTLINE - 24-hour statewide service for reporting child abuse or neglect and initiating an investigation by OKDHS – The toll-free number is (800) 522-3511.

ICPC(Interstate Compact on Placement of Children) - policies and guidelines established to effect placement and supervision of children placed outside of the child's home state or state of jurisdiction

ICWA (Indian Child Welfare Act) - federal legislation protecting the sovereignty of the tribe over its children

IEP (Individualized Education Program) - developed in accordance with the Education of All Handicapped Children Act of 1975, P.L. 94-142 as amended – includes a behavioral and an academic component (a child can have one or both components)

IMMUNITY - legal protection from liability; for example, protection given reporting parties under child abuse reporting statutes [See Title 10A O.S. § 1-2-104]

IMPEACHMENT - the act of discrediting a witness

IN CAMERA - in judicial chambers

INDEPENDENT LIVING PROGRAM - a program designed specifically to assist a child to enhance those skills and abilities necessary for successful adult living; the program may include, but shall not be limited to, minimal direct staff supervision, and supportive services to assist with activities necessary for finding an appropriate place of residence, completing an education or vocational training, obtaining employment, or obtaining similar services

ISP (Individualized Service Plan) - a document written pursuant to Section 1-4-704 of this title that has the same meaning as "service plan" or "treatment plan" where those terms are used in the Oklahoma Children's Code and shall be based upon a comprehensive assessment and evaluation of the child and family and shall be developed with the participation of the parent, legal guardian, or legal custodian of the child, the attorney for the child, the guardian ad litem for the child, if any, the child's tribe, and the child, if appropriate. The health and safety of the child shall be the paramount concern in the development of the plan and it should address the conditions that need to be corrected in order for the child to be returned to the home as stated in the Adjudication Order. [See Title 10A O.S. § 1-4-704]

IN NEED OF MENTAL HEALTH TREATMENT - a child in need of mental health treatment as defined by the Inpatient Mental Health Treatment of Children Act, Title 43A O.S. § 5-501 et seq

IN NEED OF SUPERVISION (INS) - a juvenile who (a) has repeatedly disobeyed reasonable and lawful commands or directives of his parent, legal guardian or other custodian; (b) is willfully and voluntarily absent from home without consent of his parent or custodian for a substantial length of time or without intent to return; (c) is willfully and voluntarily absent from school without a valid excuse as specified in Title 70 O.S. 10-106; or, (d) has been served with an ex parte or final protective order pursuant to the Protection from Domestic Abuse Act

INCEST - crime of sexual intercourse between a male and female who are so closely related that they would not legally be allowed to marry

INDIAN - any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation [See Indian Child Welfare Act, Title 25 U.S.C. § 1903(3)]

INDIAN CHILD - any unmarried person who is under age 18 and is either (a) a member or eligible for membership, or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe [See Indian Child Welfare Act, Title 25 U.S.C. § 1903 (4)]

INDIAN CHILD'S TRIBE - (a) the Indian tribe in which an Indian child is a member or eligible for membership, or (b) in the case of an Indian child who is a member of or eligible for membership in more than one tribe with which the Indian child has the more significant contacts [See Indian Child Welfare Act, Title 25 U.S.C. § 1903(5)]

INDIAN TRIBE - any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior [See Indian Child Welfare Act, Title 25 U.S.C. § 1903(8)]

INDIGENT - one who is needy and poor; or, one who does not have sufficient property to furnish a living for oneself; or, does not have anyone able to support him/her; or, one who is entitled to look for support – in juvenile cases entitled to a court appointed attorney

IN LOCO PARENTIS - Literally, “in place of the parent” – refers to a person such as a guardian, custodian or other person who stands in the place of the parent and is legally charged with the parent’s rights, duties and responsibilities toward the child

INSTITUTION - a residential facility offering care and treatment for more than 20 residents [See Title 10A O.S. 1-1-105(36)]

INVESTIGATION - an approach utilized by OKDHS to respond to reports of alleged child abuse or neglect which, according to priority guidelines established by OKDHS, constitute a serious and immediate threat to the child's health or safety - An investigation includes, but is not limited to, the following elements: an evaluation of the child's safety, a determination whether or not child abuse or neglect occurred, and a determination regarding the family's need for prevention and intervention-related services. [See Title 10A O.S. 1-1-105(37)]

INTENT - design, resolve or determination with which a person acts – the state of mind with which an act is done or omitted

INTERROGATION - any questions likely or expected to yield incriminating statements

INTERVENTION - the proceeding of a third person, who originally was not a party to the lawsuit or proceeding, but now claims an interest in the subject matter in dispute

JOLTS (Juvenile On-Line Tracking System) - an automated information system to provide a database to track juvenile offenders from arrest through final closure of the case – JOLTS is maintained by the Office of Juvenile Affairs.

JURISDICTION - a geographical area that is subject to particular laws or court; jurisdiction is the power that a particular court has to hear cases involving certain categories of persons or allegations. [See Title 10 O.S. § 2-2-102]

JURY TRIAL - In the juvenile process, a jury consists of six (6) persons qualified to sit fairly and impartially as triers of fact. A juvenile who appears in court charged as a delinquent or child in need of supervision is entitled to a trial by jury. Parents, the State or the child may elect to have a jury trial in a deprived case on the issue of termination of parental rights.

JUVENILE - a child under the age of 18 years

JUVENILE COURT - a court having jurisdiction over children involved in deprived cases, delinquency cases, in need of supervision cases and in need of mental health treatment cases

JUVENILE DETENTION FACILITY - a secure facility which meets the certification standards of OJA and which is entirely separate from any prison, jail, adult lockup, or other adult facility, for the temporary of children [See Title 10A O.S. § 2-3-101]

JUVENILE OFFENDER TRACKING PROGRAM – (1) Establishes an accurate and accessible data base with information on juvenile offenders readily available to law enforcement agencies, juvenile court personnel, district attorneys, and others who require such information; and (2) Enhances community control of crime through information sharing regarding juvenile offenders that can be used by patrol officers and criminal investigators for the early identification of offenders and assist in the reduction of crime [See Title 10A O.S. §§ 2-7-901 – 2-7-905]

KINSHIP CARE - full-time care of a child by relatives, members of the relative's clan, stepparents, or other adults who have an existing bond with the child and to whom have been ascribed a family relationship role with the child's parents and the child

LAY WITNESS- a non-expert person who must be able to base his/her testimony upon his/her ability to observe, recollect, and explain to others

LEADING QUESTION- a question which suggests the desired answer to the witness

LEGAL RECORD - refers to any petition, docket, motion, finding, order, judgment, pleading, paper or other document, other than social records, filed with the court [See "Court Record"]

LESS RESTRICTIVE ALTERNATIVE TO INPATIENT MENTAL HEALTH CARE AND TREATMENT - refers to and shall include but not be limited to: outpatient counseling services, including services provided in the home of the child and which may be referred to as "home-based services", day treatment or day hospitalization services; respite care; foster care; group homes care that provides for the delivery of services specifically designed to meet the treatment needs of children in need of treatment; or some combination thereof [See Title 43A O.S. § 5-502(7)]

LINK – testing for drug usage

MALICE - the intentional commission of a wrongful act without legal justification with the intent of inflicting injury or harm, or under circumstances such that the person acting should reasonably have known that injury or harm would result

MANDAMUS - Literally, "We Command" - a writ issued by a higher court and directed to a public executive or administrative officer or agency, or to the judge of a lower court, commanding the performance of a specified act

MATERIAL - the evidence which relates to a substantive part or element of a case

MENTAL HEALTH FACILITY - a public or private hospital or related institution as defined by Section 1-701 of Title 63 of the Oklahoma Statutes offering or providing inpatient mental health services, a public or private facility accredited as an inpatient or residential psychiatric facility by the Joint Commission on Accreditation of Healthcare Organizations, or a facility operated by the Department of Mental Health and Substance Abuse Services and designated by the Commissioner of the Department of Mental Health and Substance Abuse Services as appropriate for the inpatient evaluation or treatment of minors [See Title 10A O.S. 1-1-105(41)]

MINOR - any person who has not attained the age of 18 years

MIRANDA RULE - prior to any custodial interrogation (questioning initiated by law enforcement officers after a person is taken into custody (arrested) the person must be given warnings that he/she has:

1. The right to remain silent and to refuse to answer any questions;
2. The right to know that anything he or she says can and will be used against him or her in a court of law;
3. The right to consult with an attorney and to have an attorney present during questioning;
4. The right to have counsel appointed at public expense, prior to any questioning if the subject cannot afford counsel. [See *Miranda v. Arizona*, 384 U.S. 436 (1966)]

MISDEMEANOR - a crime less serious than a felony which is punishable by a fine or incarceration in a county jail, but not in a state penitentiary

MOTION - the application made to a court to obtain an order and may be either oral or in writing

MOTION TO SUPPRESS - a motion to exclude evidence under the theory that it has been "tainted" by being seized or obtained illegally, generally in violation of the Fourth or Fifth Amendment

MULTIDISCIPLINARY TEAM (MDT) - any team of three or more persons who are trained in the prevention, identification, investigation, prosecution and treatment of child physical and sexual abuse cases and who are qualified to facilitate a broad range of interventions and services related to child abuse

MULTI-ETHNIC PLACEMENT ACT (MEPA) - public law 103-382 that prevents discrimination by race, color or natural origin

NEGLECT - failure or omission to provide adequate food, clothing, shelter, medical care, and supervision; or special care made necessary by the physical or mental condition of the child

NONDIRECTORY EDUCATION RECORDS - any records maintained by a public or private school, including a vocational-technical school, regarding a child who is or has been a student at the school which are categorized as private or confidential records, pursuant to the federal Family Educational Rights and Privacy Act of 1974 and rules promulgated pursuant to said act [See Title 10A O.S. § 2-6-101(B)(6)]

NONSECURE FACILITY - refers to such residential programs as foster homes, group homes, and half-way houses, characterized by a small number of residents who have the freedom to enter or leave the premises under staff supervision

NOTICE AND WAIVER OF LEGAL AND CONSTITUTIONAL RIGHTS - (Pertains to delinquent cases) A form which must be read by a counselor and the attorney for the juvenile and his parents or custodians and signed by the parents or custodians, the juvenile, and the witnessing counselor before the counselor can proceed to question a juvenile about an alleged offense

NUNC PRO TUNC - Court orders allowing the correction of already filed court orders usually because of typographical errors or omissions in the original orders - *Nunc Pro Tunc* allows an act to be done after the time it should have been done, with a retroactive effect.

OBJECTION - the manner in which a request is made by a party's attorney for a ruling by a court on the admissibility of evidence

OFFICE OF JUVENILE SYSTEM OVERSIGHT - has the responsibility of investigating and reporting malfeasance and misfeasance within the juvenile services system, to conduct audits, to establish effectiveness with established responsibilities - OJSO shall conduct on-sight unannounced inspections of institutions and facilities providing services to children. The office is given authority to examine records and budgets, subpoena witnesses and hold public hearings, issue reports and publish findings, although names of actual persons and any particular identifying information shall be deleted from said reports and findings. [See Title 10 O.S. § 601-6]

OKLAHOMA CHILDREN'S CODE – statutes in Title 10 and Title 10A which relate to deprived children and youth.

OKLAHOMA COMMISSION ON CHILDREN AND YOUTH (OCCY)- The OCCY was created in 1982 as an oversight agency for the child serving system. The mission of the OCCY is to improve services to children by: Planning, coordinating and communicating with communities and between public and private agencies; independent monitoring of the children and youth service system; testing models and demonstration programs for effective services. The Commission is made up of 19 members who include the directors of the state agencies who work with children and youth along with gubernatorial and legislative appointees. [See Title 10 O.S. §§ 601.1, 601.3, 601.4, 601.6, 601.6(a)&(b), 601.7, 601.9, 601.11, 601.12.]

OKDHS – Oklahoma Department of Human Services.

OKLAHOMA JUVENILE CODE - statutes in Title 10 and Title 10A which relate to delinquent and in need of supervision youth.

OUT-OF-HOME PLACEMENT - a placement, other than a placement in the home of the parent or guardian from whose custody the court has removed the child, until the child is reunified with the child's parents or has been adopted

ORDINANCE - a law enacted by the governing body of a city

PAC - Parenting Assistance Center

PARENS PATRIAE – Literally “Parent of the country” – refers traditionally to the role of the State as sovereign and guardian of persons under legal disability, such as minor children

PERMANENCY HEARING - a hearing by the court to determine whether a child is to be returned to the child's home or whether other permanent placement will be sought within a specific time frame for the child

PERMANENT CUSTODY - court-ordered custody of an adjudicated deprived child whose parental rights have been terminated

PERSON RESPONSIBLE FOR A CHILD'S HEALTH OR SAFETY - includes a parent, legal guardian, custodian, a foster parent, a person 18 years of age or older with whom the child's parent cohabitates or any other adult residing in the home of the child; an agent or employee of a public or private residential home, institution, facility or day

treatment program; or an owner, operator or employee of a child care facility as defined by statute

PETITION - a pleading filed to initiate proceedings in juvenile court, setting forth the alleged grounds for the court to take jurisdiction of the case and asking the court to do so and intervene - In deprived cases, the district attorney must file a petition within five judicial days of the child being placed in emergency custody. If not, custody of the child shall be released to the child's parent or legal guardian.

PHYSICAL CUSTODY - the actual possession and control of a child

PLEA - the official response or answer to a charge brought against someone

POSTADJUDICATION REVIEW BOARD - a local panel of citizens authorized by statute to review the case of every child adjudicated deprived at least once every six months to evaluate the appropriateness of the objectives of the treatment plan and services provided to the child and parent - The board functions in an advisory capacity to the district court. [See Title 10 O.S. §§ 1116.2-1116.6]

PRESCREENING MENTAL HEALTH EVALUATION - a face-to-face exam of a child by a qualified mental health professional to determine whether the child should be admitted to a hospital or inpatient mental health facility on an emergency psychiatric basis [See Title 43A O.S. § 5-503]

PREVENTION AND INTERVENTION-RELATED SERVICES - community-based programs that serve children and families on a voluntary and time-limited basis to help reduce the likelihood or incidence of child abuse and neglect

PRIVILEGED COMMUNICATION - communication between persons in a confidential relationship, such as attorney and client, doctor and patient - The court as a matter of public policy will not allow such communication to be disclosed.

PRO BONO - attorney's services rendered at no charge

PRO SE - to act as one's own attorney

PROBATION - a legal status created by court order whereby a delinquent juvenile is permitted to remain outside a Department of Juvenile Justice facility directly or by contract under prescribed conditions and under supervision by the Department, subject to return to the court for violation of any of the conditions prescribed

PROTECTIVE CUSTODY- in child abuse and neglect cases, it is the removal of a child from his home by a peace officer or employee of the court without a court order if the officer or employee has a reasonable suspicion that (a) the child is in need of immediate protection due to an imminent safety threat, or (2) the circumstances or surroundings of the child are such that continuation in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent safety threat to the child. [See Title 10A O.S. § 1-4-201(A)(2)]

PUTATIVE FATHER - an alleged father as that term is defined in Section 7700-102 of Title 10 of the Oklahoma Statutes [See Title 10A O.S. § 1-1-105(53)] [See also "*Alleged Father*"]

REASONABLE EFFORTS- 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 being harmed, to: refer to, arrange for, or develop reasonable supportive and rehabilitative services for the family of such child that are required both to prevent unnecessary placement of a child outside of the child's home and to foster, whenever appropriate, the safe reunification of such child with the child's family, or place a child who cannot be returned home into a permanent placement

RECORDS- as used in the Oklahoma Children's Code, records shall include, but not be limited to: written or printed documents, papers, logs, reports, files, case notes, films, photographs, audio or visual tape recordings, and shall include information entered into and maintained in an automated or computerized information system [See Title 10A O.S. § 1-6-101(B)(1)]

REFEREE- The judge assigned to the juvenile docket may, in certain counties, appoint an attorney of his choice to serve as a court referee. Due to the unavailability of funds to compensate a referee for his services, a Special Judge of the District Court is generally assigned to assist the judge with juvenile docket responsibilities. Orders issued by the referee must be approved by the judge.

REFERRAL - in the Juvenile Code, a written statement by law enforcement agencies of a complaint against a specific juvenile and the content of a referral is generally determined by the offense alleged in the referral – in the Children's Code , the mechanism that triggers an assessment by DHS of a child's safety and evaluation of family function and protective capacities and is the process by which a child is called to the attention of appropriate children's service agencies.

RELATIVE - a grandparent, great grandparent, brother or sister of whole or half blood, aunt, uncle or any other person related to the child within the fourth degree of consanguinity

RELEASE OF MEDICAL OR PSYCHOLOGICAL INFORMATION - The parents or legal custodians must sign a release form before medical or psychological information from an agency, clinic or therapist may be disclosed to or discussed with any particular person.

RELEVANT - evidence that is logically connected to and helps to prove a material point or issue in a case

RELINQUISHMENT - voluntary termination of parent-child relationship and must be done through court proceedings

RESERVATION - Indian country and any lands to which title is either held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation [See Indian Child Welfare Act, Title 25 U.S.C. § 1903(10)]

RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES - those rights and responsibilities that remain with the parent after transfer of legal custody of the child, other than adoption, or when a guardianship is established for the child - Residual parent rights and responsibilities, which may be limited or restricted by the court, include, but are not limited to: right of visitation, right to consent to adoption, responsibility of support of and costs of medical care for the child, and the right to determine the religious faith of the child. The responsibility of paying child support survives the termination of parental rights and lasts until the child is adopted or reaches 18 years of age.

RESPONDENT - the person charged by the juvenile petition; also, the prevailing party in a court case against whom an appeal is taken

RESPONSIBLE ADULT - for purposes of release of a child from protective custody, this refers to a stepparent, foster parent, person related to the juvenile in any manner who is 18 years of age or older, or any person having an obligation and authority to care for or safeguard the juvenile in another person's absence who is 18 years of age or older

REVIEW- The court shall review at least once every six months the disposition orders regarding each child adjudicated to be deprived to determine whether the conditions which caused the child to be adjudicated have been corrected.

RIGHT TO PROVIDE TREATMENT - By virtue of the juvenile court's *parens patriae* responsibility, it has a duty to exercise its statutory and inherent power in obtaining effective treatment for adjudicated children.

RULED OUT - a report in which a child protective services specialist has determined, after an investigation of a report of child abuse or neglect, that no child abuse or neglect has occurred

RULES OF EVIDENCE - the laws that determine what evidence may be used to prove facts - concerned only with the admissibility of the evidence that may be used to prove facts.

SANCTION - a consequence imposed upon a juvenile offender as a result of a criminal act and as a result of a violation of a condition of probation or parole

SECURE FACILITY - a facility which is designed and operated to ensure that all entrances and exits from the facility are subject to the exclusive control of the staff of the facility, whether or not the juvenile being detained has freedom of movement within the facility, or a facility which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents

SERIOUS BODILY INJURY - a bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty

SERIOUS DANGER TO THE HEALTH AND SAFETY - when, without intervention of another person or agency, a child would sustain severe or permanent disability or injury, illness or death

SERVICE PLAN - See "Individualized Service Plan"

SEXUAL ABUSE - includes but is not limited to rape, incest, and lewd or indecent acts or proposals made to a child, as defined by law, by a person responsible for the health, safety, or welfare of the child [See Title 10A O.S. § 1-1-105(2)(b)]SEXUAL EXPLOITATION - includes, but is not limited to, allowing, permitting or encouraging a child to engage in prostitution, as defined by law, by a person responsible for the

child's health or safety or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming or depicting of a child in those acts as defined by the state law, by a person responsible for the child's health or safety [See Title 10A O.S. § 1-1-105(2)(c)]

SHELTER HEARING - See "Emergency Custody Hearing"

SHOW CAUSE HEARING - See "Emergency Custody Hearing"

SOCIAL RECORD – 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 Section 1-4-807 of this title [See Title 10A O.S. § 1-6-101(B)(8)]

SPECIALIZED COMMUNITY HOME (SCH) – a contractor who serves a specially defined target population of four children in OKDHS custody; does not require 24-hour awake supervision; must meet the requirements for OKDHS foster homes; must have specialized education and experience; may not have employment outside the operation of the SCH; must have an identified an OKDHS approved respite care provider; and must comply with the mandatory initial and annual training requirement.

SPECIALIZED FOSTER CARE - foster care provided in a specialized foster home or agency-contracted home which has been certified by the Developmental Disabilities Services Division of OKDHS

STANDARD OF PROOF - There are varying requirements of proof in different kinds of judicial proceedings. In delinquency cases, the standard or burden of proof to be established by the State or prosecution is beyond a reasonable doubt. In deprived cases, the standard of proof for an adjudication in a non-Indian case is a preponderance of the evidence (the lowest burden of proof) and for termination of parental rights in non-Indian children is by clear and convincing evidence, a standard more stringent than preponderance of evidence and less demanding than proof beyond a reasonable doubt. [See In the Matter of Winship, 90 S.Ct 1068 (1970)] The standard of proof necessary for and adjudication in an Indian case is clear and convincing evidence and for termination of parental rights in an Indian case is beyond a reasonable doubt (the highest burden of proof). [See Indian Child Welfare Act, Title 25 U.S.C. § 1912]

STATUTE - a law enacted by a State legislature

STIPULATION - an agreement between the attorneys in a case allowing a certain fact to be established in evidence without the necessity for further proof - A parent in a Deprived case, a juvenile in a Delinquency case or a child in an In Need of Mental Health case may choose to stipulate to the allegations in a petition rather than request a trial.

SUBPOENA - a legal document causing a witness to appear and give testimony, commanding him to appear before a court at a given time for the purpose of testifying in a case - Failure to obey a subpoena is punishable by contempt of court.

SUBPOENA DUCES TECUM - Literally, “bring with you” - a legal document served on a person who has custody of records, commanding that he bring those records with him on a certain day and time.

SUBSTANTIATED - COURT INTERVENTION - OKDHS has determined, after an investigation of a report of child abuse or neglect and based upon some credible evidence, that child abuse or neglect has occurred and recommends court intervention upon a finding that the health, safety, or welfare of the child is threatened. [See Title 10A O.S. § 1-1-105(38)]

SUBSTANTIATED - SERVICES RECOMMENDED - OKDHS has determined, after an investigation of a report of child abuse or neglect and based upon some credible evidence, that child abuse or neglect has occurred and recommends child abuse and neglect prevention and intervention-related services for the child, parents or persons responsible for the care of the child if court intervention is not determined to be necessary. [See Title 10A O.S. § 1-1-105(38)]

TAKEN UNDER ADVISEMENT - the postponement of a decision for a designated period of time set by the court at which time the court may review information from whatever source, pertaining to a certain legal question - disposition regarding the matter is usually in order at the end of an advisement period

TEMPORARY CUSTODY - court-ordered custody of an adjudicated deprived child

TERMINATION OF PARENTAL RIGHTS - a judicial proceeding where the relief sought is to free the child from custody and control by a parent or parents - This proceeding will pave the way for another permanency plan for the child. [See Title 10A O.S. §§ 1-4-901 – 1-4-908]

THERAPEUTIC FOSTER HOME - a foster home which provides specific treatment services pursuant to a therapeutic foster care contract, which are designed to remedy social and behavioral problems of a foster child residing in the home [See Title 10A O.S. § 1-1-105(64)]

TORTURE - includes, but is not limited to, inflicting, participating in or assisting in inflicting intense physical or emotional pain upon a child repeatedly over a period of time for the purpose of coercing or terrorizing a child or for the purpose of satisfying the craven, cruel, or prurient desires of the perpetrator or another person [See Title 10A O.S. § 1-1-105(31)(i)]

TRANSITIONAL LIVING PROGRAM- residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop skills and abilities necessary for successful adult living - The program may include, but shall not be limited to, reduced staff supervision, vocational training, educational services, employment and employment training, and other appropriate independent living skills training as a part of the transitional living program. [See Title 10A O.S. § 1-1-105(65)]

TREATMENT PLAN- See “*Individualized Service Plan*”

TRIBAL COURT- court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses , a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings [See Indian Child Welfare Act, Title 25 U.S.C. § 1903(12)]

UNSUBSTANTIATED - SERVICES RECOMMENDED - The Department has determined, after an investigation of a report of child abuse or neglect, that insufficient evidence exists to fully determine whether child abuse or neglect has occurred and the Department may recommend, when determined to be necessary, that the parents or persons responsible for the care of the child obtain child abuse and neglect prevention- and intervention-related services.

VOLUNTARY FOSTER CARE PLACEMENT - the temporary placement of a child by the parent, legal guardian or custodian of the child in foster care pursuant to a signed agreement between OKDHS or a child-placing agency and the child's parent or custodian

WARD OF THE COURT - a juvenile declared a ward of the court as delinquent, in need of supervision, or deprived gives the court the authority to initiate the concept of *parens patriae*

WARRANT - legal document issued by a judge authorizing the search of a place and seizure of specified items found there or an order by the court to take a person into custody because of an alleged commission of a criminal offense - Generally the judge issues the warrant on reasonable or probable cause supplied by an affidavit or testimony.

WRIT - an order issued by a court demanding a certain act or acts be done or not done

YOUTHFUL OFFENDER - refers to a person:

- a. 13 or 14 years old who is charged with murder in the first degree and certified as a youthful offender as provided for in Title 10A O.S. § 2-5-205;
- b. 15, 16 or 17 years old and charged with a crime listed Title 10A O.S. § 2-5-206(A);

Murder in the second degree; Kidnapping; Manslaughter in the first degree; Robbery with a dangerous weapon or a firearm or attempt thereof; Robbery in the first degree or attempt thereof; Rape in the first degree or attempt thereof; Rape by instrumentation or attempt thereof; forcible sodomy; Lewd molestation; Arson in the first degree or attempt thereof

- c. 16 or 17 years old and charged with a crime listed in Title 10A O.S. § 2-5-206(B).

Burglary in the first degree or attempted burglary in the first degree; Battery or assault and battery on a state employee or contractor while in the custody or supervision of the Office of Juvenile Affairs; Aggravated assault and battery of a police officer; Intimidating a witness; Trafficking in or manufacturing illegal drugs; Assault or assault and battery with a deadly weapon; Maiming; Residential burglary in the second degree after two or more adjudications that are separated in time for delinquency for committing burglary in the first degree or residential burglary in the second degree; Rape in the second degree; or Use of a firearm while in commission of a felony

AVAILABLE SERVICES AND RESOURCES

The following are a list of the types of services children and families can access. Find out who in your area provides these services. Ask the judge, OKDHS, OSU Extension agent, Youth Services worker, pastors, and friends. OKDHS does not have to have a contract with the provider for you to recommend a service. PARBs are encouraged to expand the list with local resources. Space is provided after each service for additions.

ADVOCACY

Many domestic violence agencies provide assistance in filing VPOs and applying for housing or other government programs.

CASA (Court-Appointed Special Advocates)

Trained volunteers who represent the best interests of children in juvenile courts throughout the State. (www.oklahomacasa.org)

INTERPRETERS/TRANSLATORS

Translators assist with immigration paperwork, translation of written documents and translation at court hearings and are available upon request to the court.

Interpreters for the deaf or hearing-impaired are available to assist the hearing impaired at court hearings and upon request to the court.

COUNSELING/MENTAL HEALTH

Call your local Department of Mental Health & Substance Abuse office for programs and providers in your area. Types of counseling include individual, group, sexual abuse, parent-teen, drug and domestic violence. Call the ReachOut Hotline at 800-522-9054 for the location of your local community health center and to request a copy of *Yellow Pages*, a statewide guide to mental health centers, substance abuse programs, domestic violence agencies, residential care homes and other community-based programs through DMHSAS. This agency also has a fantastic resource center at the state office for materials on drug abuse, parenting and domestic violence as well as a video lending library. A catalog is available upon request. (www.odmhsas.org)

Check the list of *Youth Services* agencies serving your county at www.theshop.net/oays.

Child Guidance Centers can be located through the local Health Department.

The *Child Study Center*, located in OKC, provides evaluation and treatment, behavior management and physical and speech therapy to children.

EDUCATION

Headstart - early childhood education for ages 3 to 5; contact Community Action agency in your area (www.okacaa.org)

Evenstart - in-home parenting skills training and GED training for parents

Community Learning Center - adult literacy

Vo-Tech - offers job skills training as well as living skills (www.okvotech.org)

Job Corps - residential vocational training center for ages 16 to 24 (4 locations within Oklahoma).

Alternative schools - allow students to complete high school degree or obtain GED; some provide childcare to teen parents

Regional Service Centers - repository for students' test scores; often they can track down a student's record to see if one has been tested for learning disabilities

EMPLOYMENT/JOB TRAINING

Workforce - Check with your local OESC (OK Employment Security Commission) office for adult and teen job training and placement services.
(www.oesc.state.ok.us)

Community Action Agency - often provides job training

Goodwill Industries – provide job training

OSU Extension Office - provides advice and materials on small business start-ups; usually located in the courthouse

Department of Rehabilitation Services - offers training and supported employment for disabled (www.onenet.net/~drspiowm)

Sheltered workshops and habilitation agencies - offer job training and/or placement for those with disabilities

FINANCIAL

Community Action Agencies - often assist low-income families with buying a home; they also take applications for energy assistance for elderly, disabled, and low-income families with children (www.captulsa.org)

OKDHS - TANF (Temporary Assistance to Needy Families) - provides cash assistance for children deprived of support because of parent's death, incapacity, absence, or unemployment

SSI (State Supplemental Income) - provides cash grants to aged, blind, or disabled

Social Security - provides cash grants to children due to a parent's disability, death or retirement

Victims Assistance - provides assistance to victims (or their family) of crime; some may pay for counseling for a child who has been sexually abused; Contact the District Attorney's office for more information.

Child Support Enforcement - information can be obtained by contacting OKDHS or the District Attorney's office

HOUSING

Community Action Agencies - provide weatherization services to elderly, disabled and low-income families with children; may also help with finding affordable housing

HUD - Contact local housing authority for information on Section 8 rentals and low-income apartments.

Tulsa Housing – provides low income housing in Tulsa (www.tulsahousing.org)

Youth Services of Tulsa- provides limited transitional housing for youth ages 17-22. (www.yst.org)

INDEPENDENT LIVING

Citizens Caring for Children - provides clothing, toys, musical instruments, mentoring, driver's education, GED classes/fees, apartments, college assistance to youth in OKDHS custody

OKDHS - Check with worker for a contractor in your area. Some Youth Services agencies may provide limited services to teens whether or not they are in custody.

NRC (National Resource Center for Youth Services) – has the contract with OKDHS for the Independent Living program for foster children 16-18 years.
(www.nrcys.ou.edu)

LEGAL

Legal Aid - provide a range of legal services to low-income individuals.

OK Lawyers for Children - pro bono lawyers serving children in the OKC and nearby areas (www.oklahomalawyersforchildren.org)

Tulsa Lawyers for Children – pro bono lawyers representing children in deprived actions in Tulsa County (www.TulsaLawyersForChildren.org)

OK Disability Law Center - provides free civil legal services to persons with disabilities or mental illness (www.flash.net/~odlcokc)

MEDIATION

Early Settlement - provides mediation or alternative dispute resolution at nominal fee for family, divorce, small claims, school issues; ask judge for center serving your area. (www.oscn.net)

MEDICAL

Check with your county medical association for free or low-cost clinics.

EPSDT (Early Periodic Screening & Diagnostic Testing) - health screening and treatment (requires Medicaid eligibility); ask the OKDHS worker for provider.

Visiting Nurse Association - skilled nursing, social services, home health care

Hospice - nursing and support services to terminally ill

SoonerStart - in-home early childhood intervention program providing testing and therapy from birth to age 3

OKDHS - Family Planning Coverage for exams and birth control to Medicaid eligible; Family Support Assistance helps families care for children with developmental

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disabilities; Children with Special Health Care Needs helps with medical services to special needs children who are not eligible for Medicaid; AIDS coordination and information services

Health Department - check with your local office for immunization and dental services; parent-child enrichment and therapy programs; prenatal clinics; well baby and child check-ups; nutritional counseling; genetic counseling; treatment of sexually transmitted diseases (www.health.state.ok.us)

Department of Rehabilitation Services - services and schools for deaf and blind

Indian Health Care Centers

PARENTING

Child Guidance Centers and First Steps (support and education for new parents) - check with local Health Department

OSU Extension Office - provides a wealth of information and activities for parents of young children

Youth Services - counseling and parenting classes at most agencies

Parents Assistance Center (OKC) and Parent-Child Center (Tulsa) - provides parent aides in home, support groups, sexual abuse treatment for non-offenders, parenting skills, anger management (www.parentsassistancecenter.org) and (www.theparentchildcenter.org)

RECREATION

YMCA and YWCA

REFERRALS

OASIS - provides statewide directory of local services for children and families;

Call 800-426-2747 for more information or check the website at <http://oasis.ouhsc.edu>.

Youth Services and Domestic Violence agencies - offer 24-hour referral and crisis hotlines

Community Action agencies - offer referrals and assistance to apply for services from OKDHS, Salvation Army and local ministerial alliances

Foster Parent Hotline - provides information and referrals to state foster parents; 800-376-9729

RESPITE/SHELTERS

Youth Services - offer temporary shelter to youth experiencing family crisis or emergency

Domestic violence agencies - offer temporary shelter to women and children experiencing family crisis

Salvation Army - provides emergency shelter, food and clothing (in some areas)

OKDHS - provides respite care through day care assistance to families with children or elderly.

SUBSTANCE ABUSE COUNSELING/TESTING

DRI has contracts with many courts throughout the state to do drug testing. The Department of Corrections' Probation and Parole office can provide information on local drug testing facilities. Also, check with your local Mental Health Association.

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Substance Abuse Services include out-patient and in-patient that allow children under 12 to stay with parent in facility.

YOUTH ORGANIZATIONS

Boy Scouts and Girl Scouts

OSU Extension offers many programs for recreation and character development for youth as well as 4-H clubs.

Boys & Girls Clubs through the Salvation Army

YMCA and YWCA

OTHER

Care Center - joint investigation of child physical and sexual abuse, crisis intervention, referral, counseling, court school for children who must testify

Center for Children and family - divorce, visitation, arbitration, teen parent programs, short-term foster care

Group Homes - American Legion, Baptist Boys' Ranch, Baptist Children's Home, Circle of Care,

Genesis Project, Speck Homes, Emerson Teen Parent Program

ACRONYMS AND ABBREVIATIONS

14-A **Also known as “Report to the District Attorney,” this is Child Welfare’s original intake information of abuse and neglect allegations from which the District Attorney prepare the petition**

ADA **Americans with Disabilities Act; and/or Assistant District Attorney**

ADD **Attention Deficit Disorder**

ADHD **Attention Deficit Hyperactivity Disorder**

ADJ **Adjudication Hearing**

AFDC	Aid to Families with Dependent Children – replaced by TANF, Temporary Assistance for Needy Families
AKA	Also Known As
AMA	Against Medical Advice
ASFA	Adoption and Safe Families Act
BIA	Bureau of Indian Affairs
BT	Bench Trial
CAPTA	Child Abuse Prevention & Treatment Act
CHO-25	Children’s Hospital Report of Abuse
CPS	Child Protective Services
DA	District Attorney
DDSD	Developmental Disabilities Services Division
DEP	Deprived
OKDHS	Oklahoma Department of Human Services
DISPO	Disposition

DMHSAS	Department of Mental Health and Substance Abuse
DOB	Date of Birth
EPSDT	Early Periodic Screening Diagnostic Treatment
FC	Foster Care
FTA	Failed to Appear
HUD	U.S. Department of Housing and Urban Development
ICWA	Indian Child Welfare Act
ICPC	Interstate Compact on the Placement of Children
IEP	Individualized Education Program
ILS	Independent Living Skills
INT	In Need of Treatment
ISP	Individualized Service Plan
JT	Jury Trial
LSS	Lutheran Social Services

NF	Natural Father
MTT	Motion to Terminate
NJT	Non-jury Trial
NM	Natural Mother
OASIS	Oklahoma Area Services Information System
OCCY	Oklahoma Commission on Children and Youth
OT	Occupational Therapy
PAC	Parents Assistance Center
PARB	Postadjudication Review Board
PD	Public Defender
PT-A	Pre-Trial Adjudication
PT-T	Pre-Trial Termination
PT	Physical Therapist
RTC	Residential Treatment Center

S & N	Summons and Notice
SSI	Supplemental Security Income
SW	Social Worker
TANF	Temporary Assistance for Needy Families
TPR	Termination of Parental Rights
UA	Urinalysis
WIC	Women, Infants and Children Supplemental Feeding Program