

CHAPTER 75. CHILD WELFARE

SUBCHAPTER 1. GENERAL PROVISIONS OF CHILD WELFARE SERVICES

PART 1. SCOPE AND APPLICABILITY

340:75-1-12. Grievances

Revised 11-17-14

(a) **Grievance rules procedures.** ~~Sections 1-9-112 and 1-9-120 of Title 10A of the Oklahoma Statutes, authorize the Commission for Human Services to establish and maintain a fair, simple, and expeditious system for the resolution of grievances Per Part 5 of OAC Oklahoma Administrative Code 340:2-3, the Oklahoma Department of Human Services (DHS) Office of Client Advocacy is responsible for establishing and maintaining grievance procedures for:~~

- ~~(1) individuals receiving services from Oklahoma Department of Human Services (OKDHS) DHS;~~
- ~~(2) placement providers; or~~
- ~~(3) children in the DHS custody of OKDHS.~~

(b) **Grievance subjects.** ~~Grievances may be regarding regard:~~

- ~~(1) the substance or application of any written or unwritten DHS policy, or rule, of OKDHS or of an agent of OKDHS regulation, written or unwritten, but does not include DHS policies, rules, and regulations of DHS operated shelters and residential facilities for children; or~~
- ~~(2) any a decision, act, or action omission by an employee or an agent of OKDHS, or any child in the custody of OKDHS of DHS or in a DHS operated facility.~~

(c) **Monitoring.** ~~The minimum standards of the grievance program are maintained by ongoing monitoring by OKDHS, Office of Client Advocacy.~~

340:75-1-16. Custody hearings, placement hearings, and court order

Revised 11-17-14

(a) **Pre-petition emergency custody order.** ~~Section 1-4-201 of Title 10A of the Oklahoma Statute Statutes (10A O.S. § 1-4-201) directs that the court may not enter a pre-petition, emergency custody order removing a child from the child's home of the child unless the court makes a determination:~~

- ~~(1) that an imminent safety threat exists and continuation in the child's home of the child is contrary to the child's welfare; and~~
- ~~(2) whether reasonable efforts have been made to prevent the child's removal from the child's home; or~~
- ~~(3) an absence of efforts to prevent the removal of the child from the child's home is reasonable because the removal is due to an emergency and is to provide provides for the child's safety and welfare.~~

(b) **Emergency custody hearing.** ~~10A O.S. § 1-4-203 requires that within two judicial days after a child is taken into emergency or protective custody as an alleged deprived child, the child's parent, legal guardian, or custodian is entitled to an emergency custody hearing, and thereafter at such intervals as determined by the court. ç 1~~

(c) **Due diligence to identify relatives.** Per 10A O.S. § 1-4-203, within 30 calendar days of the child's removal, the Oklahoma Department of Human Services (OKDHS) (DHS) exercises due diligence to identify the child's relatives. ~~The notice is provided by OKDHS~~ DHS provides notice to all grandparents, and to other relatives as the court directs. Relatives are not notified if when notification would not be in the child's best interests, due to past or current family or domestic violence. The notice advises the relatives:

- (1) the child was or will be removed from the custody of the parent or parents;
- (2) of the options under applicable law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; and
- (3) of the requirements to become a foster family home and the additional services and supports available for the child placed in the home. ¢ 1

(d) **Pre-adjudicatory emergency custody order extension.** Per 10A O.S. § 1-4-601, the child is released from emergency custody if when the adjudication hearing is delayed beyond 90 calendar days from the date the petition is filed unless the court issues extends the emergency order up to an additional 90 calendar days by a written order with findings of fact supporting a determination that ~~there exists~~:

- (1) reasonable suspicion exists that the health, safety, or welfare of the child would be in imminent danger if the child were returned to the home; and
- (2) an exceptional circumstance exists to support the continuance of the child in emergency custody; or
- (3) an agreement by the parents and the guardian ad litem, if any, exists to the continuance.

(e) **Emergency custody order expiration.** Per 10A O.S. § 1-4-601, when the adjudicatory hearing is delayed, the emergency custody order expires, unless the hearing on the merits of the petition is held within 180 calendar days after the actual removal of the child, ~~and custody is returned to the parent or legal guardian from whom the child was removed, or as otherwise directed~~ Custody is determined by the court. However, the expiration of the emergency custody order does not cause the court to lose jurisdiction over the parties, including the child, and the court may enter other orders the court deems necessary to provide for the health, safety, and welfare of the child pending hearing on the petition.

(f) **Post-petition emergency hearing.** Once a child is the subject of a deprived child proceeding, any party may file a verified application for an emergency hearing that demonstrates harm or threatened harm to the health, safety, or welfare of the child. The court must hold an emergency hearing within 72 hours after receipt of the application. The court may issue an emergency order to protect the health, safety, and welfare of the child ending the emergency hearing per 10A O.S. §1-4-807.1.

(g) **Opportunity for ~~OKDHS~~ DHS and others to be heard in placement and custody decisions.** ¢ 2 & 4

- (1) Per 10A O.S. § 1-4-802, at any hearing under the Oklahoma Children's Code for the purpose of determining placement of the child in ~~OKDHS~~ DHS custody, or whether the child in ~~OKDHS~~ DHS custody, whether protective, emergency, temporary, or permanent, is released from ~~OKDHS~~ DHS custody, the court ~~provides~~ must provide an opportunity for an ~~OKDHS~~ a DHS representative, the current foster parent, a group home representative where the child is currently placed, the

guardian ad litem, and child, if when of sufficient age, to present sworn testimony regarding the placement or release.

(2) When the Oklahoma Commission on Children and Youth (OCCY), Office of Juvenile System Oversight has conducted an investigation regarding placement of a child or release of a child from state custody and determines ~~that~~ there is a serious risk of danger to the health or safety of the child, ~~the~~ OCCY provides the court and the parties a written report of the investigation and recommendation for placement of the child. The OCCY report is provided to the court and the parties no less than five judicial days prior to the hearing. The court, upon motion of any party, orders attendance of any person preparing the OCCY report when it appears there is a substantial likelihood that material evidence not contained in the report may be produced by the testimony of the person who prepared the report. The court considers the report when making the decision regarding placement of the child or release of the child from ~~OKDHS~~ DHS custody.

~~(g)~~(h) **Objection by district attorney or child's attorney to child's release from state DHS custody and review of court order.** ~~§ 3 & 4~~ Per 10A O.S. § 1-8-103, at any hearing where a child's release from ~~OKDHS~~ DHS custody, whether protective, emergency, temporary, or permanent custody, creates a serious risk of danger to the health or safety of the child, the district attorney or the attorney for the child may give verbal notice to the court of an objection to the court's order and an intention to seek review of the order releasing the child from ~~state~~ DHS custody.

(1) Upon receiving notice, the court issuing the custody order in question stays the custody order pending the filing of an application and completion of the review. The district attorney or attorney for the child files a written application for review within three judicial days from the custody order with the presiding judge of the administrative judicial district. When a written application for review is not filed within the required time period, or when a written notice to the trial court withdrawing the objection is filed within the time period, the objection is deemed abandoned and the stay expires.

(2) Each application for review is assigned by the presiding judge of the administrative judicial district to a judge with juvenile docket responsibilities within that administrative judicial district.

(A) The review is completed within five judicial days of the filing of the written application for review and addresses the question of whether releasing the child from ~~OKDHS~~ DHS custody creates a serious risk of danger to the health or safety of the child.

(B) The reviewing court reviews the hearing record and any other evidence the reviewing court deems relevant and issues a findings of fact and conclusions of law.

~~(h)~~(i) **Directed placement not allowed.** ~~§ 4 & 5~~ If When the court determines it would be in the best interests of the child, the court may place the child in ~~the~~ DHS legal custody of ~~OKDHS~~. ~~Per 10A O.S. § 1-40803~~ 10A O.S. § 1-4-803, when the child is placed in ~~OKDHS~~ DHS custody, the court does not have the authority to order a specific placement, but has the authority to approve or disapprove a specific placement when the placement does not conform to statutory requirements and the child's best interests of the child.

~~((i))~~ **Right to be heard and hearing notification to placement providers.** Per 10A O.S. §§ 1-4-807 and 1-4-811, a foster parent, pre-adoptive parent, or relative providing care for the child in OKDHS custody has a right to notice of court proceedings regarding the child and the right to be heard at all proceedings. Except when allowed to intervene, the foster parent, pre-adoptive parent, or relative providing care for the child is not considered a party to the juvenile court proceeding solely because of notice and the right to be heard at the proceeding DHS provides notice of the hearing per Oklahoma Administrative Code 340:75-1-16.1.

~~((k))~~ **Telephonic or teleconference hearings.** Per 10A O.S. § 1-4-503 any proceeding held pursuant to the Oklahoma Children's Code may be conducted via teleconference communication when authorized by the court; provided, that when a parent or child appears for a proceeding via teleconference, the attorney representing the parent or child must personally appear at the hearing. Teleconference communication means participation in the hearing by interactive telecommunication, including telephonic communication, by the absent party, parties present in court, the attorneys, and others deemed to be necessary participants to the proceeding including, but not limited to, foster parents and facility staff where a child may be receiving care or treatment.

INSTRUCTIONS TO STAFF 340:75-1-16

Revised ~~11-17-14~~ 15-15

1. At the emergency custody hearing, the court:

- (1) determines whether there is reasonable suspicion that the child is in need of immediate protection due to abuse or neglect or that the child's circumstances or surroundings are such that the child's continuation in his or her own home would present an imminent danger to the child;**
- (2) advises the parent, legal guardian, or custodian in writing of:**
 - (A) any right of the parent, legal guardian, or custodian to testify and present evidence at court hearings;**
 - (B) the right to be represented by an attorney at court hearings;**
 - (C) the consequences of failure to attend any hearings that may be held; and**
 - (D) the right to appeal and procedure for appealing an order of the court.**
- (3) determines custody of the child and orders the parent, legal guardian, or custodian necessary to identify and locate kinship placement resources, complete an affidavit listing the names, addresses, and phone numbers of any parent, whether known or alleged, grandparent, adult aunt, adult uncle, adult brother, adult sister, adult half-sibling, and adult first cousin and provide comments concerning the appropriateness of the potential placement of the child with the relative. When no such relative exists, the parent, legal guardian, or custodian is required by the court to list any other relatives or persons with whom the child has had a substantial relationship or who may be a suitable placement for the child. The affidavit is filed with the court clerk no later than five business days following the hearing, or as otherwise ordered by the court, and a copy is provided to Oklahoma Department of Human Services**

(DHS). DHS exercises due diligence to identify and provide notice to relatives per Oklahoma Administrative Code (OAC) 340:75-6-85.2;

(4) directs the parent, legal guardian, or custodian to furnish DHS with a copy of the child's birth certificate within fifteen business days from the hearing when a petition is filed, unless otherwise extended by the court; and

(5) determines whether reasonable efforts have been made to:

(A) place siblings, who have been removed, together in the same foster home, guardianship, or adoptive placement; and

(B) provide frequent visitation or other ongoing interaction in the case of siblings who have been removed, and who are not placed together.

2. Opportunity to be heard in placement and custody decisions.

(1) The child welfare (CW) specialist asks the District Attorney (DA) for the opportunity to be heard by requesting to testify on the record. When the DA declines, the CW specialist directly requests from the court the opportunity to be heard on the record prior to conclusion of the hearing.

(2) When the court refuses to provide an opportunity to be heard, the CW specialist advises the CW supervisor, who contacts the DHS Legal Services.

(3) When the court releases a child from DHS custody and orders DHS to continue to supervise the child's placement, the CW specialist:

(A) does not recommend that DHS be relieved of supervision;

(B) closely supervises the child's placement; and

(C) documents any concerns for the court.

(4) The court, DA, or the attorney for the parties may cross examine the DHS representative, the child when of sufficient age as determined by the court, the present foster parents, and the guardian ad litem, when any.

(5) The court issues a written finding of fact and conclusions of law and all hearings concerning placement and release from state custody are on the record.

(6) DHS does not have the same right to be heard when the district attorney is declining to file a petition and the child is released by operation of law.

3. Objection to release from state DHS custody and review of court order. Per Section 1-4-801 of Title 10A of the Oklahoma Statutes, the DA and attorney for the child may give verbal notice to the court of an objection to the order and intention to seek review of the order releasing the child from state DHS custody based on the grounds that the order creates a serious risk of danger to the health, safety, or well-being of the child. The court is required to stay the order when the DA or attorney for the child objects, pending the filing of an application by the objecting party. When verbal notice of an objection is given, the procedure in (1) through (3) of this Instruction is followed.

(1) The party giving notice of objection and intention to seek review of the court order files with the presiding judge of the administrative judicial district, within three judicial days from the custody order, a written application to review the order.

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

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

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

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

(C) When the reviewing judge finds a serious risk of danger, the court issuing the order under review is required to enter another order.

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

(b) Prompt consultation. Circumstances that require prompt consultation between a CW specialist and a DHS attorney are not delayed by contacts with supervisory or other staff, who are contacted as soon as possible thereafter.

Examples of such circumstances include:

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

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

(3) obstruction of a mandatory Child Protective Services (CPS) investigation or necessary and authorized CPS investigative procedures. Reasonable requests by the DA or law enforcement officers aimed at advancing a criminal investigation and planned multidisciplinary team activities that alter normal investigative protocols do not constitute obstruction per OAC 340:75-3-110 and 340:75-3-440; and

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

5. Protocol for challenging a court-ordered directed placement. When the court is believed to have exceeded its authority by ordering DHS to place a child in DHS custody in a specific home or placement contrary to the DHS recommendation, the procedure in (1) through (4) of this Instruction is followed.

- (1) The CW specialist, immediately after the hearing consults with the supervisor and district director to determine whether DHS will initiate legal action to challenge the court order.
- (2) When the decision is made to initiate legal action to challenge the court order, the district director immediately notifies the deputy director for the region and DHS Legal Services.
- (3) The DHS Legal Services consults with the Child Welfare Services director to determine the appropriate legal action warranted by the facts and circumstances of the case, including contacting the court and counsel for the parties, preparing appropriate motions to stay, reconsider, or vacate the order, preparing an application for new hearing, or preparing petitions or applications for appellate court relief or intervention.
- (4) The DHS Legal Services notifies the district director of the decision and, when necessary, takes the appropriate legal action necessary to challenge the court-ordered directed placement.

340:75-1-16.1. Right to be heard and hearing notification to placement providers

Issued 11-17-14

Per Section 1-4-807 of Title 10A of the Oklahoma Statutes, a foster parent, group home, pre-adoptive parent, or relative providing care for the child in the Oklahoma Department of Human Services custody has a right to notice of court proceedings regarding the child and the right to be heard at all proceedings. Except when allowed to intervene, the foster parent, group home, pre-adoptive parent, or relative providing care for the child is not considered a party to the juvenile court proceeding solely because of the right to notice and the right to be heard at the proceeding. § 1

INSTRUCTIONS TO STAFF 340:75-1-16.1

Issued 11-17-14

1. Notice of hearing. The county of jurisdiction child welfare (CW) specialist or the pre-adoptive parent's adoption specialist:
 - (1) provides KIDS generated Form 04MP030E, Hearing Notification, to the current foster parent, group home representative, pre-adoptive parent, or relative no later than 15 calendar days after the hearing is set;
 - (2) when the child moves after the notification has been provided, prints Form 04MP030E from the Reports icon and provides it to the current foster parent, group home representative, pre-adoptive parent, or relative no later than 10 business days prior to the hearing;
 - (3) when the hearing date changes, updates the Court Hearing Detail screen and provides Form 04MP030E to the current foster parent, group home representative, pre-adoptive parent, or relative no later than 10 business days prior to the hearing; and
 - (4) documents in KIDS Contacts screen when and how Form 04MP030E was delivered.

340:75-1-17. Adjudicatory Adjudication hearing

Revised 11-17-14

~~(a) **Adjudicatory hearing.**~~ The ~~adjudicatory~~ adjudication hearing is a proceeding in which the district attorney, representing the State, must prove ~~that~~ the allegations of the deprived petition are supported by a preponderance of the evidence and ~~that as a result, the child should be adjudged is adjudicated to be deprived and made~~ a ward of the court. The hearing ~~must be~~ is held per Section 1-4-601 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-601). The order of adjudication must include a statement ~~that advises~~ advising the parents, legal guardians, or custodians parent that failure to appear at any subsequent hearing, or to comply with the requirements of the court may result in the loss of custody of the child or the termination of ~~their~~ parental rights.

~~(b) **Notification of hearing.**~~ Prior written notice of court proceedings concerning the child is provided by OKDHS to the current foster parent of the child, any pre-adoptive parent, or relative providing care for the child per 10A O.S. § 1-4-807. ~~§ 1~~

INSTRUCTIONS TO STAFF 340:75-1-17

Revised 11-17-14

1. Notice of hearing. DHS provides notice of the hearing per Instructions to Staff Oklahoma Administrative Code 340:75-1-16.1.

340:75-1-18. Dispositional hearing and options, and placement guidelines § 1 through 4

Revised 11-17-14

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

(b) **Dispositional hearing.** After a child is adjudicated to be deprived, the court holds a dispositional hearing, per Section 1-4-706 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-706).

(1) When the child is removed from the parent's custody, the court and the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) consider concurrent permanency immediately and throughout the case. When appropriate, a concurrent plan is developed to ensure ~~that~~ permanency for the child occurs at the earliest opportunity in the event ~~that~~ reunification fails or is delayed. Appropriate in-state and out-of-state placement options are identified and the placement selected is the best available placement to provide permanency for the child ~~if reunification fails or is delayed~~. ~~§ 2~~

(2) At the hearing, ~~OKDHS~~ a DHS recommended, individualized service plan is presented to the court. The judge makes the final decision regarding ~~whether if~~ the proposed individualized service plan is accepted and ~~whether if~~ any or all recommendations are ordered by the court.

(c) **Court orders regarding custody or guardianship.** Every effort is made to place a child with a member of the child's family in a safe and appropriate home, per 10 O.S. 1-4-706. When a child is removed from the custodial parent and the court, in the child's best interests, is unable to release the child to the noncustodial parent, a placement preference is given to relatives and persons who have a kinship relationship with the

child. ~~OKDHS DHS reports the diligent efforts made~~ to the court the diligent efforts made to secure the placement per 10A O.S. 1-4-204 and Oklahoma Administrative Code (OAC) 340:75-6-85.2. In cases ~~where~~ when the Indian Child Welfare Act applies, the placement preferences of the Act are followed per OAC 340:75-19-14.

(d) **Placement prohibitions.** A prospective foster or adoptive parent is not approved as placement for a child if when the prospective foster or adoptive parent or any other person residing in the home of the prospective foster or adoptive parent has been convicted of any of the criminal offenses specified in 10A O.S. §1-4-705 and OAC 340:75-7-15 or if when the prospective foster or adoptive parent is subject to, or is married to, or living with someone subject to the Oklahoma Sex Offender Registration Act.

(e) **Dispositional options.** 10A O.S. § 1-4-707 permits the court to enter dispositional orders including, but not limited to:

(1) placing the child under ~~OKDHS DHS~~ protective supervision in the child's own home, with the child's parent or legal guardian with whom the child was residing at the time the events or conditions arose that brought the child within the jurisdiction of the court, subject to conditions as prescribed by the court that would reasonably prevent the child from continued deprivation. ~~OKDHS DHS~~ supervision remains in effect for one year unless extended or reduced in appropriate circumstances by the court per 10A O.S. § 1-4-707; or

(2) placing custody of the child with the non-custodial parent under ~~OKDHS DHS~~ protective supervision; and order:

(A) reunification services for the parent, or legal guardian from whom the child has been, or is being removed;

(B) services for the parent, who is assuming physical custody of the child to allow the parent to later obtain legal custody without court supervision; or

(C) services for both parents, with the court determining at a subsequent review hearing which parent, if either, will have legal custody of the child;

(3) placing the child in ~~OKDHS DHS~~ custody. ~~OKDHS DHS~~ makes an individualized determination when selecting a placement for the child based upon the child's best interests and permanency plan, utilizing:

(A) a home or facility ~~that meets~~ meeting the preferences specified by the state and federal Indian Child Welfare Acts, when applicable;

(B) a non-custodial parent's home;

(C) ~~an OKDHS~~ a DHS approved relative's home;

(D) ~~an OKDHS~~ a DHS approved non-relative's, kinship, family home;

(E) an approved foster home where the child was previously placed;

(F) ~~an OKDHS~~ a DHS approved suitable, non-kinship, foster family home;

(G) a suitable licensed group home for children; or

(H) an independent living program.

(4) ordering that any person residing in the home, follow specific conduct the court determines is in the child's best interests that will reasonably prevent the child from continued deprivation;

(5) ordering a establishment of a permanent guardianship ~~established~~ per 10A O.S. § 1-4-709; and

(6) dismissing the petition and terminating the court's jurisdiction at any time for good cause when it is in the child's best interests. ¶ 3

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

(1) reasonable efforts:

(A) have been made to reunite the child with his or her family; however, the period for reunification services may not exceed 17 months from the date the child was initially removed from the child's home, unless the court finds compelling reasons to the contrary;

(B) are inconsistent with the child's permanency plan;

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

(D) to reunite the child with the family are not required, per 10A O.S. § 1-4-809 and OAC 340:75-1-18.4;

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

(3) to place siblings, who have been removed, together in the same foster care, guardianship, or adoptive placement and provide for frequent visitation or other ongoing interaction for siblings, who have been removed, and are not placed together.

(g) **Notification of hearing.** ~~Prior written notice of the hearing via Form 04MP030E, Hearing Notification, is provided by OKDHS to the child's current foster parent, any pre-adoptive parent, or relative providing care for the child. A right to be heard is provided by the court to the child's current foster parent, any pre-adoptive parent, or relative providing care for the child. A right to be heard is not construed as requiring any foster parent, pre-adoptive parent, or relative to be made a party to such action, per 10A O.S. § 1-4-807. ¶ 4~~ DHS provides notice of the hearing per OAC 340:75-1-16.1.

INSTRUCTIONS TO STAFF 340:75-1-18

Revised 11-17-149-15-15

1. Dispositional hearings.

(1) When reasonable efforts are required to return the child to the child's home, the court allows the child's parent at least three months to correct conditions that led to the child's adjudication as a deprived child. The time period for reunification services may not exceed 17 months from the date the child was initially removed from the child's home, absent a finding of compelling reasons to the contrary, per Section 1-4-707 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-707).

(2) When the child is place placed outside the home, the dispositional order is reviewed by the court at least once every six months until:

(A) behaviors, conditions, or both that caused the child's adjudication are addressed and the child has been reunified with a parent or legal guardian;

(B) the parent's rights to the child are terminated and a final adoption is decreed;

(C) permanent guardianship of the child is granted; or

(D) the court terminates jurisdiction.

(3) The family is ultimately responsible for only those recommendations that are court-ordered per Oklahoma Administrative Code (OAC) 340:75-6-40.4.

2. **Concurrent permanency planning.** Concurrent planning provides for reunification services while simultaneously developing an alternative plan in the event reunification efforts fail or are delayed. Concurrent planning is required in cases where current or historical familial circumstances indicate a poor prognosis for reunification. Efforts are made early in the case process to determine the most appropriate placement for the child and OAC 340:75-7-15 is followed when making placement decisions. When a petition to terminate parental rights is filed, the child welfare (CW) specialist actively pursues either the previously determined concurrent plan or appropriate alternate permanency plan, as applicable. When the plan is adoption, the CW specialist ensures that identification, recruitment, and processing of a qualified adoptive family for the child are timely completed. Questions to consider when determining the appropriateness of the placement are listed in (1) through (4) of this Instruction.

- (1) Are the siblings placed together?

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

- (3) Are appropriate services available and readily accessible?

- (4) Will this placement provide permanency if efforts to reunite are unsuccessful?

3. **Other dispositional options.** 10A O.S. § 1-4-707 allows the court to enter other dispositional orders, including, but not limited to:

- (1) placing the child with a suitable person including a non-custodial parent, relative, or other person when available per OAC 340:75-1-18(c) upon the completion of a home assessment; and

- (2) order a party, or other person living in the home to vacate the child's home indefinitely, or for a specified period of time within 48 hours of issuing the order; or

- (3) order a party, or the child's parent or legal guardian, to prevent a particular person from having contact with the child.

4. **Placement considerations.** Factors considered when identifying the placement that meets the child's best interests and long-term needs are described in (1) through (10) of this Instruction.

- (1) **Siblings.** Siblings are placed together when possible unless joint placement is contrary to the safety or well-being of any of the siblings. Siblings are separated only in certain circumstances per OAC 340:75-6-85.3.

- (2) **Attachment.** The nature and degree of the child's attachment to the siblings and significant others is assessed and used as an indicator of the child's ability to attach to a Bridge resource family.

- (3) **Age.** Age is evaluated as a factor in relation to the applicant's ability to parent the child into adult years, provided age is not used as the basis to deny a Bridge resource applicant.

(4) **Health.** The health records of the prospective applicant indicate the applicant has the health to participate with the child in normal developmental activities and the ability to parent the child beyond the child's age of majority.

(5) **Culture.** The Oklahoma Department of Human Services (DHS) does not rely on generalizations about the cultural identity needs of the child's particular race or ethnicity. DHS does not presume from the race or ethnicity of the prospective adoptive applicant that he or she is unable to maintain the child's ties to another racial, ethnic, or cultural community.

(6) **Placement of an Indian child.** The Indian child, as defined by the federal and state Indian Child Welfare Acts (ICWA), Section 1901 of Title 25 of the United States Code and 10 O.S. §§ 40 et seq., is placed according to the placement preferences per OAC 340:75-19-14. Prior to placing an Indian child with a non-extended family ~~or a non-Indian family member~~, the child's CW specialist requests the court with jurisdiction in the deprived case conduct a hearing to determine if good cause exists to allow placement of an Indian child outside the ICWA placement preferences. When a placement is requested that is not in compliance with the ICWA placement preferences, the ICWA requires:

(A) a good cause hearing be conducted;

(B) prior notice of the good cause hearing is given to all parties, including the tribe; and

(C) the court make a finding as to whether good cause exists to not follow the specified ICWA placement preferences.

(7) **Religion.** The child is provided an opportunity for spiritual and moral development. When the child has made a religious commitment or the parent has made a specific request, DHS makes a reasonable effort to find an adoptive family of like religious faith.

(8) **Language.** When the child's primary language is other than English, special consideration is given to identifying an adoptive family fluent in the child's language, including sign language for a child who is hearing impaired.

(9) **Education.** The child is given the opportunity to develop his or her potential and is not subjected to unrealistic academic expectations.

(10) **Resources.** The Bridge resource family must have adequate resources to meet the family's needs.

340:75-1-18.1. Permanency hearings

Revised 44-47-449-15-15

(a) **Permanency hearing.** A permanency hearing is held for the child alleged or adjudicated to be deprived. State and federal law establish the requirements for permanency hearings.

(1) Per Section 1-4-810 of Title 10A of the Oklahoma ~~Statutes~~ Statutes (10A O.S. § 1-4-810), when a child has been in out-of-home care for 12 months or longer, the court may require the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) to facilitate a meeting, held no later than 30 calendar days prior to the permanency

hearing, to discuss recommendations regarding the child's permanency plan that are reported to, and reviewed by, the court. The court may direct the assigned guardian ad litem, if any, who may be a court-appointed special advocate, a judicial case manager, or ~~OKDHS~~ DHS to make meeting arrangements ~~for the meeting~~. The child's foster parents, the child's parents, or the parents' attorney, a post-adjudication review board member, the guardian ad litem ~~who has been~~ appointed to the case, the child, the child's attorney, and others as appropriate are contacted to assist in the preparation of the report; however, persons determined not to require reasonable efforts pursuant to the provisions of per 10A O.S. § 1-4-809 are not required to attend.

(2) The judge conducts the permanency hearing and makes determinations, per 10A O.S. § 1-4-811. ~~OKDHS~~ DHS Child Welfare (CW) specialists provide the court with the necessary information to conduct the hearing. The initial and subsequent permanency hearings may be held earlier or more frequently at the request of a party, ~~OKDHS~~ DHS, or the court, but initially no later than:

(A) six months from the date of the child's placement in out-of-home care and every six months thereafter; and

(B) 30 calendar days after a determination that reasonable efforts are not required to prevent the removal of the child from the home or to reunite the child with the family, and every six months thereafter. ~~§ 1 & 2~~

~~(b) **Notification of hearing and right to be heard.** Prior written notice of the hearing, Form 04MP030E, Hearing Notification, is provided by OKDHS to the current foster parent of the child, any pre-adoptive parent, or relative providing care for the child. A right to be heard is provided by the court. Such notice and right to be heard is not construed as requiring any foster parent, pre-adoptive parent, or relative to be made a party to such action. § 3~~ DHS provides notice of the hearing per OAC 340:75-1-16.1.

~~(c) **Court jurisdiction to finalize child's permanent plan.** The judge presiding over the deprived case also has authority to make final determination in the matter and preside over any separate action necessary to finalize a child's permanency plan, including an adoption, guardianship, or other custody proceeding per 10A O.S. § 1-4-101.~~

INSTRUCTIONS TO STAFF 340:75-1-18.1

Revised 11-17-14

1. Permanency hearing.

(1) **Oklahoma statutes.** The statute regarding permanency hearings is found in Section 1-4-811 of Title 10A of the Oklahoma Statutes online at www.oscn.net.

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

- (3) **Court orders.** Within 30 calendar days after the permanency hearing, the CW specialist provides the court order to the custody specialist to ensure continuation of the child's Title IV-E eligibility.
2. **Permanency report requirements.** Refer to Oklahoma Administrative Code 340:75-6-40.5 for permanency report requirements.

340:75-1-20. Judicial review hearings

Revised 11-17-14

(a) **Six-month review hearing requirement.** Section 1-4-807 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-807) requires that the court to review every case regarding a child alleged or adjudicated deprived no later than six months after the date of the child's removal from the home and at least once every six months thereafter until permanency is achieved or the court otherwise terminates jurisdiction.

(1) At the review hearing, Oklahoma Department of Human Services (~~OKDHS~~) (DHS) provides information similar to that offered at the dispositional hearing, with special emphasis on the parent or legal guardian's progress on the court-ordered treatment and service plan.

(2) The court reviews all evidence that assists in decision-making including, but not limited to, oral and written reports presented by ~~OKDHS~~ DHS and others involved in the case.

(b) **Ninety-day review requirement.** Per 10A O.S. § 1-4-807, when ~~OKDHS~~ DHS documents a compelling reason why a petition to terminate parental rights to the child is not in the child's best interests, based upon a consideration that the child is not presently capable of functioning in a family setting, the child's status is re-evaluated by the court every 90 calendar days until a final determination is made that the child cannot be placed in a family setting.

(c) **Requesting review hearing and concurrent review and permanency hearings.**

(1) At any time during the pendency of the case, any party may request the court to review the case. ~~If~~ When a review is granted, the requesting party provides notice to all parties of the date and time of the hearing, per 10A O.S. § 1-4-807.

(2) A review hearing may be held concurrently with a permanency hearing, per 10A O.S. § 1-4-807.

(d) **Review hearing report.** ~~§ 1~~ ~~OKDHS~~ DHS prepares the review hearing report for the court when the child is in ~~OKDHS~~ DHS legal custody or when ~~OKDHS~~ DHS has court-ordered protective supervision of the child. Per 10A O.S. § 1-4-808, the report includes, but is not limited to:

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

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

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

(4) a description of:

- (A) each parent's progress to correct the conditions or change behaviors that caused the child to be adjudicated deprived;
 - (B) changes that still need to occur and the specific actions the parent must take to make the changes; and
 - (C) services and assistance offered or provided to each parent since the previous hearing and the services that are needed in the future;
- (5) a description of the child's placements:
- (A) by number and type with dates of entry and exit;
 - (B) reasons for the placement or change in placement; and
 - (C) a statement regarding the success or lack of success of each placement;
- (6) OKDHS DHS efforts to locate and involve each parent in the planning for the child, if when the parent is not currently communicating with OKDHS DHS;
- (7) compliance by OKDHS DHS, as applicable, and each parent with the court's orders concerning the individualized service plans, previous court orders, and OKDHS DHS recommendations;
- (8) whether the current placement is appropriate for the child, its distance from the child's home and ~~whether~~ if it is the least restrictive, most family-like placement available;
- (9) a proposed timetable for the child's return to ~~the~~ his or her home or other permanent placement; and
- (10) specific recommendations, giving reasons whether:
- (A) trial reunification should be approved by the court;
 - (B) trial reunification should be continued to a certain date as specified by the court;
 - (C) the child should remain in, or be placed outside of the child's parent or legal guardian's home; or
 - (D) the child should remain in the current placement when the permanency plan is other than reunification with the child's parent or legal guardian.
- (e) **Notice of hearing.** ~~OKDHS provides written notice of review hearings via Form 04MP030E, Hearing Notification, to the pre-adoptive parent(s), relative, and current foster parent. The court provides the right to be heard to the child's current foster parent, any pre-adoptive parent, or relative providing care for the child. Such notice and right to be heard is not construed as requiring any foster parent, pre-adoptive parent, or relative to be made a party to such deprived proceedings.~~ 2 DHS provides notice of the hearing per Oklahoma Administrative Code 340:75-1-16.1.

INSTRUCTIONS TO STAFF 340:75-1-20

Revised 11-17-14

1. Judicial review hearing report documentation.

- (1) The judicial review hearing report is documented in combination with the permanency hearing report using Form 04KI014E, Individualized Service Plan (ISP) Progress Report, as applicable.
- (2) The court report specifically addresses, and provides rationale for, recommendations to assist the court in determining per Section 1-4-807 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-807):

- (A) if the ISP, services, and placement meet the child's special needs and best interests with the child's health, safety, and educational needs specifically addressed;**
- (B) if there is a need for the child's continued out-of-home placement;**
- (C) if the child's current permanency plan remains the appropriate plan to meet the child's health, safety, and best interests;**
- (D) if the services set forth in the ISP and the responsibilities of the parties need clarification or modification, due to additional information or changed circumstances, or as the court determines necessary for the correction of the conditions that led to the child's adjudication;**
- (E) if the visitation terms, including sibling visitation, when separated, requires modification;**
- (F) the timeframe is followed to achieve reunification or other permanency plan for the child;**
- (G) if reasonable efforts have been made to safely return the child to his or her home. When the court determines, or has previously determined that efforts to reunite the child with the child's family is inconsistent with the permanency plan, the court determines if reasonable efforts are being made to place the child in a timely manner in accordance with the permanency plan, and determines the steps necessary to finalize permanency for the child;**
- (H) when the youth, 16 years of age or older, receives appropriate services that assist in transitioning him or her from out-of-home care to independent living. The court inquires or causes inquiry to be made of the child regarding any proposed independent living plan;**
- (I) if the nature and extent of the services provided to the child and parent are adequate to ensure the child's safety and protection from further physical, mental, or emotional harm, and, when necessary, order additional services to correct the conditions that led to the child's adjudication;**
- (J) if, in accordance with the child's safety or well-being, reasonable efforts have been made to:**
 - (i) place siblings, who have been removed, together in the same foster home, guardianship, or adoptive placement; and**
 - (ii) provide for frequent visitation or other ongoing interaction in the case of siblings, who have been removed, but who are not placed together; and**
- (K) if, during the 90 calendar day period immediately prior to the child's 18th birthday, the Oklahoma Department of Human Services and, as appropriate, other representatives of the child are providing the child with assistance and support in developing a transition plan per Form 04PP018E, My Transition Plan, personalized at the child's direction and as detailed as the child elects, that includes specific options regarding:**
 - (i) housing;**
 - (ii) health;**
 - (iii) insurance;**

- (iii) education;
- (iv) local opportunities for mentors and continuing support services;
- and
- (v) work force supports and employment services.

PART 15. CHILD WELFARE SPECIALIST TRAINING

340:75-1-231. New Child Welfare Specialist Development Plan

Revised ~~7-4-139~~ 15-15

Completion of the New Child Welfare (CW) Specialist Development Plan also known as CORE training is mandatory for each CW specialist. The ~~New~~ CW Specialist Development Plan affords a uniform level of competency regardless of the specialist's level of education or field of study. The development plan includes ~~42~~ 10-14 weeks of CORE training, structured mentoring, mandatory specialized training, and intensive supervision. ¢ 1

INSTRUCTIONS TO STAFF 340:75-1-231

Revised ~~7-4-139~~ 15-15

1. New Child Welfare (CW) Specialist Development Plan also known as CORE training.

(1) CW CORE training.

(A) Schedule. CORE sessions are presented multiple times each year. Schedules are included in the *Supervisor and Mentor Guide* that is updated each year and is available in Outlook Public Folders/All Public Folders/STO DCFS/CW Training/Supervisor and Mentor Guide and on the OU.edu/cwtraining website.

(B) Enrollment. ~~Enrollment in CORE training is completed by the new CW specialist's immediate supervisor as soon as the CW specialist's start date is known, by emailing the Training Section with the specialist's name and district~~ Upon notification of a new CW specialist's start date, the immediate supervisor enrolls the CW specialist in CORE training by completing the online form at www.ou.edu/cwtraining and emailing it to childwelfaretraining@okdhs.org.

(i) Each CW specialist begins CORE training no later than six weeks after his or her hire enter on duty date. The new CW specialist does not receive caseload assignments until he or she has completed completes CORE training and ~~passed~~ the Comprehensive Skills Test.

(ii) When the new CW specialist is enrolled in CORE, the Training Section sends the CW supervisor an ~~information packet used to prepare the CW specialist for participation in CORE~~ a confirmation email.

(C) Attendance. The CW specialist's absences from CORE are minimal to ensure successful CORE training completion of CORE training.

(i) Annual leave is not approved during CORE training.

(ii) When sick leave is taken during CORE training, the CW specialist attends the next available missed CORE session ~~that was missed~~ when sick leave was taken.

(iii) The CW supervisor emails the CW Training Section liaison listed in the *Supervisor and Mentor Guide* immediately upon learning the CW specialist will be absent from CORE training and communicates as necessary regarding other absences.

(D) Make-up days. The CORE liaison and CW supervisor, based on the number of training day absences, content missed, and CW specialist's progress in training, determine whether ~~make-up~~ CORE make-up training days are necessary.

(E) Punctuality. The training liaison reports ~~to the CW supervisor~~ the CW specialist's tardiness that exceeds a total of 30 minutes in any week of classroom training to the CW supervisor.

(F) Lodging. The CW specialist's lodging for CORE training is billed directly to OKDHS the Oklahoma Department of Human Services (DHS) but the mileage and per diem is filed on the CW specialist's travel claim paid from the district budget.

(G) Pre-CORE activities. When required pre-CORE activities and the CORE Checklist found in the *Supervisor and Mentor Guide* are not completed by the new CW specialist prior to the start of the CORE training program, the specialist does not attend CORE training, ~~and~~ The CW specialist reports to the district office and ~~will attend~~ attends the next scheduled CORE training session, if when the pre-CORE activities and CORE Checklist are completed.

(H) On-the-job training (OJT). OJT activities are necessary for the transfer of skills and knowledge needed to become a CW specialist. The new CW specialist is supported by the CW supervisor and allowed time to:

- (i) complete the activities listed in the *Supervisor and Mentor Guide*;
- (ii) practice newly acquired skills in the work environment through OJT activities; and
- (iii) complete the OJT activities assigned before and during CORE training.

~~(I) CORE Evaluations. The CWS Training Section CORE liaison completes an Observation Report concerning each CW specialist within three weeks of the specialist's CORE training completion and forwards the report to the applicable CW supervisor.~~

~~(i) The CW supervisor advises the CW specialist before the CW specialist begins CORE training that the Observation Report that is prepared may be used in determining whether permanent employment status is recommended.~~

~~(ii) Information and observations from the CORE trainers, on-site coordinator, and CORE liaison are used to prepare the CW specialist's CORE training evaluation.~~

~~(I) The CW specialist is evaluated on group participation, attitude, relevance of questions asked, commitment to CW, attendance, punctuality, identified strengths and needs, CORE training testing, and Hands on Testing (HOT) results.~~

~~(II) The liaison meets with the CW specialist and supervisor in the district office, when requested.~~

~~(III) The CW supervisor discusses the CORE training evaluation with the CW specialist.~~

(2) Structured mentoring.

(A) Mentoring relationship. Working with a skilled mentor is the most effective method to transfer learning from the classroom to the job. A mentoring relationship provides the CW specialist the opportunity, while under supervision, to utilize classroom concepts, knowledge, and skills in real-life situations.

(B) Mentor assignment.

(i) The CW supervisor selects the most appropriate mentor for the new CW specialist based on mentoring skills and the CW specialist's anticipated job assignment. The CW specialist is assigned a mentor:

(I) with child protective services (CPS) experience at the beginning of CORE training until the first OJT week;

(II) with permanency planning experience during OJT weeks for OJT activities and during the last two CORE training modules;

and

(III) who is a CW specialist from the same supervisory group unless there is no qualified CW specialist available, necessitating the assignment of a CW specialist from another group; **and**

(ii) a A CW supervisor may serve as a mentor only when the supervisor is able to fulfill each of the mentoring responsibilities.

(C) Mentor qualifications. A mentor:

(i) is ~~an OKDHS~~ a DHS CW professional with one or more years of CW experience and has completed CW specialist III certification;

(ii) is a professional with professional ethics judgment, and outstanding CW skills who can expose present the overall CW program to the new CW specialist to the overall CW program;

(iii) understands and models the purpose and philosophy of CW policy and practice; and

(iv) is respected by CW personnel and children and family services professionals in the community.

(D) Mentor responsibilities. Specific responsibilities and instructions for mentors are found in the *Supervisor and Mentor Guide*.

(E) Documenting mentor assignments. The CW supervisor documents the dates of the mentoring relationship on Form ~~OPM~~ HCM-111, Performance Management Process (PMP), Section F, Summary/Development Plan for the mentor.

(3) Mandatory specialized training. Each CW specialist completes Level I training after CORE training completion but within eighteen months of the

CW specialist's hire enter on duty date. The CW specialist is automatically enrolled in Level 1 training upon graduation from CORE training and a Level 1 training schedule is included in the Observation Report completion of the Comprehensive Skills Test.

(4) Intensive supervision for new CW specialists. The CW supervisor provides intensive supervision for the new CW specialist during CORE training and for 12 months after the specialist's CORE training graduation. Intensive CW supervision responsibilities are listed in (A) through (C).

(A) Prior to the CW specialist's enrollment in CORE training, the CW supervisor:

- (i) does not assign the new CW specialist a caseload;
- (ii) reviews pre-CORE training information with the CW specialist and explains the New CW Specialist Development Plan format;
- (iii) completes the activities on the Pre-CORE Checklist found in the *Supervisor and Mentor Guide*;
- (iv) assigns a mentor to the CW specialist, recognizing that the mentor has great influence on the specialist's attitude and philosophy and ensures the mentor is familiar with his or her responsibilities;
- (v) allows the CW specialist to shadow experienced CW specialists on a variety of job assignments as described in the *Supervisor and Mentor Guide*; and
- (vi) discusses with the CW specialist the role of CORE training, the CORE training Evaluation, and the Hands on Testing (HOT) required during the CW specialist's probationary period.

(B) During CORE the CW supervisor:

- (i) provides and explains OJT assignments and monitors completion of each activity during the OJT week in the district office;
- (ii) discusses OJT activities with the CW specialist, completes the comments section, and signs documentation forms as required;
- (iii) structures the CW specialist's duties on Fridays in the district office to include:
 - (I) staffing the CORE training family case with the CW supervisor;
 - (II) reviewing the weekly CORE training test results with the CW supervisor; and
 - (III) working with the assigned permanency planning mentor;
- (iv) verifies that the CW specialist has completed OJT assignment sheets, ~~that have the~~ with required signatures and comments, for return to CORE training; and
- (v) assists the CW specialist with filing the mileage and per diem claims, when appropriate. The CORE workshop announcement is used to document travel;

(C) After the CW specialist completes CORE training, the CW supervisor:

- (i) assigns the CW specialist no more than 25 percent of a caseload;

- (ii) assigns the CW specialist 50% percent of a caseload six months post-CORE training;
- (iii) assigns the CW specialist 75% percent of a caseload nine months post-CORE training;
- (iv) assigns the CW specialist 100% percent of a caseload at a year post-CORE training;
- (v) reviews ~~with the CW specialist~~ the mandatory training schedule for the next year with the CW specialist;
- (vi) schedules and conducts weekly conferences;
- (vii) does not allow the CW specialist to perform a new activity, such as ~~supervise~~ supervising visits or ~~create~~ creating an Individualized Service Plan, when the specialist has not shadowed an experienced CW specialist on a similar activity; and
- (viii) reviews the accountabilities on the specialist's Form ~~OPM~~ HCM-111 with the CW specialist.

SUBCHAPTER 3. CHILD PROTECTIVE SERVICES

340:75-3-7.3. Child Protective Services assessment and investigation assignment guidelines ~~§ 4~~ [REVOKED]

Revised 6-1-12

- (a) ~~An assessment is conducted when a report meets the abuse or neglect guidelines and does not constitute a serious and immediate safety threat to a child.~~
- (b) ~~An investigation is conducted when:~~
 - (1) ~~a report meets the abuse or neglect guidelines and constitutes a serious and immediate threat to the safety of a child per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105);~~
 - (2) ~~there have been three or more reports accepted for assessment or investigation regarding the family per 10A O.S. § 1-2-102; or~~
 - (3) ~~the family has been the subject of a deprived petition per 10A O.S. § 1-2-102.~~

~~INSTRUCTIONS TO STAFF 340:75-3-7.3 [REVOKED]~~

~~Revised 10-1-11~~

- ~~1. The guidelines outlined in this Instruction assist Child Welfare (CW) Hotline specialists and supervisors with decision making on whether a report is handled as an investigation or an assessment. This guide is not intended to be all inclusive and does not replace judgment regarding alleged risk factors and safety threats.~~
 - ~~(1) Factors to consider in conjunction with the guidelines. As in any decision-making process, the risk factors are considered first rather than strictly following the guidelines.~~
 - ~~(A) The age of the child is a critical risk factor since any abuse or neglect to a child five years of age and under has the potential to constitute a serious and immediate safety threat to the child's health and safety.~~
 - ~~(B) Refer to OAC 340:75-3-7.1, Instructions to Staff (ITS), for priority guidelines.~~

- ~~(C) An investigation is the more cautious approach and has a response time of five calendar days or less.~~
- ~~(2) Assignment of investigations and assessments. When a report is assigned as an assessment, but upon contact with the family the specialist determines the family situation falls within guidelines for an investigation, an investigation is initiated immediately by the CW specialist assigned to the assessment.~~
- ~~(4) Investigations. An investigation is conducted when the allegations in the report indicate there is serious abuse or neglect resulting in immediate or impending harm to the child. Examples of reports addressed as investigations include:~~
- ~~(A) child sexual abuse by a person responsible for a child (PRFC);~~
 - ~~(B) a child death or near-death;~~
 - ~~(C) a child placed in Oklahoma Department of Human Services (OKDHS) emergency custody;~~
 - ~~(D) abuse or neglect in a:
 - ~~(i) child care center or home that is licensed or should be licensed;~~
 - ~~or~~
 - ~~(ii) foster family or trial adoptive home;~~~~
 - ~~(E) abuse or neglect resulting in serious injury or near-death or risk of near-death including, but not limited to:
 - ~~(i) children five years of age or younger that are alleged to be left alone;~~
 - ~~(ii) fractures;~~
 - ~~(iii) burns or lacerations;~~
 - ~~(iv) head trauma;~~
 - ~~(v) life-threatening injuries;~~
 - ~~(vi) torture;~~
 - ~~(vii) mutilation;~~
 - ~~(viii) maiming;~~
 - ~~(ix) forced ingestion of a dangerous substance; or~~
 - ~~(x) confinement with life-threatening consequences;~~~~
 - ~~(F) abuse or neglect requiring medical evaluation or treatment, including, but not limited to:
 - ~~(i) non-organic failure to thrive;~~
 - ~~(ii) multiple injuries of varying ages;~~
 - ~~(iii) suspected fabricated or induced illnesses;~~
 - ~~(iv) injuries to fragile areas of the body such as head, face, neck, or genitals;~~
 - ~~(v) serious medical neglect; and~~
 - ~~(vi) serious suicide threats or attempts and emergency intervention is required;~~~~
 - ~~(G) abandonment;~~
 - ~~(H) infant born exposed to drugs;~~
 - ~~(I) any alleged inflicted physical injury to a child five years of age or younger;~~

- ~~(J) emotional abuse or neglect that results in the child displaying self-destructive behaviors, such as eating disorders or self-mutilation;~~
 - ~~(K) history of confirmed or substantiated reports of serious abuse or neglect or sexual abuse within the last two years;~~
 - ~~(L) history of children related to the PRFC that were previously adjudicated deprived;~~
 - ~~(M) allegations of serious abuse or neglect in an open permanency planning or voluntary family-centered services case;~~
 - ~~(N) allegations that the PRFC is violent or psychotic;~~
 - ~~(O) allegations that a child five years of age or younger was physically disciplined by a foster or trial adoptive parent. Refer to OAC 340:75-3-8.1 ITS;~~
 - ~~(P) a child placed in a foster or trial adoptive home is exhibiting sexual behavior that is outside the normal range of development. Refer to OAC 340:75-3-8.1 ITS;~~
 - ~~(Q) allegations that children are having sexual contact with other children placed in a foster or trial adoptive home. Refer to OAC 75-3-8.1, ITS;~~
 - ~~(R) a child exhibiting sexual behavior that is outside the child's normal range or development, or the child is having sexual contact with other children;~~
 - ~~(S) a child sexually abused by a third party perpetrator and there is reason to believe the PRFC failed to protect the child, or is allowing the third party perpetrator continuing access to the child; or~~
 - ~~(T) a child born to a PRFC with an open permanency planning or voluntary family-centered services case and:
 - ~~(i) the siblings are in out-of-home placement with no plans for reunification within the next few weeks; or~~
 - ~~(ii) there are plans for termination of the PRFC's parental rights.~~~~
- ~~(5) Assessments. An assessment is conducted when the allegations in the report do not indicate a serious and immediate threat to a child. Generally assessments are conducted when the concerns outlined in the report indicate inadequate parenting or life management rather than dangerous actions and parenting practices. The first contact during an assessment may be made with the non-offending parents to arrange a time to interview and observe the alleged child victim. Examples of reports that are addressed as assessments include:~~
- ~~(A) minor physical injury to a child six years of age or older resulting from excessive discipline that does not require medical attention;~~
 - ~~(B) minor injuries suggesting inattention to child's safety;~~
 - ~~(C) food, clothing, shelter, supervision, or hygiene needs are inconsistently met but do not cause significant risk of harm;~~
 - ~~(D) untreated minor physical injuries, illnesses, or impairments and the child is not in danger of significant harm in a short time period;~~
 - ~~(E) a pattern of unexplained absences from school that suggest parental responsibility for non-attendance subsequent to the school fulfilling its~~

- ~~statutory responsibilities and exhausting all legal remedies, and the absences are not due to truancy or home schooling;~~
- ~~(F) intervention is necessary but there is concern that the PRFC is not responding to the matter seriously;~~
- ~~(G) emotional abuse or neglect that does not indicate risk of serious physical harm to the child;~~
- ~~(H) the current report does not contain serious allegations; and~~
- ~~(i) the history of prior reports of abuse or neglect do not contain serious allegations of abuse or neglect;~~
- ~~(ii) the allegations of abuse or neglect are not escalating in seriousness; and~~
- ~~(iii) there have been no more than two previously accepted reports.~~
- ~~(I) the child is in a shelter or reception center or is placed in a shelter either by law enforcement or through voluntary placement and the circumstances that resulted in the shelter placement:~~
- ~~(i) are not related to child abuse or neglect; or~~
- ~~(ii) there are no imminent safety threats to the child;~~
- ~~(J) a baby is born to a minor child who is in OKDHS custody and there are no concerns regarding serious and immediate threat of harm to the newborn;~~
- ~~(K) an infant born exposed to drugs and:~~
- ~~(i) there are no prior reports of abuse or neglect; and~~
- ~~(ii) the current report does not contain serious allegations.~~

PART 1. PURPOSE, DEFINITIONS, AND HOTLINE PROTOCOL

340:75-3-120. Definitions and substantiation protocol ~~§ 1 through 47~~46

~~Issued 7-1-13~~Revised 9-1-15

(a) **Legislative intent.** Legislative intent per Section 1-1-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-102) states, "*...it is the purpose of the laws relating to children alleged or found to be deprived to...intervene in the family only when necessary to protect a child from harm or threatened harm.*"

(b) **Definitions.** Terms used by Oklahoma Department of Human Services (~~OKDHS~~) DHS Child Welfare Services (CWS) not found in the Oklahoma Children's Code are defined in Oklahoma Administrative Code (OAC) 340:75-3-120 Instructions to Staff. The following words and terms, when used in the Oklahoma Children's Code, ~~Sections 1-1-105 and 1-6-105 of Title 10A of the Oklahoma Statutes (10A O.S. §§ 1-1-105, 1-2-105, and 1-6-105), 21 O.S. §§ 748, 748.2, and 1040.13a,~~ or in this Subchapter have the following meanings unless the context indicates otherwise:

"Abandonment" means the:

- (A) willful intent by words, actions, or omissions of the person responsible for the ~~child~~ child's health, safety, or welfare (PRFC) not to return for a child; or
- (B) failure to maintain a significant parental relationship with a child through visitation or communication, such as incidental or token visits or communication are not considered significant; or
- (C) failure to respond to notice of deprived proceedings. ~~§ 1~~

"Abuse" means harm or threatened harm or failure to protect from harm or threatened harm to a child's health, safety, or welfare by a ~~person responsible for the child's health, safety, or welfare~~ PRFC, including, non-accidental physical or mental injury; ~~or sexual abuse or sexual exploitation~~; however, nothing prohibits a parent from using ordinary force as a means of discipline including, but not limited to, spanking, switching, or paddling.

"Assessment" means a comprehensive review of child safety and evaluation of family functioning and protective capacities conducted in response to a child abuse or neglect referral that does not allege a serious and immediate safety threat to a child.

"Behavioral Health" means mental health, substance abuse, or co-occurring mental health and substance abuse diagnoses, and the continuum of mental health, substance abuse, or co-occurring mental ~~health~~ health and substance abuse treatment.

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

"Commercial sex" means any form of commercial sexual activity, such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing, or display per 21 O.S. § 748.

"Custodian" means an individual other than a parent, legal guardian, or Indian custodian, to whom legal custody of the child has been awarded by the court. As used in the Oklahoma Children's Code, the term "custodian" does not mean ~~the Oklahoma Department of Human Services~~ DHS.

"Dependency" means a child who is homeless or without proper care or guardianship through no fault of his or her parent, legal guardian, or custodian.

"Drug-endangered child" means 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 dangerous substances, or the attempt of any of these acts by a ~~person responsible for the health, safety, or welfare of the child~~ PRFC as defined in per this Section and 10A O.S. § 1-1-105.

(1) This term includes circumstances wherein the PRFC's 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.

(2) 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.

(3) Upon receipt of a report that a child may be abused, neglected, or drug-endangered, ~~OKDHS~~ DHS conducts a safety analysis, per 10A O.S. § 1-2-102.

"Emergency custody" means court-ordered custody of a child prior to adjudication of the child ~~after the show-cause hearing~~.

"Failure to protect" means the PRFC:

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

(i) in imminent danger or a high risk situation; or

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

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

"Foster parent" means any person maintaining a therapeutic, emergency, specialized community home, tribal, kinship, or foster family home, ~~who is~~ responsible

for providing care, supervision, guidance, rearing, and other foster care services to a child.

"Harm or threatened harm" means any real or threatened physical, mental, or emotional injury or damage to the body or mind of a child that is not accidental, including, but not limited to:

- (A) physical abuse;
- (B) sexual abuse or exploitation;
- (C) neglect;
- (D) failure or omission to provide protection;
- (E) abandonment; or
- (F) dependency.

"Heinous and shocking abuse" means any aggravated physical abuse that results in serious bodily, mental, or emotional injury. Serious bodily injury means, but is not limited to, injury that involves:

- (A) substantial risk of death;
- (B) extreme physical pain;
- (C) disfigurement;
- (D) loss or impairment of a function of a body member, organ, or mental faculty;
- (E) an injury to an internal or external organ or the body;
- (F) bone fractures;
- (G) sexual abuse or sexual exploitation;
- (H) chronic abuse including, but not limited to, physical, emotional, or sexual abuse, or sexual exploitation that is repeated or continuing;
- (I) torture including, but 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; or
- (J) any other similar aggravated circumstance. ϕ 2

"Heinous and shocking neglect" means chronic neglect that includes, but is not limited to:

- (A) a persistent pattern of family functioning in which the caregiver has not met or sustained the basic needs of a child that results in harm to the child;
- (B) neglect that has resulted in a diagnosis of the child as an inorganic failure to thrive;
- (C) an act or failure to act by a parent that results in:
 - (i) serious physical or emotional harm;
 - (ii) sexual abuse or sexual exploitation;
 - (iii) death or near death of a child or sibling; or
- (D) any other similar aggravating circumstance. ϕ 2

"Human trafficking" means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor.

"Human trafficking for commercial sex" means:

(A) recruiting, enticing, harboring, maintaining, transporting, providing, or obtaining, by any means, another person through deception, force, fraud, threat, or coercion for purposes of engaging the person in a commercial sex act;

(B) recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act; or

(C) benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex;

"Infant" means a child 12 months of age or younger.

"Investigation" means a response to an allegation of abuse or neglect that involves a serious and immediate threat to the safety of the child making it necessary to determine:

(A) the current safety of the child and the risk of subsequent abuse or neglect; ~~and~~

(B) whether child abuse or neglect occurred; and

(C) whether the family needs prevention and intervention related services.

"Near death" means a child is in serious or critical condition as verified by a physician, a registered nurse, or other licensed health care provider. Verification of the medical condition of a child may be given in person or by telephone, mail, electronic mail, or facsimile.

"Neglect" means the failure of or omission by the PRFC to:

(1) ~~the failure of or omission by the PRFC to~~ provide the child with adequate:

(A) nurturance and affection, food, clothing, shelter, sanitation, hygiene, or an appropriate education;

(B) medical, dental, or behavioral health care;

(C) supervision or appropriate caretakers; ~~or;~~

(D) special care made necessary by the child's physical or mental condition; or

(2) ~~the failure of or omission by the PRFC to~~ protect the child from:

(A) the use, possession, sale, or manufacture of illegal drugs;

(B) illegal activities;

(C) sexual acts or materials that are not age-appropriate; or

(D) abandonment.

"Person responsible for the child's health, safety, or welfare (PRFC)" means:

(A) the child's parent, legal guardian, custodian, or foster parent. Per 10A O.S. § 1-1-105, a custodian is an individual other than a parent, legal guardian, or Indian custodian to whom legal custody of the child has been awarded by the court;

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

(C) an agent or employee of a public or private residential home, institution, facility, or day treatment program ~~as defined in per 10 O.S. § 175.20 of the Oklahoma Statutes;~~

(D) an owner, operator, or employee of a child care facility, per 10 O.S. § 402, whether the home is licensed or unlicensed; or ~~§ 7~~

(E) a foster parent maintaining a therapeutic, emergency, specialized community, tribal, kinship, or foster family home ~~who is~~ responsible for providing care,

~~supervisions~~ supervision, guidance, rearing, and other foster care services to a child.

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

(A) The injury may result from:

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

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

(iii) any action including, but not limited to, hitting with a closed fist, kicking, inflicting burns, shaking, or throwing the child, even when no injury is sustained but the action places the child at risk of grave physical danger.

(B) Minor injury of a child older than ~~ten~~ 10 years of age is not considered physical abuse unless the actions that caused the injury placed the child in grave physical danger.

"Protective custody" means custody of a child taken by law enforcement or designated employee of the court, without a court order.

"Reasonable parental discipline" means parental use of ordinary force as a means of discipline including, but not limited to, spankings, switching, or paddling that does not result in bodily injury to the child.

"Risk" means the likelihood that an incident of child abuse or neglect will occur in the future. § 8

"Risk factors" means family behaviors and conditions that suggest the caregivers are likely to maltreat their child in the future.

"Safety analysis" means action taken by OKDHS DHS in response to a report of alleged child abuse or neglect that may include an assessment or investigation based upon an analysis of the information received according to priority guidelines and other criteria adopted by OKDHS DHS.

"Safety evaluation" means evaluation of a child's situation by OKDHS DHS, using a structured, evidence-based tool to determine if the child is subject to safety threats.

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

"Sexual abuse" means any sexual activity, including sexual propositioning between the PRFC and child or any acts committed or permitted by the PRFC, including, but not limited to:

(A) rape;

(B) sodomy;

(C) incest; and

(D) lewd or indecent acts or proposals to a child. § 9

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

(A) prostitution, as defined by law, by a ~~person responsible for the health, safety, or welfare of a child~~ PRFC; or

(B) lewd, obscene, or pornographic, as defined by law, photographing, filming, or depicting of the child in those acts by a ~~person responsible for the health, safety, and welfare of the child~~ PRFC.

(c) **Substantiation of child abuse and neglect allegations.** Specific guidelines in conjunction with the definitions in this Section and OAC 340:75-3-120 are utilized in substantiating abuse or neglect. c 1

INSTRUCTIONS TO STAFF 340:75-3-120

Revised ~~6-16-14~~ 9-15-15

1. Definitions used by Oklahoma Department of Human Services (DHS) throughout Subchapter 3. Definitions used by DHS throughout Subchapter 3 not defined in the Oklahoma Children's Code are defined in Instructions to Staff (ITS) # 2 through # 47 46 of this Section. Certain definitions contain related examples and substantiation protocol.
2. (a) Abandonment definition. "Abandonment" is broadly defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) and Oklahoma Administrative Code (OAC) 340:75-3-120; however, subparagraphs B and C of the statute as they relate to a significant parental relationship and failure to respond to notice of deprived proceedings, do not necessarily apply when making safety decisions. For the purpose of accepting or screening out abandonment reports for assessment or investigation, a child is considered abandoned when a person responsible for the child's health, safety, and welfare (PRFC):
 - (1) leaves the child with no stated or implied plans to resume care or custody and the caregiver is unwilling or unable to provide appropriate care for the child;
 - (2) refuses to have the child in his or her care and custody and does not make appropriate arrangements for the child's care;
 - (3) arranges substitute care for the child; and
 - (A) fails to return for the child;
 - (B) efforts to locate the PRFC fail and more than 24 hours pass; and
 - (C) the caregiver is unwilling or unable to continue to provide appropriate care for the child.
- (b) Abandonment examples. Examples of abandonment may include, but are limited to, the:
 - (1) PRFC refuses to pick the child up from a temporary caretaker, inpatient facility, detention facility, or school after a request to do so and does not make appropriate alternative plans for the child's care;
 - (2) PRFC does not return to pick up the child up from an appropriate, temporary caregiver and the caregiver is no longer able or willing to care for the child; or
 - (3) child is found home alone for an extended period of time with no access to an adult and the PRFC ~~is unable to~~ cannot be contacted or located.
- (c) Substantiating abandonment.
 - (1) When determining a finding of the allegation regarding abandonment, the child welfare (CW) specialist considers:

- (A) the PRFC's explanation of the incident to determine the reason the PRFC did not resume custody of the child;
 - (B) whether mitigating circumstances exist, such as a teen parent who is in DHS custody and who is unable, but not unwilling to provide care for the child;
 - (C) the duration and chronicity of the PRFC's absence;
 - (D) the efforts by the caregiver to locate the PRFC; and
 - (E) the impact of the PRFC's absence on the child.
- (2) In general, to substantiate abandonment, one of the factors in subparagraphs (A) through (E) of this paragraph is present. The PRFC:
- (A) leaves the child and there are no stated or implied plans by the PRFC to resume care or custody of the child;
 - (B) arranges for a substitute caregiver and the substitute caregiver is:
 - (i) unwilling or unable to continue to care for the child. The child left with an appropriate caregiver is not abandoned unless the caregiver refuses to continue to provide care. Refer to OAC 340:75-3-120 ITS # 2; and
 - (ii) unable to locate the PRFC and more than 24 hours have passed;
 - (C) fails to make an effort to retrieve the child from the substitute caregiver and more than 24 hours have passed;
 - (D) refuses to provide or assume care of the child or make appropriate alternative arrangements for the child; or
 - (E) is unable to provide care for the child and will not be able to assume care of the child.
3. (a) Abuse definition. ~~The definition of "abuse" is found in~~ "Abuse" is defined per OAC 340:75-3-120.
- (b) Abuse examples. Examples of abuse may include, but are not limited to, circumstances when the child is:
- (1) shocked by a cattle prod;
 - (2) shot with a BB gun or air gun as a form of discipline; or
 - (3) held under water or submerged in water as a form of punishment.
- (c) Substantiating abuse.
- (1) When determining a finding regarding the allegation of abuse, the ~~Child Welfare Services (CWS)~~ CW specialist considers the:
- (A) impact on the child related to the child's age, physical condition, and vulnerability to the abuse;
 - (B) PRFC's pattern of abusive behavior; and
 - (C) duration of the abuse; ~~and.~~
- (2) In general, prior to substantiating abuse not otherwise defined in the definitions of Section OAC 340:75-3-120 and 340:75-3-120 ITS under harm or threatened harm, physical abuse, sexual abuse, or failure to protect, one of the factors in subparagraphs (A) and or (B) of this paragraph are present.
- (A) The PRFC's actions resulted in the child's death, physical or emotional harm, sexual abuse or exploitation; ~~or.~~

(B) The child is harmed or threatened with substantial harm as the result of the PRFC's behavior.

4. Accepting the report for assessment or investigation definition. "Accepting the report for assessment or investigation" means the screening process has been completed, the report meets the definition of abuse, neglect, or both, and is within the scope of child protective services (CPS), and will be assigned.
5. Acute traumatic events definition. "Acute traumatic events" means events that are usually short-lived but result in overwhelming feelings of terror, horror, or helplessness.
6. Administrative investigation definition. "Administrative investigation" means an internal investigation initiated by the advocate general at the request of the DHS Director or the chief operating officer upon receipt of a notice of the death or near death of a child known to CWS or in other circumstances.
7. Advocate general definition. "Advocate general" means the administrative head of the DHS Office of Client Advocacy.
8. Chronic traumatic events definition. "Chronic traumatic events" means events that occur repeatedly over an extended period of time and result in a range of responses, including intense feelings of fear, loss of trust in others, decreased sense of personal safety, guilt, and or shame.
9. Complex trauma definition. "Complex trauma" describes a child's exposure to multiple or prolonged traumatic events and the impact of this exposure on the child's development. Complex trauma occurs within the primary caregiving system and involves the chronic neglect, physical or sexual abuse of a child, or psychological maltreatment, as well as domestic violence, that begins in early childhood.
10. (a) Confinement definition. "Confinement" means unreasonable restriction of the child's mobility, actions, or physical functioning, such as tying the child to a fixed or heavy object, tying limbs together, or forcing the child to remain in a closely confined area that restricts the child's physical movement.
(b) Confinement examples. Confinement may include, but is not limited to:
 - (1) locking a child in a closet or small room;
 - (2) tying one or more of the child's limbs to a bed, chair, or other object except as authorized by a licensed physician;
 - (3) tying a child's hands behind his or her back;
 - (4) putting the child in a cage or its likeness, such as a crib with a cover over the top;
 - (5) ~~the child being forced~~ forcing the child to live in a small space without proper ventilation, lighting, or access to facilities; or
 - (6) locking the child in inappropriate living quarters, such as a basement, laundry room, storm shelter, or bathroom for extended periods of time to prevent the child from interacting or participating in daily activities with other members of the family.
(c) Substantiating confinement.
 - (1) When determining a finding regarding the allegation of confinement, the child welfare specialist considers the:
 - (A) child's age and vulnerability;

- (B) child's development and functioning;
- (C) child's mental health;
- (D) child's physical limitations;
- (E) child's length of confinement; and
- (F) PRFC's intent behind the child's confinement.

(2) In general, to substantiate confinement one of the factors in subparagraphs (A) through (D) of this paragraph is present.

(A) The child's mobility, physical function, or limbs are restrained by the PRFC's purposeful action over a period of time.

(B) The child is forced to remain in a confined area through physical force or threat of harm of a physical nature for an unreasonable amount of time.

(C) The child is unable to remove himself or herself from confinement due to physical abilities, development, or other limitations.

(D) The PRFC restricts the child's limbs through bondage, taping, or other means and the child is unable to remove himself or herself from the confinement. Age-appropriate swaddling of an infant is not considered confinement.

11. Contributing factors to abuse or neglect definition. "Contributing factors to abuse or neglect" means any action or omission that negatively affects the PRFC's ability to demonstrate protective capacities, either directly or indirectly, as it relates to the safety and well-being of a child.

12.(a) Domestic violence definition. "Domestic violence" means assaultive or coercive behaviors, such as physical, sexual, and psychological attacks, or economic coercion against another adult, emancipated minor, or minor child who are family or household members or who are or were in a dating relationship.

(b) Domestic violence examples. Domestic violence may include, but is not limited to:

(1) physical assault upon a spouse, domestic partner, girlfriend, boyfriend, or other adult residing in the same household including, but not limited to:

- (A) punching;
- (B) striking with objects;
- (C) hitting;
- (D) slapping;
- (E) choking;
- (F) kicking;
- (G) burning;
- (H) cutting; or
- (I) biting;

(2) harm or threatened harm to self or others as a means of control over an individual;

(3) imposed isolation from family, friends, and loved ones;

(4) not allowing access to family finances;

(5) verbally abusive or demeaning comments especially in the presence of others; or

- (6) forced participation in sexual acts.
- (c) Substantiating domestic violence.
 - (1) When determining a finding regarding the allegation of exposure to domestic violence, the CW specialist considers the:
 - (A) child's age and vulnerability;
 - (B) severity of the incident; and
 - (C) protective capacities of the non-offending PRFC, when applicable.
 - (2) In general, to substantiate domestic violence there:
 - (A) is an incident that results in physical harm to a member of the household;
 - (B) is assaultive or coercive behavior between adults when the child is in the environment that includes, but is not limited to:
 - (i) threats that involve the child;
 - (ii) choking the victim;
 - (iii) physical injury; or
 - (iv) the presence of weapons; or
 - (C) are safety threats to the child that pose:
 - (i) imminent or impending physical danger;
 - (ii) significant neglect; or
 - (iii) significant emotional harm as a result of the child listening to or witnessing the assaultive behavior.
- 13. (a) Educational neglect definition. "Educational neglect" means the child fails to attend school due to the PRFC's pattern of failure to ensure the child is enrolled in, allowed to attend, assisted in attending school, or provided other means of education. Truancy or home schooling does not constitute educational neglect.
- (b) Educational neglect examples. Educational neglect may include, but is not limited to, when the PRFC:
 - (1) fails to enroll the child in school and does not provide an alternative means of education; or
 - (2) allows the child to be frequently tardy or absent from school with no just cause.
- (c) Substantiating educational neglect.
 - (1) When determining a finding regarding the allegation of educational neglect, the CW specialist considers whether the child is receiving an alternative means of education and when the child is not, considers the:
 - (A) PRFC's efforts to get the child to school or to provide other means of education;
 - (B) duration of the child's absence from school;
 - (C) reasoning for the child not being enrolled in school; and
 - (D) plan provided by the child, when appropriate, and the PRFC for the child's continued education.
 - (2) In general, to substantiate educational neglect one of the factors in subparagraphs (A) through (C) of this paragraph is present and all efforts have been exhausted by the appropriate school district.

(A) The child fails to attend school or receive other means of education due to the PRFC's pattern of behavior;

(B) The PRFC does not access materials necessary for the child's education, such as home schooling text books, Internet access, or tutors;

(C) The school district exhausts all available means to compel the child's attendance and the PRFC fails to respond.

14.(a) Fabricated or induced illness definition. "Fabricated or induced illness," formerly referred to as Munchausen Syndrome by Proxy, means a type of child abuse where the PRFC fabricates or induces medical conditions in the child.

(b) Fabricated or induced illness examples. Fabricated or induced ~~illness~~ illnesses may include, but are not limited to, the PRFC:

(1) intentionally making the child ill through the administration of medications, chemicals, or harmful substances;

(2) reporting the child has a life threatening condition without supporting medical evidence and continually seeking treatment for the condition to gain attention or sympathy;

(3) taking the child to multiple doctors and or specialists;

(4) demanding the child be placed on medications or receive treatment for an undiagnosed condition; or

(5) administering a multitude of over-the-counter medications to the child who is not officially diagnosed by a medical professional for a specific condition;

(c) Substantiating fabricated or induced illness.

(1) When determining a finding regarding the allegation of fabricated or induced illness, the CW specialist obtains:

~~(A)~~(1) all of the child's medical records;

~~(B)~~(2) an opinion from a medical professional stating the PRFC fabricated or induced the child's illness; and

~~(C)~~(3) documentation from the PRFC's mental health provider, when available.

15.(a) Failure to protect definition. The definition for "failure to protect" is found in OAC 340:75-3-120.

(b) Failure to protect examples. Failure to protect may include, but is not limited to, the PRFC:

(1) leaving the child in the care of an inappropriate caretaker or with a caretaker with whom the PRFC does not have a long-standing relationship and abuse or neglect is perpetrated on the child by the caretaker;

(2) allowing the child to be left with a caretaker who previously harmed a child and the PRFC had knowledge of the previous abuse or neglect and an incident of abuse or neglect is perpetrated on the child by the caretaker;

(3) remaining in an environment with the child where the child is or has been abused or neglected by another caretaker; or

(4) permitting abuse or neglect to occur at the hands of another PRFC or caretaker.

(c) Substantiating failure to protect.

(1) When determining a finding regarding the allegation of failure to protect, the CW specialist considers:

- (A) the PRFC's knowledge of a potential safety threat to the child;
- (B) the PRFC's overall attitude regarding the child's need for safety; and
- (C) whether a reasonable adult could have predicted harm to the child in the situation. A reasonable person acts sensibly without serious delay, and takes proper, but not excessive precautions.

(2) In general, to substantiate failure to protect either or both of the factors in subparagraphs (A) and (B) of this paragraph are present.

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

- (i) in an unsafe situation; or
- (ii) with an individual who has a history of abusive, neglectful, or violent behavior.

(B) The PRFC fails to show attention, care, or consideration for the child's need for safety.

(3) When someone other than the PRFC is the perpetrator of the abuse or neglect to the child and:

(A) the PRFC has protected and will continue to protect the child, a ruled out finding is made unless the CW specialist determines services are recommended to continue to ensure the child's protection; or

(B) it appears the abuse or neglect was attributable to the willful failure on the part of the PRFC to protect the child, a finding of substantiated failure to protect is appropriate.

16. General counsel definition. "General counsel" means the administrative head of the DHS Legal Services.

17. (a) ~~Heinous and Shocking Abuse~~ shocking abuse definition. "Heinous and ~~Shocking Abuse~~ shocking abuse" means aggravated physical abuse that results in serious bodily, mental, or emotional injury. Serious bodily injury means injury that involves a substantial risk of death or extreme physical pain.

(b) Heinous and shocking abuse examples. Heinous and shocking abuse includes, but is not limited to:

- (1) a substantial risk of death;
- (2) extreme physical pain;
- (3) disfigurement;
- (4) a loss or impairment of the function of a body member, organ, or mental faculty;
- (5) an injury to an internal or external organ of the body;
- (6) a bone fracture;
- (7) sexual abuse or sexual exploitation;
- (8) chronic abuse including, but not limited to, repeated or continuing physical, emotional, or sexual abuse, or sexual exploitation;
- (9) torture, such as 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; or
- (10) other similar aggravating circumstances.
18. (a) ~~Heinous and Shocking Neglect~~ shocking neglect definition. "Heinous and ~~Shocking Neglect~~ shocking neglect" is defined in OAC 340:75-3-120.
- (b) Examples of heinous and shocking neglect include, but are not limited to:
- (1) chronic neglect that includes, but is not limited to, a persistent pattern of family functioning in which the PRFC has not met or sustained the basic needs of the child that results in harm to the child;
 - (2) neglect that results in a diagnosis of the child as inorganic failure to thrive;
 - (3) the PRFC's act or failure to act that results in the death or near-death of the child or child's sibling, serious physical or emotional harm, sexual abuse, sexual exploitation, or presents an imminent risk of serious harm to the child; or
 - (4) other similar aggravating circumstances.
19. Immediate protective action plan definition. "Immediate protective action plan" means the action taken when an immediate, significant, and clearly observable family condition is presently occurring and is already endangering or threatening to endanger a child. Refer to OAC 340:75-3-300 ITS # 5.
20. Impending danger definition. "Impending danger" means the presence of a threatening family condition that is:
- (1) specific and observable;
 - (2) out of control;
 - (3) certain to happen in the next several days; and
 - (4) likely to have a severe effect on a child. Refer to OAC 340:75-3-300 ITS # 4.
21. Infant born alive definition. "Infant born alive" means an infant who is born alive at any stage of fetal development as certified by a physician.
22. (a) Lack of supervision definition. "Lack of supervision" means the PRFC failed to provide the child with the supervision required to keep the child:
- (1) from hurting himself, herself, or others; or
 - (2) away from dangerous objects or situations.
- (b) Examples of lack of supervision include, but are not limited to:
- (1) leaving a young child alone without appropriate supervision or access to an appropriate caretaker;
 - (2) leaving a young child without appropriate supervision in a potentially dangerous or hazardous environment;
 - (3) not providing appropriate supervision to a young, disabled, or vulnerable child around roadways, bodies of water, or inside vehicles;
 - (4) allowing a young or vulnerable child to freely play at a park, playground, school, or other location without an appropriate caretaker present to supervise; or
 - (5) leaving a child with physical, mental, or emotional disabilities without appropriate access to an adult or responsible caretaker who is able to tend to the child's needs.

(c) Substantiating lack of supervision.

(1) When determining a finding regarding the allegation of lack of supervision, the CW specialist considers the:

- (A) child's competence;**
- (B) environment where the child is left unsupervised;**
- (C) duration and frequency the child is left without supervision;**
- (D) child's accessibility to a capable adult;**
- (E) PRFC's expectations of the child while child is alone;**
- (F) resources available to the PRFC to improve the supervision plan;**
- and**
- (G) the PRFC's ability to make child safety-related decisions.**

(2) In general, to substantiate lack of supervision the factors in subparagraphs (A) and (B) of this paragraph are present.

(A) The child is placed in situations beyond the child's developmental ability to manage without competent supervision, guidance, or protection.

(B) The circumstances of the supervision plan are such that a reasonable person would be expected to foresee that the child is placed in danger of physical harm, sexual abuse, or sexual exploitation.

23.(a) Medical neglect definition. "Medical neglect" means withholding medical treatment or prescription medication of any type and the withholding may result in significant harm to the child. Withholding medical treatment or prescriptions is medical neglect when the:

- (1) medical treatment is, in the opinion of a physician, required to safeguard the child from serious medical risk;**
- (2) child's medical condition is an emergency or a life-threatening condition, constituting such a serious risk to the child's health, safety, or welfare that a reasonable person would procure medical attention immediately and the PRFC does not do so;**
- (3) withholding, refusal to administer, or supply prescribed medications results in the child needing emergency medical services or results in the child suffering for a period of time that would have been prevented with proper administration of prescribed medications; or**
- (4) needed medical treatment is withheld from an infant born alive at any stage of fetal development or is withheld from an infant born with disabilities if the infant's life-threatening condition will most likely improve or be corrected with medical treatment, per OAC 340:75-3-430.**

(b) Examples of medical neglect include, but are not limited to, the PRFC failing to:

- (1) seek medical attention for the child with an injury, especially when the injury is to the child's head, face, ears, neck, stomach, or genitals;**
- (2) administer prescribed medications resulting in the child's prolonged suffering or needing emergency medical care;**
- (3) seek medical care for the child's prolonged illness; or**
- (4) consistently follow through with the physician's recommendations regarding the child's treatment and care.**

(c) Substantiating medical neglect. In general, to substantiate medical neglect, the CW specialist consults with medical personnel and either factors determines if any factor in (1), and (2), are present or factor or (3) is present.

(1) The child does not receive medical, dental, or behavioral health care for a documented serious health problem that if when untreated, may place the child in imminent or impending jeopardy of limitation, incapacitation, or death.

(2) The PRFC demonstrates a consistent refusal to obtain and follow through with specified medical care, including the administration and supply of prescribed medications.

(3) The health of the child is significantly endangered by the PRFC's failure to obtain medical treatment or provide prescribed medications for the child.

24.(a) Mental injury – emotional abuse or neglect definition. "Mental injury - emotional abuse or neglect" means an injury to the child's intellectual or psychological capacity:

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

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

(b) Mental injury – emotional abuse or neglect examples. Mental injury – emotional abuse or neglect examples include, but are not limited to:

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

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

(3) the PRFC ignoring or being psychologically unavailable to the child, such as acts ranging from lack of sustained attention to a barrier of silence;

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

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

(6) the PRFC confuses the child's gender identity by forcing the child to dress in clothing inappropriate for the child's gender to shame the child;

(7) the PRFC exposes the child to maladaptive and harmful influences by:

(A) engaging in serious criminal activity with the child's full awareness;

(B) allowing or encouraging the child to engage in illegal acts; or

(C) exposing or forcing the child to participate in child trafficking;

- (8) consistently refusing to permit any professional to assess the child's serious emotional or behavioral problems that may also be considered medical neglect; or
 - (9) the child witnessing chronic or highly volatile domestic violence.

(c) In general, to substantiate mental injury – emotional abuse or neglect, one or more of the factors in paragraphs (1) through (3) of this subsection is present.

(1) The PRFC demonstrates a pattern of emotionally abusive or neglectful behavior causing the child extreme unpleasant mental reactions, such as terror, horror, grief, shame, or humiliation.

(2) A professional opinion from someone with skills in diagnosing behavioral health concerns indicates the PRFC's behavior causes the child's observable and substantial impairment of his or her intellectual or emotional functioning.

(3) There is cumulative documentation of the child's impairment and the PRFC's behaviors, such as:

(A) statements by the child and at least one competent witness;

(B) the PRFC's description of a typical family interaction;

(C) the PRFC's description of an attitude toward the child;

(D) collaborative evidence provided by collateral sources familiar with the family; or

(E) the CW specialist's observation and assessment of the child's behavior and demeanor.

(4) The CW specialist considers the child's age and maturity level when making a finding regarding mental injury – emotional abuse or neglect.

25. (a) Minor Injury definition. "Minor injury" means belt marks, slap marks, or bruises on the child's buttocks, legs, shoulders, or arms that are not extensive, deep, or located on multiple sites as a result of discipline by the PRFC to a child 6 years of age and older.

(b) Minor injury examples. Minor injury examples include, but are not limited to:

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

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

26.(a) Neglect definition. The definition for "neglect" is found in OAC 340:75-3-120.

(1) The child is neglected when the PRFC deliberately or through exceptional lack of attention to the child's basic needs causes the child to suffer emotionally or physically.

(2) Neglect involves either a chronic, long-standing problem that impacts several aspects of a child's life or is so severe that it is life-threatening.

(3) Per 10A O.S. § 1-1-105, a child is not determined to be abused or neglected 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. The court is not prevented from immediately assuming custody of a child, pursuant to the Oklahoma Children's Code, and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

(b) Neglect examples. Examples of neglect include, but are not limited to:

- (1) dangerously, inadequate supervision for the child;
- (2) extremely, hazardous living conditions for the child;
- (3) the child's malnutrition;
- (4) the PRFC's failure to obtain or provide critically essential medical, dental, or behavioral health care for the child;
- (5) mental injury to the child;
- (6) seriously inadequate physical care of the child;
- (7) the child's exposure to sexual acts or age-inappropriate material;
- (8) the PRFC's failure to protect;
- (9) the PRFC's abandonment of the child; or
- (10) threat of harm to the child.

~~(b)~~(c) Substantiating neglect.

(1) When determining a finding regarding the allegation of neglect, the CW specialist considers the:

- (A) impact on the child related to the child's age, physical condition, and vulnerability to the conditions;
- (B) PRFC's pattern of neglectful behavior;
- (C) duration of the neglect;
- (D) resources available to the PRFC to assist the PRFC enhance his or her protective capacities; and
- (E) factor that poverty alone does not constitute neglect unless the PRFC does not access known and readily available resources to prevent serious emotional or physical harm to the child.

(2) In general, to substantiate neglect the factors in subparagraphs (A) and (B) of this paragraph are present.

(A) The PRFC does not provide basic food, clothing, or shelter, supervision, or essential medical, dental, or behavioral health care necessary for the child's health or safety due to the PRFC's behaviors or refusal to use available resources.

(B) The child is harmed or threatened with substantial harm as the result of the PRFC's behavior.

27.(a) Physical abuse definition. The definition for "physical abuse" is found in OAC 340:75-3-120.

(b) Substantiating physical abuse.

(1) When determining a finding regarding the allegation of physical abuse, the CW specialist:

- (A) determines whether the child sustained a physical injury;
- (B) assesses the severity of the injury;
- (C) obtains the PRFC PRFC's and the child's explanation explanations given for the injury;

- (D) determines the PRFC's intent when physically disciplining the child; and
 - (E) considers that minor injury to the child 10 years of age or older is not considered physical abuse unless the actions that caused the injury placed the child in grave physical danger.
 - (2) In general, to substantiate physical abuse the factors in subparagraphs (A) and (B) of this paragraph are present.
 - (A) The child sustains a physical injury inflicted by the PRFC resulting in damage to the child's body from punching, beating, kicking, biting, burning, extreme physical punishment, or otherwise harming the child; and.
 - (B) The injury is inflicted non-accidentally by the PRFC.
 - (3) When the PRFC does not admit to inflicting the child's injury, one or more pieces of evidence in subparagraphs (A) through (C) of this paragraph are present.
 - (A) In the CW specialist's judgment, the injury is clearly consistent with abuse based on credible evidence gathered regarding the cause of the injury.
 - (B) It is the opinion of medical personnel that the injury is consistent with abuse.
 - (C) A witness statement corroborates the child's statement of how the injury was inflicted.
 - (4) Physical abuse may be substantiated without the presence of an injury when the PRFC admits to an action, ~~which~~ that in the CW specialist's judgment, or based upon corroborating witness statements, constitutes the potential for substantial injury to the child, such as the child was:
 - (A) hit in the face or head or received extreme physical punishment inconsistent with the explanation; or
 - (B) young and the alleged action is inappropriate for the child's age or development.
28. Physical injury definition. "Physical injury" means temporary or permanent damage or impairment to the child's body caused by the PRFC.
29. Present danger definition. "Present danger" means an immediate, significant, and clearly observable family condition presently occurring and currently endangering or threatening to endanger a child. Refer to OAC 340:75-3-300 ITS # 5.
30. Prevention and intervention-related services definition. "Prevention and intervention-related services" means a service referred or recommended to the family by DHS to change a behavior or condition that caused or resulted in a safety threat or a substantiated report of abuse or neglect.
31. Protective capacity definition. "Protective capacity" means personal and caregiving behavioral, cognitive, and emotional characteristics specifically and directly associated with the ability to protect a child from harm or threatened harm. Caregiver protective capacities are specific qualities that are observable and believed to be a part of the way a PRFC acts, thinks, and feels that make him or her protective of a child.

- (1) The PRFC's diminished protective capacity is a reason CPS intervenes in a family.
 - (2) The PRFC's sufficiently enhanced protective capacity is a reason CPS no longer needs to be involved with a family.
- 32. Risk factors definition. "Risk factors" means family behaviors and conditions that suggest the PRFC is likely to abuse or neglect the child in the future. Refer to OAC 340:75-3-210 ITS # 2 for the six key questions related to risk factors addressed during the assessment of child safety.
- 33. Safe definition. "Safe" means a child is in an environment where there is no identifiable safety threat or a PRFC has sufficient protective capacities to prevent the child from being harmed.
- 34. Safety threshold definition. "Safety threshold" means the process that evaluates or measures family behavior to determine if when impending danger exists.
 - (1) An evaluation or measurement of the safety threshold occurs when family conditions are:
 - (A) specific and observable;
 - (B) out of control and without intervention, abuse or neglect could occur in the near future;
 - (C) severe and imminent; and
 - (D) threatening to the safety of a vulnerable child due to the PRFC's behaviors.
 - (2) The threshold is compromised when family behaviors, conditions, or situations manifest in such a way that child safety is threatened.
 - (3) The safety threshold encompasses only those family conditions that are out of the control of a parent, caregiver, or others within the family. This includes situations where the parent, caregiver, or others are able to control conditions, behaviors, or situations, but are unwilling or refuse to exert control.
- 35. Serious abuse or neglect definition. "Serious abuse or neglect" means:
 - (1) abuse or neglect resulting in significant injury, such as burns, fractures, abusive head trauma, genital injuries, extensive deep bruising on multiple sites of the body, or internal injuries;
 - (2) abuse or neglect resulting in life-threatening consequences, such as failure-to-thrive conditions, lack of supervision resulting in significant injury or danger, extreme malnutrition or dehydration, medical neglect involving a life-threatening illness, or life-threatening conditions caused by the PRFC's impaired abilities resulting from substance abuse, mental illness, or other emotional condition; and
 - (3) sexual abuse or exploitation.
- 36. (a) Sexual abuse definition. The definition for "sexual abuse" is found in OAC 340:75-3-120.
- (b) Substantiating sexual abuse.
 - (1) When determining a finding regarding the allegation of sexual abuse, the CW specialist considers the:

- (A) child's statements, or behaviors, or both statements and behaviors that indicate sexual abuse;
 - (B) child's ability to describe or demonstrate the specific sexual acts in the context of the sexual abuse. The CW specialist needs to consider the child's age and developmental level when assessing the child's ability to describe or demonstrate context;
 - (C) witness statements consistent with the child's statement, or behavior, or both statement and behavior; and
 - (D) written transmissions or other forms of communication through the use of technology that facilitate, encourage, offer, or solicit sexual conduct with a minor child by a PRFC.
- (2) The three aspects explored regarding the child's statement and behavior are listed in subparagraphs (A) through (C) of this paragraph.
- (A) The child's ability to describe either verbally or behaviorally the:
 - (i) sexual behavior by exhibiting sexual knowledge beyond what is expected for the child's developmental stage;
 - (ii) description of the sexual behavior from a child's viewpoint;
 - (iii) explicit accounts of sex acts; and
 - (iv) explicit accounts of proposals for sexual behavior through the use of technology.
 - (B) Generally, a child may be able to provide three or more details about the context of the victimization, such as:
 - (i) where it happened;
 - (ii) when it happened;
 - (iii) what the perpetrator said to obtain the child's involvement;
 - (iv) where other family members were at the time of the victimization;
 - (v) what the victim child was wearing;
 - (vi) what pieces of the child's clothing were removed;
 - (vii) what the perpetrator was wearing;
 - (viii) what pieces of the perpetrator's clothing were removed;
 - (ix) the child's emotional state during the abuse, such as being scared, feeling bad, or being confused;
 - (x) whether the perpetrator said anything about the child or perpetrator telling or not telling;
 - (xi) whether the child told anyone; and
 - (xii) the reactions of the persons the child told.
 - (C) The child's statement and behavior are explored regarding the child's affect or emotional reaction when recounting sexual abuse. Common emotional reactions to disclosure may include, but are not limited to:
 - (i) reluctance to disclose;
 - (ii) embarrassment;
 - (iii) anger;
 - (iv) anxiety;
 - (v) disgust;
 - (vi) sexual arousal; or

(vii) fear.

(3) Medical evidence of sexual abuse is seldom found in sexual abuse cases. The probability of medical findings is greater with younger children, acute abuse, and the availability of a skilled examiner. Most medical evidence is described as consistent with or suggestive of sexual abuse rather than conclusive.

(4) Complete confession by the perpetrator during the CW specialist's investigation rarely occurs. The perpetrator may:

(i) admit to some, but not all sexual abuse described by the child victim. Typically, the admission is to lesser acts; or

(ii) indirectly admit to the sexual abuse without directly stating that he or she sexually abused the child. For example, the perpetrator may say the child is not lying but does not admit his or her guilt.

(5) In general, to substantiate sexual abuse one or more of the factors are present:

(A) the child's statement and behavior includes the ability to describe or demonstrate specific sexual acts and the ability to describe the context of the sexual abuse;

(B) medical evidence;

(C) confession of the perpetrator, whether a:

(i) complete confession;

(ii) partial confession;

(iii) indirect admission; or

(D) written transmissions or other forms of communication technology that facilitate, encourage, offer, or solicit sexual conduct with the child by a PRFC.

(6) A specific perpetrator does not need to be identified to substantiate sexual abuse.

(7) A child's recantation of a previous account of sexual abuse is not uncommon and does not automatically indicate the previous findings were inaccurate.

(8) Sexual behaviors that cause concern may include, but are not limited to:

(A) extreme preoccupation with masturbation;

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

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

(D) accosting older children or adults sexually;

(E) seductive behavior in younger children; and

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

37.(a) Sexual exploitation definition. ~~The definition for "sexual~~ "Sexual exploitation" is found in defined per OAC 340:75-3-120.

(b) Substantiating sexual exploitation.

(1) When determining a finding regarding the allegation of sexual exploitation, the CW specialist considers the:

(A) child's statements, ~~or~~ behaviors, or both statements and behaviors that indicate sexual exploitation;

(B) child's ability to describe or demonstrate the specific lewd, obscene, or pornographic material in the context of the sexual exploitation; and

(C) witness statements consistent with the child's ~~statement, behavior,~~ statements, behaviors, or acts.

(2) The aspects explored regarding the child's statements and behaviors are listed in (A) through (D) of this paragraph.

(A) The CW specialist considers the child's ability to describe either verbally or behaviorally the:

(i) sexual behavior or acts the child was encouraged, permitted, or allowed to engage in;

(ii) explicit accounts, from the child's perspective, of lewd, obscene, or pornographic material the child was either encouraged, permitted, or allowed to engage in; and

(iii) PRFC's knowledge of or involvement in the sexual exploitation, or both knowledge and involvement in the sexual exploitation.

(B) Generally, a child may be able to provide three or more details about the context of the victimization, such as:

(i) where it happened;

(ii) when it happened;

(iii) what the perpetrator said to obtain the child's involvement;

(iv) where other family members were at the time of the victimization;

(v) what the ~~victim~~ child was wearing;

(vi) what pieces of the child's clothing were removed;

(vii) what the perpetrator was wearing;

(viii) what the perpetrator said to the child about the lewd, obscene, or pornographic material being produced and its intended use;

(ix) the child's emotional state during the abuse, such as being scared, feeling bad, or being confused;

(x) whether the perpetrator said anything about the child or perpetrator telling or not telling;

(xi) whether the child told anyone; and

(xii) the reactions of the persons the child told.

(C) The child's statement and behavior is explored regarding the child's affect or emotional reaction when recounting the sexual exploitation. Common emotional reactions to disclosure may include, but are not limited to:

(i) reluctance to disclose;

(ii) embarrassment;

(iii) anger;

(iv) anxiety;

(v) disgust;

- (vi) sexual arousal;
- (vii) fear; or
- (viii) lack of acknowledgement of victimization.

- (D) Sexual exploitation may be perpetrated without the child's knowledge, and therefore, the child may not be able to provide any of the information or demonstrate behaviors listed ~~above~~ in (B) (i) through (xii) and (C)(i) through (viii) of this paragraph. In those instances, the CW specialist must rely on the evidence of sexual exploitation listed in (4) of this subsection.
- (3) Medical evidence of sexual abuse is seldom found in sexual exploitation cases. The probability of medical findings is greater with younger children, acute abuse, and the availability of a skilled examiner. Most medical evidence is described as being consistent with sexual abuse rather than conclusive.
- (4) Evidence of sexual exploitation may exist in the form of:
- (A) text messages;
 - (B) recorded videos/DVDs;
 - (C) Internet or World Wide Web address, including any blog site or personal web address;
 - (D) still photographs;
 - (E) audio or sound messages;
 - (F) cell phone or camcorder recordings; or
 - (G) other materials stored, made, or transmitted from an electrical device for the purposes of sexual stimulation.
- (5) Complete confession by the perpetrator during the CW specialist's investigation rarely occurs. The perpetrator may:
- (A) admit to some, but not all sexual exploitation described by the child victim. Typically, the admission is to lesser acts; or
 - (B) indirectly admit to the sexual exploitation without directly stating that he or she sexually exploited the child. For example, the perpetrator says the child is not lying but does not admit his or her guilt.
- (6) In general, to substantiate sexual exploitation one or more of the factors in ~~(A) through (E)~~ of this paragraph are present:
- (A) the child's statement and behavior includes the ability to describe or demonstrate specific lewd, obscene, pornographic, or sexual acts, and the ability to describe the context of the sexual exploitation;
 - (B) medical evidence;
 - (C) confession of the perpetrator, whether a:
 - (i) complete confession;
 - (ii) partial confession; or
 - (iii) indirect admission;
 - (D) evidence of lewd, obscene, or pornographic photographs, films, or depictions of the child; or
 - (E) evidence ~~that~~ the child was allowed, permitted, or encouraged to engage in prostitution by the PRFC.

(7) Identification of the specific perpetrator is not necessary to substantiate sexual exploitation. The substantiation of the allegations is not dependent upon the child's awareness of the specific acts.

38. Substance abuse definition. "Substance abuse" means the ~~illegal~~ misuse of any drug, alcohol, or other substance for mood-altering purposes including the use of ~~illicit~~ illegal drugs or the abuse of prescription drugs for purposes other than those for which the drug is indicated or in a manner or in quantities other than directed that incapacitates or severely limits the PRFC's ability to perform minimal basic care for the child and results in serious neglect of the child or creates the risk of serious physical danger or significant emotional consequences to the child. Refer to ITS # 26 of this Section.
39. Substance-affected infant definition. "Substance-affected infant" means the infant who was born experiencing withdrawal symptoms as a result of prenatal drug exposure or fetal alcohol spectrum disorder as determined by the direct health care provider.
40. Substance-exposed infant definition. "Substance-exposed infant" means the newborn who tests positive for alcohol or a controlled dangerous substance with the exception of substances administered under the care of a physician. When the PRFC's substance abuse results in an infant born ~~drug~~-substance exposed, the PRFC's home is evaluated to determine whether the infant can receive the proper nurturing, nutrition, and attention to hygiene necessary for the infant to thrive.
41. Third-party perpetrator definition. "Third-party perpetrator" means a perpetrator of child abuse or neglect other than the PRFC.
42. (a) Threat of harm definition. "Threat of harm" means situations, behaviors, emotions, motives, perceptions, or capacities that can produce child maltreatment.
- (b) Threat of harm examples. Threat of harm includes, but is not limited to, the PRFC or caretaker:
- (1) knowingly leaving the child in a potentially dangerous situation or with inappropriate caretakers;
 - (2) operating a vehicle while under the influence of drugs or alcohol with the child in the vehicle;
 - (3) has direct care of the child while under the influence of illegal drugs, prescription drugs, or alcohol that impairs the PRFC or caretaker's ability to care for the child; or
 - (4) abusing or neglecting a child when another child is present in the home.
- (c) In general, to substantiate threat of harm, the factors in ~~either~~ (1) or (2) of this paragraph are present.
- (1) The PRFC or caretaker either intended to act, acted, or omitted to act, or knew about conditions that placed the child in imminent or impending danger and exhibited diminished protective capacities; ~~or,~~
 - (2) The intentions, actions, omission, or conditions could have resulted in physical injury, sexual abuse, or neglect of the child.
43. Trauma definition. "Trauma" means:
- (1) a serious injury or shock to the body from violence or an accident;

(2) an event that causes lasting emotional or psychological damage or distress; or

(3) an event or situation that threatens the life or health of the victim or a loved one and overwhelms the person's ability to cope.

44. **Truancy definition.** "Truancy" means a child refuses to attend school despite efforts by the PRFC to encourage and assist in school attendance.

45. **Unsafe definition.** "Unsafe" means an identifiable safety threat to a child is present within ~~their~~ his or her environment and the caregiver's protective capacities are insufficient to prevent the child from being harmed, ~~requiring and requires~~ outside intervention.

46. **Vulnerable child definition.** "Vulnerable child" means the child who is unable to protect himself or herself due to his or her physical or emotional development, mobility, size, dependence, or inability to communicate needs.

(1) The child 5 years of age and younger is considered to have a high level of vulnerability as is the child with issues, such as disabilities, past victimization, or hazardous surroundings.

(2) The vulnerable child is susceptible to, and within access of, a threatening parent or caregiver.

340:75-3-130. ~~Oklahoma Department of Human Services (OKDHS)~~ Child Abuse and Neglect Hotline ~~§1 through 4819~~

~~Issued 7-1-13~~ Revised 9-15-15

(a) **~~OKDHS~~ Child Abuse and Neglect Hotline (Hotline).** Per Section 1-2-101 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-101), ~~OKDHS~~ the Oklahoma Department of Human Services (DHS) established a statewide centralized hotline that operates 24 hours per day to receive child abuse or neglect reports at 1-800-522-3511. An allegation of child abuse or neglect reported in any manner to ~~an OKDHS~~ a DHS county office is immediately referred to the Hotline.

(b) **Hotline tracking system.** Per 10A O.S. § 1-2-101, ~~OKDHS~~ DHS maintains a system to track the number of calls the Hotline received and the number of:

(1) calls screened out;

(2) referrals assigned; and

(3) unsubstantiated or ruled out allegations.

(c) **Screening Hotline reports.** Each report received at the Hotline is screened to determine whether the allegations meet the definition of child abuse or neglect and are within the scope of child protective services (CPS) assessment or investigation, per ~~Title 10A of the Oklahoma Statutes~~ 10A O.S. § 1-1-101 et seq. and Oklahoma Administrative Code (OAC) 340:75. When the allegations are not appropriate for CPS, the reporter may be provided an explanation as to why an assessment or investigation will not be conducted and, when appropriate, where a referral may be made to assist the family. ~~§ 1 & 2~~

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

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

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

(e) **Disposition of the screened out report.** When a report is received that is not appropriate for CPS; however, services are needed, ~~Oklahoma Department of Human Services (OKDHS)~~ DHS may make a referral to an ~~OKDHS~~ a DHS or outside resource for emergency food, shelter, medical services, or counseling. ~~§ 3 & 4~~

(f) **Response to reporter concerning a screened out report.** The reporter may be informed of the decision to screen out the referral and the reason for the decision. ~~§ 5~~

(g) **~~OKDHS~~ DHS response to reports of child abuse or neglect.** Per 10A O.S. § 1-2-105, ~~OKDHS~~ DHS responds to an accepted report of child abuse or neglect by initiating an assessment of the family or an investigation of the report in accordance with priority guidelines. The primary purpose of the assessment or investigation is the protection of the child. For investigations or assessments, DHS gives special consideration to the risks of any minor child, including a child with a disability, who is vulnerable due to his or her inability to communicate effectively about abuse, neglect or any safety threat.

(h) **Prioritization of child abuse and neglect reports.** Per 10A O.S. § 1-2-105, ~~OKDHS~~ DHS prioritizes reports of alleged child abuse or neglect based on the severity and immediacy of the alleged harm to the child and assigns a response time. ~~§ 1~~

(1) **Priority I reports.** A Priority I report indicates the child is in present danger and at risk of serious harm or injury. Allegations of abuse and neglect may be severe and conditions extreme. The situation is responded to immediately, the same day the report is received. ~~§ 2 & 3~~

(2) **Priority II reports.** Priority II is assigned to all other reports. The response time is established based on the vulnerability and risk of harm to the child. Priority II assessments or investigations are initiated within two to 10 calendar days from the date the report is accepted for assessment or investigation. ~~§ 2 & 4~~

(i) **Accepted report assigned as assessment or investigation.**

(1) An assessment is conducted when a report meets the abuse or neglect guidelines but does not constitute a serious and immediate safety threat to a child.

(2) An investigation is conducted when:

(A) a report meets the abuse or neglect guidelines and constitutes a serious and immediate threat to the safety of a child per 10A O.S. § 1-1-105;

(B) there have been three or more reports accepted for assessment or investigation regarding the family per 10A O.S. § 1-2-102; ~~§ 2~~

(C) the family has been the subject of a deprived petition per 10A O.S. § 1-2-102; or

(D) the child has been diagnosed with fetal alcohol syndrome or ~~OKDHS~~ DHS determines the child meets the definition of "drug-endangered child" as defined in 10A O.S. § 1-1-105 and OAC 340:75-3-450.

(j) **Referral recordings.** Per 10A O.S. § 1-2-101(A)(5), DHS electronically records each referral received by the hotline and retains the recordings securely for 90 calendar days.

(1) The recordings are confidential and subject to disclosure only in those cases in which criminal charges related to the referral have been filed pursuant to the requirements of 10A O.S. §1-6-102(E) or when otherwise ordered by the court.

(2) When the court orders the disclosure of the referral, DHS redacts any information identifying the reporting party unless otherwise ordered by the court.

INSTRUCTIONS TO STAFF 340:75-3-130

Revised ~~6-16-14~~ 9-15-15

1. (a) Purpose of the centralized Oklahoma Department of Human Services (DHS) Child Abuse and Neglect Hotline (Hotline) child protective services (CPS) intake process. Assessment of safety begins at intake and continues until case closure. The Hotline CPS intake process includes:
 - (1) assisting and guiding the reporter with providing information regarding the alleged child abuse or neglect;
 - (2) interpreting what child abuse and neglect is to the reporter;
 - (3) identifying possible child abuse or neglect; and
 - (4) gathering sufficient information to make decisions about the alleged abuse and neglect as well as information pertaining to the six key questions located on Form 04KI030E, Assessment of Child Safety, and outlined in Oklahoma Administrative Code (OAC) 340:75-3-210.
- (b) CPS intake decisions. Decisions are made during CPS intake at the centralized Hotline in response to questions in (1) and (2) of this subsection.
 - (1) Does the report meet DHS guidelines for child abuse or neglect or indicate safety threats to a child?
 - (2) How urgent is the report?
2. Hotline functions. The Hotline phone number is provided to the public for reporting child abuse and neglect. The Hotline does not take messages for DHS employees or others. Centralized Hotline functions include:
 - (1) documenting and processing reports received at the Hotline in the Child Abuse and Neglect Information System (KIDS);
 - (2) determining whether the allegations require an emergency response and notifying district Child Welfare Services (CWS) personnel immediately when an emergency response is necessary; and
 - (3) conducting Information Management System (IMS) and KIDS searches for each person listed on the report, and, when applicable, documenting on the report when the IMS or KIDS search was not completed for reasons, such as KIDS down time.
3. District office notification of a report of child abuse or neglect. During regular DHS business hours, the Hotline specialist enters the child abuse and neglect report in KIDS. The Hotline supervisor forwards the report via KIDS to the district where the child victim is located.
 - (1) When the referral requires an emergency response, the Hotline specialist contacts the district office by phone.
 - (2) The assigned district where the child victim is located notifies and coordinates the investigation with other counties to facilitate safety.
 - (3) Each district maintains within KIDS, a current child welfare specialist on-call list that includes contact information for local law enforcement agencies per the joint response protocol.

- (4) When there is a lack of consensus regarding how the CPS report is accepted as a referral or prioritized by the Hotline, the chain of command is followed until the issue is resolved. When the original acceptance or prioritization requires change, the Hotline completes an override and enters the new designation in KIDS.
4. (a) Interviewing the child abuse or neglect reporter. The process of interviewing the person reporting suspected abuse or neglect is critical to child protection. The report is documented on Form 04KI001E, Referral Information Report. Gathering background information begins immediately upon receipt of a report of abuse or neglect.
- (b) Assisting the reporter. The Hotline specialist assists the reporter by:
- (1) responding to the reporter's fears and concerns; and
 - (2) discussing confidentiality.
 - (A) Per Section 1-6-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-6-102) requirements, the disclosure of information that may serve to identify any person who has reported an allegation of known or suspected child abuse or neglect is prohibited unless the disclosure is specifically ordered by the court.
 - (B) When a report of abuse or neglect alleges someone other than the person responsible for the child's health, safety or welfare (PRFC) is the perpetrator, the reporter is advised that the reported information is provided to law enforcement, and when law enforcement requests, the identity of the reporter is may also be provided;
 - (3) explaining the importance of reporting;
 - (4) explaining the CPS role;
 - (5) explaining what information may be disclosed upon completion of the assessment or investigation to the reporter who properly identifies himself or herself; and
 - (6) providing the identified reporter with the KIDS referral number.
- (c) Gathering information. The focus of the interview with the reporter is to obtain information that relates to harm or threatened harm to the child. Information obtained focuses on, but is not limited to:
- (1) the alleged abuse or neglect;
 - (2) each child in the home;
 - (3) each PRFC; and
 - (4) family functioning, strengths, and support systems.
5. Documenting the child abuse or neglect report.
- (1) The Hotline specialist makes diligent efforts to obtain and document:
 - (A) the reporter's name, address, and phone number;
 - (B) the reporter's relationship to the child and the child's family and how well the reporter knows the child and the child's family;
 - (C) whether the reporter knows of previous abuse or neglect;
 - (D) the reason for reporting;
 - (E) the reporter's source of information, such as personal knowledge or other sources;

- (F) the names of collateral persons who may have relevant information regarding the report of child abuse or neglect;
 - (G) the family's response to the reporter's safety concerns, when the reporter has shared the concerns with the family;
 - (H) the identity and location of the child and PRFC;
 - (I) whether the reporter knows of any unsafe conditions in the home, such as:
 - (i) loaded firearms or other weapons;
 - (ii) persons who are volatile or mentally ill; and
 - (iii) the use of and types of illegal substances or the known manufacturing or distribution of illegal substances;
 - (J) the seriousness of the situation and the urgency of response;
 - (K) the family's primary language;
 - (L) the reporter's knowledge of the family's functioning as it relates to the six key questions located on Form 04KI030E, Assessment of Child Safety, and identified in OAC 340:75-3-210;
 - (M) the reporter's knowledge of the family's tribal affiliation; and
 - (N) if there is any reason to believe the child may be an Indian child; and
 - (O) the reporter's knowledge of any disability or medical condition of any child in the home or caregiver in the home that might affect the caregiver's ability to protect the child.
- (2) The Hotline specialist gathers background information by:
- (A) searching for each person listed in the report in:
 - (i) Child Abuse and Neglect Information System (KIDS) for protective services alerts or previous child welfare reports; and
 - (ii) Information Management System (IMS), including an X-mail address search;
 - (B) contacting CPS Programs Unit staff immediately for additional information when a child protective services alert is found;
 - (C) reviewing DHS history when a person listed in the report has received services.
 - (i) All DHS record sources are checked, including:
 - (I) medical services;
 - (II) Adult and Family Services;
 - (III) Child Support Services;
 - (IV) DHS adoption records, when applicable;
 - (V) foster care resource and pre-resource records; and
 - (VI) the Juvenile On-Line Tracking System (JOLTS), when applicable.
 - (ii) When the child welfare (CW) case record is stored in the Post Adoption Services, in restricted status on KIDS, or stored in archives, CPS is contacted for assistance in obtaining necessary case information.
6. Exceptions to records and background information search. Prior to accepting the report, a DHS records and background search is conducted regarding

each person listed in the report unless it is not possible to access KIDS or IMS.

7. Previous report with unable to locate finding is assigned with new report. Any allegation previously made that resulted in a finding of unable to locate is documented on Form 04KI001E, Referral Information Report, and assigned for assessment or investigation with the new report.
8. Criteria for screening reports.
 - (1) Extreme care is taken when making screening decisions. The Hotline supervisor considers the potential risk factors and safety threats described by the reporter and the age and vulnerability of the child.
 - (A) When the reporter does not report specific allegations of abuse or neglect, the child's age and vulnerability are considered during the screening process.
 - (B) Reports regarding children 5 years of age and younger are screened with extreme caution due to the young child's vulnerability to serious and life-threatening consequences resulting from abuse or neglect.
 - (C) Judicial reports are not screened out except with permission of the referring court.
 - (D) Child welfare history is considered when making screening decisions.
 - (E) Reports regarding children with disabilities are screened with extreme caution. The Hotline supervisor considers the child's functioning level and abilities based upon his or her reported disability and the child's vulnerability to serious and life-threatening consequences resulting from abuse, neglect, or any other safety threat including his or her inability to communicate effectively.
 - (2) Reports appropriate for screening out that are not accepted for assessment or investigation are reports:
 - (A) that clearly fall outside the definitions of abuse and neglect per OAC 340:75-3-120, including minor injury to a child 10 years of age and older who has no significant child abuse and neglect history or history of neglect that would be harmful to a young or disabled child, but poses less of a threat to a child 10 years of age and older;
 - (B) concerning a victim 18 years of age or older, unless the victim is in voluntary placement with DHS;
 - (C) where there is insufficient information to locate the family and child;
 - (D) where there is an indication that the family needs assistance from a social service agency but there is no indication of child abuse or neglect;
 - (E) that indicate a child 6 years of age or older is spanked on the buttocks by a foster or trial adoptive parent with no unreasonable force used or injuries observed per OAC 340:75-3-410; and
 - (F) that indicate the alleged perpetrator of child abuse or neglect is not a PRFC, there is no indication the PRFC failed to protect the child, and the report is referred to local law enforcement.

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

(A) anonymous reports;

(B) custody or visitation disputes where abuse or neglect is alleged even when there are numerous reports; or

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

(4) When a CW specialist responds to a report by interviewing or observing the alleged child victim, the report cannot be screened out and CPS assessment or investigation protocol is followed per OAC 340:75-3-200, 340:75-3-210, or 340:75-3-220.

9. Collaterals, reporter, family, or other contact during the screening process. Contact with collaterals, the reporter, family, or other contact may be necessary during the screening process when:

(1) a report concerns a child who was raped but the perpetrator is unknown. The Hotline specialist or supervisor contacts law enforcement to determine whether the perpetrator is a PRFC or a third party;

(2) a reporter does not provide critical information to make an informed decision regarding the disposition of a report or has secondhand information, but supplies the name of someone who has more direct information. The Hotline specialist or district personnel may contact another person to obtain first-hand or additional information.

(i) Good judgment is used when deciding what person may supply clarifying or additional information without that person notifying the family of the report.

(ii) Extreme care is taken not to provide details of the child abuse and neglect report when contacting collaterals for additional information; or

(3) the Hotline specialist has reason to believe the collateral will notify the family of the screened out report. The Hotline specialist contacts the family by phone or in writing to advise a report was received but the allegations did not meet the definitions of abuse or neglect, per Title 10A of the Oklahoma Statutes and OAC 340:75-3-120.

10. Preliminary inquiry conducted when reports of abuse, neglect, or injury of a child is received in an open permanency planning, trial reunification, Interstate Compact on the Placement of Children (ICPC), or family-centered services (FCS) case.

(1) When the child, who is a party to an open permanency planning, trial reunification, ICPC, or FCS case is reported to have a physical injury and the cause of the injury is unknown, the report may be managed as a preliminary inquiry.

(2) The Hotline refers the report to the CW specialist responsible for the child for a preliminary inquiry.

(A) The CW specialist conducts and completes a preliminary inquiry within 23 hours of receipt of the report. The preliminary inquiry includes interviewing the:

- (i) child;
- (ii) witnesses; and
- (iii) person who was the direct caregiver at the time of the incident.

(B) When an injury is unexplained, however, the injury appears to be consistent with normal childhood play or development, the CW specialist may utilize critical thinking skills and determine with supervisory consultation that a medical examination is not required. The supervisory consultation must be entered into the KIDS case ~~contact~~ Contacts screen explaining the decision not to seek a medical examination.

(C) The preliminary inquiry may include seeking a professional medical opinion when the explanation is implausible or is unexplained and is not consistent with normal childhood play or development as provided in (B) of this paragraph. A medical examination or consultation with a medical professional is required when:

- (i) a child 5 years of age or younger has any unexplained injury that does not meet the criteria provided in (B) of this paragraph or any implausibly explained or unexplained bruise or injury to the head, face, ears, neck, stomach, or genitals;
- (ii) a non-ambulatory child has a bruise, burn, or fracture; and
- (iii) a child 5 years of age or younger has a broken bone or fracture.

(D) Injuries are photographed and stored in the case file by scanning into the KIDS File Cabinet in the child's case.

(E) The CW specialist documents all information concerning the injury in KIDS Contacts screen in the child's case.

(F) The CW specialist reports the results of the preliminary inquiry to the Hotline and based on the information, the report is:

- (i) screened out as an accidental injury; or
- (ii) assigned for investigation.

(G) Information justifying the screen-out disposition is documented in the ~~Contact~~ Contacts screen and on Form 04KI001E, Referral Information Report, by the CW specialist who conducted the preliminary inquiry.

11. Documenting screened out and information and referral (I&R) files. The Hotline supervisor documents screen out reasons on Form 04KI001E, ~~Referral Information Report~~. Each report not assigned for assessment or investigation, including I&R files, are documented in the KIDS system. I&R information is documented when the reported information is clearly not child abuse or neglect but there is:

- (1) an indication the family may benefit from a referral to other services, such as the Supplemental Nutrition Assistance Program (SNAP), immunizations, or services at the local health department, or a local food pantry;

- (2) no open investigation; and
 - (3) no existing KK case.
- 12. Duplicate reports of child abuse or neglect. Allegations concerning the same incident received from the same or a different reporter are considered duplicate reports. When a duplicate report is received and the initial report is assigned for assessment or investigation, the duplicate report may be screened out and associated with the assigned assessment or investigation.
- 13. Subsequent reports of child abuse or neglect. Allegations concerning the same child and family received within 30 calendar days of a previously accepted and assigned report may be screened out and the allegations addressed in the on-going report.
- 14. Response to reporter concerning a screened out report. When a report does not meet the criteria for acceptance, the reporter is advised the information he or she provided is kept and future reported allegations of child abuse or neglect that meet the criteria will be accepted for assessment or investigation.
- 15. Guidelines for designation of the accepted report as an assessment or investigation. The guidelines outlined in this Instruction assist the Hotline specialist and supervisor to decide whether a report is designated as an assessment or investigation and to establish response times for initiation. The guidelines are not all-inclusive and do not replace critical thinking and sound judgment when assessing risk factors and safety threats.
 - (1) Risk factors considered in conjunction with the guidelines. As in any decision-making process, the risk factors are considered first rather than strictly following the guidelines. Risk factors include the:
 - (A) child's vulnerability. The alleged child victim's ability to self-protect is a critical risk factor based on the child's age, functioning, disability, and developmental stage. Allegations concerning the child 5 years of age or younger have the potential to constitute a serious and immediate safety threat to the child's health and safety. An older child may be vulnerable due to disability, past victimization, surroundings, or other factors;
 - (B) previous reports regarding the family;
 - (C) severity of the allegations and alleged injury;
 - (D) alleged perpetrator's access to the child; and
 - (E) alleged victim's location.
 - (2) An investigation is the more cautious approach and has a response time of five calendar days or less.
- 16. Assessing prior CW and other background history.
 - (1) Background information includes whether the child and family are:
 - (A) known to DHS and CPS;
 - (B) currently receiving DHS or CW services;
 - (C) known to another state's CPS; or
 - (D) known to law enforcement, due to reports of domestic violence, substance abuse, or sexual abuse.
 - (2) When a family has three or more previous CW reports, the CW specialist and supervisor:

- (A) review and discuss each previous report and the information contained in the entire case record;
- (B) determine whether there is a pattern of behavior that contributes to safety threats within the family;
- (C) decide when additional information is needed to determine whether there are significant problems within the family; and
- (D) consider all information when screening and determining response times.

(3) The CW specialist contacts CPS immediately for additional information when a child protective services alert is found during a search.

17. Accepted report designation.

(1) Investigations. Per OAC 340:75-3-220 an investigation is conducted when the allegations in the report indicate there is serious abuse or neglect resulting in an immediate safety threat to the child. The report designated as an investigation is responded to in a shorter time period than a report assigned as an assessment. An investigation is initiated in no less more than five calendar days of acceptance unless a special circumstance exists that prevents the initiation. Examples of reports responded to as investigations include, but are not limited to:

- (A) child sexual abuse by a PRFC;
- (B) a child death or near-death;
- (C) a child placed in DHS emergency custody;
- (D) abuse or neglect in a:
 - (i) child care center or home that is licensed or should be licensed; or
 - (ii) foster family or trial adoptive home;
- (E) abuse or neglect resulting in serious injury or near-death or risk of near-death including, but not limited to:
 - (i) a child 5 years of age or younger alleged to be left alone;
 - (ii) fractures;
 - (iii) burns or lacerations;
 - (iv) head trauma;
 - (v) life-threatening injuries;
 - (vi) torture;
 - (vii) mutilation;
 - (viii) maiming;
 - (ix) forced ingestion of a dangerous substance; or
 - (x) confinement with life-threatening consequences;
- (F) abuse or neglect requiring an immediate medical evaluation or treatment including, but not limited to:
 - (i) non-organic failure-to-thrive;
 - (ii) multiple injuries of varying ages;
 - (iii) suspected fabricated or induced illnesses;
 - (iv) injuries to fragile areas of the body, such as the head, face, ears, neck, stomach, or genitals;
 - (v) serious medical neglect; and

(vi) serious suicide threats or attempts and emergency intervention is required;

(G) abandonment;

(H) an infant born exposed to alcohol or controlled dangerous substances;

(I) a drug-endangered 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 dangerous substances, or the attempt of any of these acts by the PRFC;

(J) reports regarding a family with previously confirmed or substantiated reports of serious abuse or neglect or sexual abuse within the last two years;

(K) reports regarding children previously adjudicated deprived;

(L) allegations of serious abuse or neglect in an open permanency planning case, including trial reunification, ICPC, or a FCS case;

(M) allegations that the PRFC is violent, out of control, or psychotic;

(N) allegations that a child 5 years of age or younger was physically disciplined by a foster or trial adoptive parent. Refer to OAC 340:75-3-410 Instructions to Staff (ITS);

(O) when a child placed in a foster or trial adoptive home is exhibiting sexual behavior outside the normal range of development or inconsistent with case history. Refer to OAC 340:75-3-410 ITS;

(P) allegations that a child is having sexual contact with another child placed in a foster or trial adoptive home. Refer to OAC 340:75-3-410, ITS;

(Q) when a child is born to a PRFC who is a party to an open permanency planning or voluntary FCS case and:

(i) the siblings are in out-of-home placement with no plans for reunification within the next few weeks;

(ii) there are plans to terminate the PRFC's parental rights; or

(iii) the siblings are in an out-of-home safety plan with no plans to end date the safety plan within the next few weeks; and

(R) when a child is reported to have a disability and is unable or has limited ability to communicate or is unable to provide appropriate self-care.

(2) Assessments. An assessment is conducted when the allegations in the report do not indicate a serious and immediate safety threat to a child, but do indicate inadequate parenting or life management. The first contact during an assessment may be made with the non-offending parent to arrange a time to interview and observe the alleged child victim. The report assigned as an assessment is responded to in 10 calendar days or less after acceptance. Examples of reports responded to as assessments include, but are not limited to:

(A) minor physical injury to a child 6 to 9 years of age or older resulting from discipline that does not require medical attention;

(B) untreated minor physical injuries, illnesses, or impairments that within a short time period will not place the child in danger of significant harm;

(C) when the school has fulfilled its statutory responsibility and exhausted all legal remedies:

(i) a child has a pattern of unexplained absences from school;

(ii) the pattern of absences appears to be caused by the PRFC's failure to enforce school attendance; and

(iii) absences are not due to the child's truancy or home-schooling;

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

(E) the current report does not contain serious allegations; and

(i) the history of prior reports ~~do~~ does not contain serious allegations of abuse or neglect;

(ii) the allegations of abuse or neglect are not escalating in severity; and

(iii) there have been no more than two previously accepted reports;

(F) when a baby is born to a minor child in DHS custody and there are no concerns regarding a serious and immediate threat of harm to the newborn.

18. New referral of abuse or neglect received when previous report pending completion. When an assessment or investigation is not completed and a subsequent report of abuse or neglect is accepted and assigned, the CW supervisor reviews the documentation in KIDS and considers the pending reports when establishing the response time.

(1) When there have been three reports accepted for assessment or investigation or a deprived petition has been previously filed on the child, any subsequent accepted report is assigned as an investigation per 10A O.S. § 1-2-102.

(2) When three or more reports are pending concerning the same child and family, completion of all the reports is expedited and the most recent report is assigned as an investigation.

19. Response time for initiation of assessment or investigation.

(1) The designation type and response time required to evaluate safety for the alleged child victim is determined at the time the report is accepted. Generally the reported allegations that necessitate an investigation require a shorter response time than an assessment.

(4)(2) Priority one reports indicate the child is in present danger and are typically the result of the initiation of the joint response protocol. Exceptions to the priority assignment may be made when the:

(A) report is not received in time to respond on the same day;

(B) report indicates the need to interview the alleged victim in a neutral setting and an initiation delay facilitates the need; and

(C) alleged victim's current location is a barrier to timely initiation of the investigation.

PART 2. INVESTIGATIVE PROTOCOLS

340:75-3-200. General protocols for Child Protective Services (CPS) assessments and investigations ¶ 1 through 25

Issued 7-1-13 Revised 9-15-15

(a) **Assessment and investigation process.** The CPS safety assessment and investigation process allows Child Welfare Services (CWS) to have direct involvement with ~~the~~ a family to identify problems and provide services, either directly or indirectly, that protect children and assist the family. ~~Pursuant to~~ Per Section 1-2-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-105), the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) responds promptly to a report of child abuse or neglect by initiating an assessment of the family or an investigation of the report per ~~OKDHS~~ DHS priority guidelines. The process includes gathering information:

- (1) regarding the reported allegations and family dynamics that jeopardize the child's safety; and
- (2) to assess the ~~PRFC's~~ person responsible for the child's health, safety, or welfare (PRFC) protective capacities. ¶ 1

(b) **Assessment and investigation protocols.** Protocols provide:

- (1) continuity when addressing allegations of abuse or neglect;
- (2) a family functioning assessment of possible safety threats; and
- (3) continuity related to CWS contact with the family. ¶ 2

(c) **Multidisciplinary investigation protocol.** Investigations regarding physical abuse, serious neglect, and sexual abuse are conducted utilizing a multidisciplinary approach when possible per ~~OAC~~ the Oklahoma Administrative Code 340:75-3-440. Each child sexual abuse, physical abuse, or neglect investigation and child victim interviews are conducted by appropriate personnel using the protocols and procedures ~~specified in~~ per 10A O.S. § 1-9-102. The investigation may proceed without full participation of all personnel:

- (1) when trained personnel are not available ~~in a timely fashion~~ and, in the judgment of the law enforcement officer or ~~OKDHS~~ DHS, there is reasonable cause to believe a delay in investigation or interview of the child victim could place the child in jeopardy of harm or threatened harm to the child's health or welfare; and
- (2) for only as long as reasonable danger to the child exists. ¶ 16

(d) **Assessment and investigation requirements.**

- (1) ~~Pursuant to~~ Per 10A O.S. § 1-2-105, the assessment or investigation requires:
 - (A) a visit to the child's home, unless:
 - (i) there is reason to believe ~~there is~~ an extreme safety risk to the child or ~~OKDHS~~ DHS employee exists; or
 - (ii) it appears the referral was made in bad faith;
 - (B) an interview with, and examination of, the child;
 - (C) the visit to be conducted at any reasonable time and at any place including, but not limited to, the child's school; and
 - (D) when a child is interviewed at school, that ~~OKDHS~~ DHS notify the ~~person responsible for the child's health, safety, and welfare (PRFC)~~ that the child was interviewed at school.
- (2) The assessment or investigation may include:

(A) an interview with₁ and examination of₁ any child in the home; and

(B) interviews with the child's parents or any other ~~person responsible for the child's health, safety, or welfare~~ PRFC.

(e) **Disclosure of specific complaint or allegation to PRFC.** At the initial contact with the PRFC₁ who is the subject of the investigation pursuant to the Oklahoma Children's Code, ~~OKDHS DHS~~ DHS advises the person of the specific complaint or allegation made against the PRFC ~~as required by~~ per 10A O.S. § 1-2-106.

(f) **Description of the investigation process provided to the PRFC.** Per 10A O.S. § 1-2-106, ~~OKDHS DHS~~ DHS provides a brief and easily understood written description of the investigation process. The notice includes a statement that:

(1) ~~OKDHS DHS~~ DHS is undertaking the investigation pursuant to ~~the requirements of the Oklahoma Children's Code~~ requirements in response to a report of child abuse or neglect;

(2) the identity of the person who reported the incident of abuse or neglect is confidential and may not ~~even~~ be known to ~~OKDHS DHS~~ DHS since the report may have been made anonymously;

(3) the investigation is required by law to be conducted ~~to enable OKDHS~~ enabling DHS to identify incidents of abuse or neglect in order to provide social services to the family in need of protective or preventive services;

(4) upon completion of the investigation, ~~OKDHS DHS~~ DHS sends the PRFC a letter stating:

(A) ~~OKDHS DHS~~ DHS found insufficient evidence of abuse or neglect; or

(B) there appears to be probable cause to suspect the existence of child abuse or neglect in the judgment of ~~OKDHS DHS~~ DHS;

(5) the procedures ~~OKDHS DHS~~ DHS uses to conduct an investigation of alleged child abuse or neglect, include:

(A) a description of the circumstances that would cause ~~OKDHS DHS~~ DHS to seek judicial approval to remove the child from the home; and

(B) an explanation that the law requires ~~OKDHS DHS~~ DHS to refer all reports of child abuse or neglect to a law enforcement agency for a separate determination of whether a criminal violation occurred;

(6) the procedures to follow when:

(A) there is a complaint regarding ~~OKDHS DHS~~ DHS actions; or

(B) requesting a review of the findings made by ~~OKDHS DHS~~ DHS during or at the conclusion of an investigation;

(7) the PRFC has a right to review unsealed records filed with the court in the event an action is filed;

(8) the PRFC has a right to seek legal counsel;

(9) the PRFC may obtain copies of the statutory and regulatory provisions governing child abuse and neglect and how to obtain ~~the~~ copies of the provisions;

(10) the PRFC may request visitation and the process to use to acquire visitation with the child if when the child is removed from the home; and

(11) failure to appear for court proceedings may result in the termination of the person's parental rights to the child.

(g) **Assessment or investigation report forwarded to district attorney (DA).** ~~OKDHS DHS~~ DHS, pursuant to per 10A O.S. § 1-2-102, forwards the completed assessment or

investigation report and findings to any district attorney's office that may have jurisdiction to file a petition ~~in accordance with~~ per 10A O.S. § 1-4-902. ¢ 21

(h) Referral to law enforcement.

(1) Per 10A O.S. 1-2-102, ~~OKDHS~~ DHS immediately makes a referral, either verbally or in writing, to the appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation when, upon receipt of a report alleging abuse, neglect, or during the assessment or investigation, ~~OKDHS~~ DHS determines the alleged:

(A) ~~the alleged~~ perpetrator is someone other than a PRFC; and

(B) ~~the alleged~~ abuse or neglect of the child does not appear attributable to failure on the part of a PRFC to provide protection for the child. ¢ 20

(2) ~~OKDHS~~ DHS, after making the referral to law enforcement, is not responsible for further investigation unless:

(A) ~~OKDHS~~ DHS has reason to believe the alleged perpetrator is a parent of another child, not the subject of the criminal investigation, or is otherwise a ~~person responsible for the health, safety, or welfare~~ PRFC of another child;

(B) notice is received from a law enforcement agency that has determined the alleged perpetrator is a parent of or a PRFC of another child, not the subject of the criminal investigation; or

(C) the appropriate law enforcement agency requests ~~OKDHS~~ DHS, in writing, to participate in the investigation. If When funds and personnel are available, as determined by the ~~OKDHS~~ DHS Director or a designee, ~~OKDHS~~ DHS may assist law enforcement in interviewing children alleged to be victims of physical or sexual abuse. ¢ 24

(i) Court order for access to or examination of child. The assessment or investigation may include a medical, psychological, or psychiatric examination of any child in the home. When the PRFC refuses to cooperate with arranging an examination, or when admission to the home, school, or any place where the child may be located cannot be obtained, ~~OKDHS~~ DHS may request that the ~~district attorney~~ DA make application, per 10A O.S. § 1-2-105 for a court order to compel access or examination of the child. It is the PRFC's responsibility to secure medical examinations that may be necessary due to abuse or neglect of the child by a third party. ¢ 14

(j) Obtaining the child's medical records. As necessary in the course of conducting an assessment or investigation, ~~OKDHS~~ DHS may request and obtain, without a court order, copies of current and prior medical records of a child including, but not limited to, hospital ~~records~~, medical, and dental records. The physician-patient privilege does not constitute grounds for failure to produce the requested records, per 10A O.S. § 1-2-105.

(k) Requests for the child or PRFC's behavioral health records relevant to the assessment or investigation. Pursuant to Per 10A O.S. §§ 1-2-105 and 1-6-103, the assessment or investigation may include an inquiry into the possibility the child or PRFC has a history of mental illness. When the PRFC denies ~~OKDHS~~ DHS access to their personal behavioral health records or treatment plans requested by ~~OKDHS~~ DHS, that may be relevant to the alleged abuse or neglect, ~~OKDHS~~ DHS requests that the DA make application for a court order allowing ~~OKDHS~~ DHS access to the records pursuant to terms and conditions prescribed by the court. ¢ 14

(l) **Failure to report child abuse or neglect.** Pursuant to Per 10A O.S. § 1-2-101, 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, is guilty of a misdemeanor. § 22

(m) **False reports of abuse or neglect made knowingly and willfully.** Any person who knowingly and willfully makes a false report of child abuse or neglect pursuant to the provisions of per 10A O.S. § 1-2-101, or who makes a report the person knows lacks factual foundation, may be reported to local law enforcement for criminal investigation, and upon conviction, is guilty of a misdemeanor. § 23

(n) **Restraining order prohibiting child's removal from Oklahoma.** Pursuant to Per 10A O.S. § 1-2-105, when OKDHS DHS has reason to believe the PRFC may remove the child from Oklahoma before the investigation is completed, OKDHS DHS may request that the DA file an application for a temporary restraining order in any district court in Oklahoma without regard to continuing jurisdiction of the child. Upon cause shown, the court may enter a temporary restraining order prohibiting the parent or other person from removing the child from Oklahoma pending completion of the assessment or investigation.

INSTRUCTIONS TO STAFF 340:75-3-200

Revised ~~6-16-14~~ 9-15-15

1. **Assessment or investigation purpose.** During the assessment or investigation process the child welfare (CW) specialist gathers information from family members or other persons. The purpose of the assessment or investigation is to:
 - (1) explain the CW function;
 - (2) explain the allegations to the family;
 - (3) gather information for decision-making;
 - (4) determine whether abuse or neglect occurred;
 - (5) assess the behaviors of the person responsible for the child's (PRFC) health, safety, or welfare (~~PRFC~~) to determine protective capacities;
 - (6) assess presence or absence of safety threats to each child in the home;
 - (7) determine what safety response is indicated;
 - (8) reduce trauma to each child;
 - (9) intervene for child safety; and
 - (10) identify services appropriate for the family.
2. **Safety precautions when conducting an assessment or investigation.** Safety precautions during an assessment or investigation include, but are not limited to:
 - (1) taking any threat by a parent seriously;
 - (2) seeking the assistance of law enforcement when the specialist is at risk of harm, such as when:
 - (A) there is a history of violence;
 - (B) firearms or other weapons are present or reported to be present;
 - (C) illegal substance manufacturing or distribution is reported to be present. Refer to Oklahoma Administrative Code (OAC) 340:75-3-450; or

- (D) the family's geographic location is isolated or dangerous.
3. Initiation and safety determination requirement when three or more reports of abuse or neglect have been assigned. When three or more reports are pending concerning the same child and family, the CW supervisor reviews each report and all information known about the family with the CW specialist.
- (1) The most recent report is assigned as an investigation.
 - (2) The CW supervisor sets specific time requirements for completion of the safety determination within no more than five calendar days from receipt of the most recent report for completion of the investigation.
4. Assessing background information.
- (1) When there is prior CW history involving the adults and children listed in the current or pending reports of abuse or neglect, the history is reviewed prior to initiating the assessment or investigation unless:
 - (A) an urgent response is required and there is no time to review prior to initiating; or
 - (B) it is outside office hours and not possible to access the paper file or Child Abuse and Neglect Information System (KIDS). In these instances, the history is reviewed as soon as possible.
 - (2) Background information includes whether the child and family are:
 - (A) known to Oklahoma Department of Human Services (DHS) and Child Protective Services (CPS);
 - (B) currently receiving DHS or CW services;
 - (C) known to another state's CPS; or
 - (D) known to law enforcement, due to reports of domestic violence, substance abuse, or sexual abuse.
 - (3) The CW specialist contacts the CPS Programs Unit immediately for additional information when a child protective services alert is found during a search.
 - (4) When there is an open CW case regarding the family, the assigned CW specialist obtains the name of any current DHS employee involved with the family. Contact with the currently assigned DHS employee in any division is initiated, when possible, prior to the first contact with the child and family to determine the case status and to request the case records.
 - (5) When it is determined the family may have had CPS involvement in another state, the CW specialist contacts CPS in the other state, and:
 - (A) makes a verbal request for records;
 - (B) follows up with a written request for the records;
 - (C) scans the records into the KK case File Cabinet upon receipt. When volume makes scanning difficult, the CW specialist documents in KIDS ~~contacts~~ Contacts that the records are located in the case paper file. The contact contains a brief summary of the information and a contact number for the jurisdiction with the records; and
 - (D) ensures the new report is properly case connected to the history in KIDS; and

(6) The CW specialist contacts law enforcement and obtains police records when the report alleges domestic violence, substance abuse, or sexual abuse.

5. Assessment and investigation requirements.

(1) The report assigned as an investigation has a response time of five calendar days or less.

(2) When a report is assigned as an assessment, the first contact may be with the non-offending parent to arrange a time to see the child within the time requirements.

(3) Priority 1 investigations require:

(A) two diligent, face-to-face attempts to contact the child victim on the date the report is received; and

(B) a minimum of one diligent, face-to-face attempt to contact the child victim every calendar day thereafter until:

(i) the child victim is located, interviewed, and safety is established;

(ii) a decision is made that diligent efforts were made and failed to locate the child and family per OAC 340:75-3-200 Instructions to Staff (ITS) # 19; or

(iii) after the CW specialist staffs the efforts to locate the child victim or the special case circumstances with the CW supervisor, a decision is made regarding the continued face-to-face efforts to locate the alleged child victim based on the current information. The requirement may be modified and documented in the Victim Interview screen in KIDS.

(4) Priority 2 assessments or investigations require:

(A) two diligent, face-to-face attempts to contact the child victim on or before the response time indicated in KIDS; and

(B) a minimum of one diligent, face-to-face attempt to contact the child victim every subsequent business day until:

(i) the child victim is located, interviewed, and safety is established;

(ii) a decision is made that diligent efforts were made and failed to locate the child and family per OAC 340:75-3-200 ITS # 19; or

(iii) after the CW specialist staffs the efforts to locate the child victim or the special case circumstances with the CW supervisor, a decision is made regarding the continued face-to-face efforts to locate the alleged child victim based on the current information. The requirement may be modified and documented in the Victim Interview screen in KIDS.

(5) After three calendar days of unsuccessful diligent attempts to make face-to-face contact with the alleged child victim, a contact letter may be mailed to the PRFC. When there is no response to the contact letter after 10 calendar days, refer to OAC 340:75-3-200 ITS # 19.

(6) Efforts to locate a child victim other than actual face-to-face attempts are documented in the Child Victim screen in KIDS – Type of Contact - Other with detailed information regarding efforts made to locate the alleged abuse or neglect victim. Efforts to locate the child victim may include

contact with law enforcement, the local utility company, the child's school, or child care. After the CW specialist staffs the efforts to locate the child victim or the special case circumstances with the CW supervisor, a decision is made regarding the continued face-to-face efforts to locate the alleged child victim based on the current information. The requirement may be modified and documented in the Victim Interview screen in KIDS.

(7) Assessment and investigation reports submitted to the district attorney (DA) are completed per OAC 340:75-3-510.

(8) Child victim and PRFC interviews are documented in KIDS within five calendar days from date of interview.

6. **Safeguarding reporter identity.** To prevent unintended disclosure of the reporting party, the CW specialist leaves all KIDS or DHS generated documents regarding the report in a secure location.
7. **Gathering information during the assessment or investigation.** The primary methods used in gathering information during the assessment or investigation are:

(1) **interviewing.** The interview is a face-to-face contact between the CW specialist and a person who has or may have information pertinent to assessment safety.

(A) Face-to-face interviews with the alleged victim(s), other children in the home, PRFC(s), and collaterals are required, unless an exception is granted per ITS # 16 of this Instruction.

(B) Interviews with other witnesses are conducted in person, when possible.

(C) Interviews are conducted in private, and sufficient time is allowed to elicit information and make observations relative to assessing safety;

(2) **observing.** Observing the physical and cultural environment is critical in assessing safety. The CW specialist observes the:

(A) physical setting of the home;

(B) sleeping arrangements for all family members;

(C) degree to which the house is safe and healthy for a child;

(D) physical appearance of the PRFC(s) and child, including hygiene, affect, and injuries; and

(E) differences in culture and lifestyle that may affect the response of the family; and

(3) **documentary evidence.** Documentary evidence provides factual information in assessing safety. Documents may include, but are not limited to:

(A) written records of interviews and observations;

(B) medical reports;

(C) psychological evaluations;

(D) police reports, call logs, or both;

(E) Medical Examiner's Report of Autopsy;

(F) photographs; and

(G) public information from sources such as Oklahoma State Courts Network (OSCN) or Department of Corrections (DOC).

8. **Contact protocol. Talking to the alleged child victim is the most critical step in the safety determination process.**
 - (1) When necessary, discussion with and examination of the alleged child victim may be conducted at any reasonable time and at any place including, but not limited to, the child's school per Section 1-2-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-105). It may be necessary to talk to the child in a neutral setting first due to the nature of the allegations.
 - (3) The child's age, developmental level, and emotional state guide the CW specialist's approach to gathering information. It may be necessary with some children, to have an older sibling or another significant person present to obtain information. The use of collaterals is critical in assessing the safety and well-being when the child is not able to verbalize his or her circumstances.
 - (4) All children must be observed. Even non-verbal children can provide information when observed. An attempt must be made to talk to every verbal child victim. Although a very young child may not have extensive verbal skills, the child may provide critical statements or phrases that assist in the assessment.
 - (5) Family members are observed interacting together.
9. **Initial contact with the PRFC or family in the home. The assessment or investigation includes a visit to the home of the child pursuant to 10A O.S. § 1-2-105 unless there is reason to believe there is an extreme safety risk to the child or CW specialist.**
 - (1) Contact with the family is made by an unannounced home visit.
 - (2) The CW specialist introduces him or herself and explains the reason for the visit in a non-accusatory, courteous manner and shows the family a DHS employee identification card.
 - (2) The specific reported allegations are explained to the PRFC per 10A O.S. § 1-2-105.
 - (3) The PRFC is given DHS Publication No. 87-02, Questions and Answers for Parents about Child Protective Services.
 - (4) During the assessment or investigation the CW specialist gathers, per OAC 340:75-1-26 ITS and OAC 340:75-19-8, demographic information for each family member that includes the person's:
 - (A) accurate date of birth;
 - (B) full legal name, including any other names or nicknames used;
 - (C) Social Security number; and
 - (D) race and ethnicity.
 - (5) The CW specialist does not enter the home when an adult is not present. When young children are found alone, the CW specialist immediately contacts law enforcement. An investigation rather than an assessment is conducted when young children are left alone.
 - (6) The CW specialist asks to observe or interview each child and family member in the home.

(7) When hostility, anger, or other defensive reactions are encountered, the CW specialist assures the family their concerns about the process will be addressed, but that the assessment or investigation must be conducted.

(8) When ordered out of the home, the CW specialist leaves immediately.

10. Attempted home visit. When a home visit is attempted during the assessment or investigation, the alleged child victim has not been located, and the family is not home, the CW specialist and supervisor determine what diligent efforts are needed to determine child safety. Diligent efforts to locate the child are made per ITS # 5 of this Instruction prior to leaving a contact letter when the family is not home.

11. Phone contact at PRFC's place of employment. When the CW specialist makes attempts to contact the family, is unsuccessful, and determines the PRFC or perpetrator is employed, the CW specialist:

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

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

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

12. Visual inspection of the child.

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

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

(3) When one child is alleged to have serious or non-accidental injuries, the CW specialist checks the siblings for injuries.

(4) When non-accidental injuries are alleged, the CW specialist, after obtaining permission, conducts:

(A) a full body inspection of any child 5 years of age or younger that requires removal or rearrangement of the child's clothing, including diapers; and

(B) an informal inspection of the child 6 years of age and older, rather than a full body inspection by rearranging the child's clothing.

(i) When injuries or alleged injuries are not observable without a full body inspection, an examination by medical personnel is conducted.

(ii) The child is observed by the CW specialist in the presence of the PRFC unless the observation is made while in a setting outside of the home, such as child care or school.

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

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

(III) When the child requires assistance undressing due to age, physical condition, developmental level, or emotional discomfort, the CW specialist asks the PRFC or caregiver to remove or lift the child's clothing allowing the child to be observed.

(IV) When the injuries on a child of any age indicate the need for a medical examination, or the child's age limits the CW specialist's ability to conduct an inspection of alleged injuries, the child is taken for a medical examination. Refer to OAC 340:75-3-200 ITS # 14.

(5) When a PRFC or caregiver refuses to permit the CW specialist to visually inspect the child victim or siblings, the CW specialist consults with the CW supervisor regarding whether to request assistance from law enforcement or submit a request to the DA for a court order per 10A O.S. § 1-2-105(B)(2).

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

13. Photographing child victim injuries. When injuries appear indicative of child abuse or neglect, the CW specialist:

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

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

(3) does not enhance or alter and stores the digital photographs; and

(4) makes any photograph available to law enforcement and the DA.

14. Medical or behavioral health examination. Information gathered during the assessment or investigation may indicate a need for medical, psychological, or psychiatric examination or treatment of any child in the home of the PRFC as authorized by 10A O.S. § 1-2-105(B)(2). It may also include an inquiry into the possibility that the child or PRFC has a history of behavioral health issues.

(1) As necessary in conducting an assessment or investigation, the CW specialist requests and obtains, without a court order, copies of prior medical records of the child, including, but not limited to, hospital, medical, and dental records, per 10A O.S. § 1-2-105(C)(2).

(2) When a medical examination is required, the CW specialist assists the PRFC with the arrangements, accompanies the PRFC and child to the medical examination, and remains available during the examination for consultation with the physician or appropriate licensed medical professional. Medical examination or consultation with a physician or appropriate licensed medical professional is required for:

(A) all burns or fractures of a child 5 years of age or younger;

(B) all bruises or injuries on a child 2 years of age or younger, that do not appear to be caused by normal play or toddling;

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

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

- (E) all referrals of sexual abuse in non-verbal children whose behavior mimics adult sexual behavior, for example, simulated intercourse or oral stimulation of another's genitals;
 - (F) all sexual abuse cases in which oral or genital skin-to-skin contact is alleged or suspected;
 - (G) all cases of:
 - (i) sexually transmitted disease in a prepubescent child;
 - (ii) reported malnutrition and failure-to-thrive; or
 - (iii) serious medical neglect. When the child receives regular medical care, consultation with the child's physician is sufficient;
 - (H) the child's observable injury, when the caregiver admits responsibility for the injury, and medical documentation is necessary to determine whether there are internal or old injuries;
 - (I) a child who exhibits a need for an immediate psychological or psychiatric evaluation; or
 - (J) all bruises or injuries to a child with a diagnosed or perceived disability, who is unable to communicate effectively about the alleged abuse or neglect, or both abuse and neglect.
- (3) When the PRFC refuses to secure needed medical attention for the child, the CW specialist evaluates the level of risk to the child and determines whether a request is made to law enforcement regarding protective custody for the purposes of securing an exam or a request made to the DA for a court order application to secure needed medical services.
- (4) Although a second medical opinion is suggested for all serious child abuse and neglect, it is particularly crucial in cases of head trauma or fractures in a child 5 years of age or younger. Consultation with the CPS Programs Unit is available.
- (5) Reimbursement to the vendor for the child abuse examination or treatment is made per OAC 340:75-13-64. The CW specialist, not the medical provider, determines whether other resources are available to the child and advises the hospital, physician, or appropriate licensed medical professional regarding procedures for payment, per OAC 340:75-13-64.
- (6) Exceptions to medical examination procedures are approved by the CW supervisor as soon as possible after the child victim is observed. The exception is documented in the Summary/Recommendation Section of Form 04KI003E, Report to District Attorney, and good cause is shown for the modification.
15. Professional consultation. The CW specialist consults, as needed, with those who have additional expertise in child abuse or neglect, or in areas related to the family's service needs.
16. Modifying assessment or investigation protocol. Assessment and investigation protocol is followed unless good cause exists for modification.
- (1) Modifications:
 - (A) to the required home visit are not authorized unless it is determined contact in the home jeopardizes the safety of the CW specialist or child;
 - (B) are approved by the CW supervisor;

(C) are not authorized when there are two or more reports regarding the same child and family in the preceding 12 months unless there is clear indication that previous reports were false or made in bad faith; and

(D) may include:

(i) altering the required order in which interviews are conducted, when:

(I) emergency conditions exist that require immediate action to protect the child. Protocol is reinstated after the child is safe;

(II) the emotional atmosphere is volatile, for example, people are emotionally immobilized or violent; or

(III) key persons are not available; and

(ii) omitting required interviews with individuals other than the child victim or alleged perpetrator when:

(I) all allegations are obviously and unquestionably false;

(II) it is determined the report was made in bad faith; or

(III) the report was a result of an absolute misperception of the child's condition or circumstances; and

(IV) no information collected in the six key questions of the Form 04KI030E, Assessment of Child Safety, from the child victim and alleged perpetrator, indicates a possible safety threat;

(iii) substituting required face-to-face interviews with telephone contact when the interviewee's circumstance or location makes the person otherwise unavailable for a face-to-face interview; or

(iv) authorizing joint interviews for required separate interviews when a separate interview is declined by the person interviewed.

The CW specialist is aware that information gathered during joint interviewing may not accurately provide representation of the incident or the family's actual functioning.

(2) When a modification is authorized, at a minimum, the six key questions on Form 04KI030E, Assessment of Child Safety, are completed from interviews with each child victim and the alleged perpetrator with a determination of no safety threats.

(3) A modification and the reason for the modification to the investigation or assessment protocol is documented in the Summary/Recommendation section of Form 04KI003E for investigations and in the Comments/Summary section of Form 04KI030E for assessments.

(4) Any modification request not listed above requires consultation with and approval from the CPS Programs Unit.

17. Documenting the assessment or investigation. The CW specialist documents in KIDS:

(1) each attempted contact with the alleged child victim or other family member;

(2) a Face-to-Face, NA Child Death, when the alleged child victim is deceased; and

(3) all completed contacts in the appropriate screens.

18. Refusal to cooperate or respond to protocol.

(1) When a family refuses to cooperate or respond in an assessment or investigation by:

(A) refusing to be interviewed;

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

(C) removing the child from Oklahoma before the assessment or investigation is completed, the CW specialist:

(i) evaluates the available information and determines the most appropriate action; and

(ii) when the child is in present danger:

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

(II) when the PRFC continues to refuse to allow access to the child and law enforcement declines to place the child in protective custody, immediately documents information obtained from collaterals or witnesses and submits the information on an affidavit or Form 04KI003E requesting the DA make application for a court order to allow access to the child.

(2) When the PRFC denies access to mental health records or treatment plans that may relate to abuse or neglect, the CW specialist requests that the DA file an application for a court order.

(3) When the CW specialist believes a PRFC or other person may remove the child from Oklahoma before the assessment or investigation is completed, the CW specialist requests that the DA file an application for a temporary restraining order.

19. Unable to locate protocol. When the CW specialist is unable to locate the child and family, diligent efforts are made to locate the family through additional sources of information.

(1) When all known collaterals have been contacted and the alleged victim is not located, the CW specialist:

(A) contacts the reporter and advises of the difficulty in locating the family and asks the reporter for additional sources of information; and

(B) makes another computer inquiry to determine whether the family is receiving DHS services.

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

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

(2) When a new address is provided and the assessment or investigation has not been closed, the assessment or investigation protocols continue regardless of whether the completion time was exceeded.

(3) When the report indicates the safety of the child is or will be at risk and it appears the family has relocated within Oklahoma or to another state, and the address is unknown, a statewide or nationwide protective service

alert may be initiated by contacting the CPS Programs Unit. Refer to OAC 340:75-3-300 ITS # 11.

(A) When it appears the family has moved to another identified state, the CW specialist calls the state's CPS and makes a report regarding the child's safety.

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

(4) When a family is found after an assessment or investigation is closed due to unable to locate, the allegations in the child abuse or neglect report that led to the assessment or investigation are documented on a new Form 04KI001E, Referral Information Report.

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

(B) The new referral is prioritized and assigned for assessment or investigation, per OAC 340:75-3-140.

(C) The assessment or investigation addresses the allegations:

(i) in the previous referral that was closed due to unable to locate; and

(ii) any current allegations.

(5) No report is closed as unable to locate until the protocol per this ITS Section is followed.

20. Referral to law enforcement. Form 04KI001E, may be sent to law enforcement for written documentation with Form 04CP002E, Notification to Law Enforcement Agency of Child Abuse or Neglect Report, attached. When forwarding Form 04KI001E to law enforcement, the name of the reporter is deleted. The name of the reporter is maintained on the copy that remains in DHS files and may be provided verbally to law enforcement, when requested.

21. Assessment and investigation report submitted to appropriate district attorney. All reports of assessment recommendations and investigation findings are submitted to appropriate district attorneys per 10A O.S. § 1-2-105. When multiple jurisdictions are involved, the report is provided to each appropriate district attorney's office.

22. Failure to report child abuse or neglect. When in the course of the assessment or investigation, it is determined there is a person who, knowingly and willfully failed to make a report of child abuse or neglect, the CW specialist discusses the information with the CW supervisor. The information may be forwarded to local law enforcement using Form 04CP002E for the purpose of a criminal investigation.

23. False reports of abuse or neglect made knowingly and willfully. When, in the course of the assessment or investigation, the CW specialist determines a false report concerning child abuse or neglect was made knowingly and willfully, the CW specialist discusses the information with the CW supervisor. With supervisory approval, information regarding the false report is forwarded to law enforcement for consideration of a criminal investigation, using Form 04CP002E, Notification to Law Enforcement Agency of Child Abuse or Neglect Report. Form 04KI001E, Referral Information Report, may be sent to law

enforcement attached to Form 04CP002E. When forwarding Form 04KI001E to law enforcement, the name of the reporter is deleted. The name of the reporter is maintained on the copy that remains in the DHS file ensuring the information may be provided verbally to law enforcement, when requested.

24. Requests to assist law enforcement on non-DHS related investigations. When a law enforcement agency submits a written request for DHS to participate in an investigation, the CPS Programs Unit is contacted for guidance.

PART 3. CHILD SAFETY EVALUATION CRITERIA AND PROCEDURE

340:75-3-300. Child safety evaluation § 1 through 14

Issued 7-1-13 Revised 9-15-15

(a) **Evaluating child safety.** Evaluating child safety is a primary child protective services (CPS) function. Safety refers to the child's present security and well-being when the child is assessed to be at risk of abuse or neglect. The safety evaluation is an adaptable and continuous process that is not complete until the child is safe and the case is closed.

(b) **Determining the need for protective or emergency custody.** Oklahoma Department of Human Services (~~OKDHS~~) (DHS) evaluates whether to recommend protective custody or emergency ~~OKDHS~~ DHS custody of a child based on the seriousness of the child's abuse or neglect and whether the child is in need of immediate protection due to an imminent safety threat. A child taken into protective custody by law enforcement is not, by virtue of a standing order, considered in ~~OKDHS~~ DHS emergency custody upon the child's admission to a shelter. A child cannot be placed ~~OKDHS~~ in DHS emergency custody per Section 1-4-201 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-201) until:

- (1) ~~OKDHS~~ DHS has completed a safety evaluation and concluded the child faces an imminent safety threat; and
- (2) the court has issued a child-specific emergency custody order.

(c) **Alternatives to protective or emergency custody and ~~safety planning in cases of serious abuse or neglect.~~** When an alternative to protective or emergency custody is determined appropriate in circumstances where serious neglect or ~~physical harm~~ abuse is documented, Form 04MP054 04MP054E, Immediate Protective Action Plan (IPAP) ~~Voluntary Safety Plan~~, is completed and implemented when the person responsible for the ~~child~~ child's health, safety, or welfare (PRFC) agrees to cooperate with (~~OKDHS~~) DHS efforts to ensure the child's safety. ~~The safety plan describes the present or impending danger identified by the Child Welfare specialist and addresses actions to be taken to control or eliminate any identified safety threat. The Immediate Protective Action Plan (IPAP) describes the present danger identified by the child welfare (CW) specialist and addresses actions to be taken to ensure the safety of the child until a complete safety evaluation can be completed. The PRFC and any identified safety monitors, sign the safety plan, IPAP and agree to cooperate with OKDHS DHS oversight to ensure the child's safety.~~

(d) **Safety planning without court involvement in cases of serious abuse or neglect.** In circumstances where serious neglect or abuse is documented, and upon completion of a thorough safety evaluation, it is determined an alternative to court

involvement is appropriate, Form 04MP064E, Safety Plan, is completed and implemented when the PRFC agrees to cooperate with DHS efforts to ensure the child's safety. The voluntary safety plan is developed and implemented by agreement without court intervention. The safety plan describes the impending danger identified by the CW specialist and addresses actions to be taken to control or eliminate any identified safety threat. The implementation of a short-term voluntary safety plan does not preclude OKDHS DHS from recommending court involvement.

(e) **Removal of a child from the home.** A recommendation to remove a child from the home is made when, upon evaluating relevant conditions, a determination is made that:

- (1) no in-home safety responses are available or acceptable;
- (2) the parent appears unable or unwilling to protect the child;
- (3) an emergency exists that prohibits the arrangements of timely resources or services to reduce risk and threats of abuse or neglect are unavailable; or
- (4) continued placement in the home is contrary to the child's health, safety, and welfare.

(f) **Placement considerations when the child is removed from the home.** When a child is removed from his or her home, placement preference is given to relatives and persons who have a kinship relationship with the child per 10A O.S. § 1-4-204.

- (1) Siblings are placed together in the same home when appropriate and possible.
- (2) Placement decisions are made with the long-term best interests of the child in mind.

(g) **Restoration of custody to the parent, legal guardian, or custodian when the child is in protective custody.** When the ~~OKDHS~~ DHS safety evaluation indicates the child does not face an imminent safety threat, ~~OKDHS~~ DHS restores the child to the custody and control of the parent, legal guardian, or custodian per 10A O.S. § 1-4-201. Specific county procedures are followed when a child is released from protective custody by the court.

(h) **Pre-petition removal of a child not in ~~OKDHS~~ DHS custody.**

(1) Reasonable efforts are made to prevent the pre-petition removal of a child from the home unless a documented emergency exists that requires immediate removal. Per 10A O.S. § 1-4-201 and Section 671 of Title 42 of the United States Code (42 U.S.C. § 671), a child is removed from the home prior to the filing of a petition only when there is reasonable suspicion the:

(A) ~~the~~ child is in need of immediate protection due to an imminent safety threat;
or

(B) ~~the~~ child's circumstances or surroundings 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 safety threat to the child and is contrary to the child's welfare.

(2) A child who is in surroundings that pose an immediate threat to the child may be removed from the home by law enforcement without a court order. When law enforcement declines to remove the child or when ~~OKDHS~~ DHS is responding to a referral without law enforcement involvement and the child is believed to be in need of immediate protection due to an imminent safety threat, ~~OKDHS~~ DHS prepares an affidavit to present to the district attorney (DA) to request that the DA consider filing

an application with the court to obtain an emergency custody order, per 10A O.S. § 1-4-201.

(i) **Pre-petition removal of a foreign national child.** The pre-petition removal of a child from the home, a PRFC, or other caretaker is based on safety considerations related to the child and without regard to the child's citizenship or immigration status.

(j) **~~OKDHS~~ DHS authority to execute a pre-petition emergency custody order.** Per 10A O.S. § 1-4-201, when the district court issues a pre-petition order placing the child in ~~OKDHS~~ DHS emergency custody pending further hearing, ~~an OKDHS~~ a DHS employee may execute the emergency order and physically take the child into custody, in limited circumstances when:

(1) the child is located in a hospital, school, or day care facility; and

(2) it is believed assumption of custody of the child from the facility can occur without risk to the child or the ~~OKDHS~~ DHS employee.

(k) **Medical care for child in protective custody.**

(1) When the child in protective custody is in need of emergency medical care prior to the emergency custody hearing, a peace officer, court employee, or the court may authorize such treatment as necessary to safeguard the child's health or life when the:

(A) ~~the~~ treatment is related to the suspected abuse or neglect; or

(B) ~~the~~ parent or legal guardian is unavailable or unwilling to consent to treatment recommended by a physician. Before a peace officer, court employee, or the court authorizes treatment based on the unavailability of the parent or legal guardian, law enforcement exercises diligence to locate the parent or guardian, if known, per 10A O.S. § 1-3-102.

(2) When law enforcement, the parent, or guardian is unwilling to consent to emergency medical care, the DA is contacted to obtain a court order for the child's treatment.

(l) **Notification, disposition, and release of the child in pre-petition emergency custody.**

(1) The court may provide, in an administrative order or rule issued pursuant to 10A O.S. § 1-4-201, for the disposition of the child taken into custody and notification to the court of the assumption of custody. The administrative order or rule may include a process for release of the child prior to an emergency custody hearing. Specific county procedures are followed when the child is released from emergency custody prior to the emergency hearing.

(2) The court may order the child released to the parent, legal guardian, custodian, or to any responsible adult without conditions or under conditions the court finds necessary to ensure the child's safety, health, or ~~well-being~~ welfare.

(m) **Post-petition removal of the child in ~~OKDHS~~ DHS custody.** Following the filing of a deprived petition, ~~OKDHS~~ DHS may remove the child directly from the child's home when continued placement in the home is contrary to the child's health, safety, or welfare and the child is in ~~OKDHS~~ DHS legal custody, unless ordered placed in the home by the court.

(1) To ensure the safety of the child and the ~~OKDHS~~ DHS employee, law enforcement assistance is requested in these situations.

(2) Refer to 10A O.S. § 1-4-806 when the child is in trial reunification status.

(n) **Child who has left Oklahoma.** When the child who is the subject of an emergency custody or a pick-up order, has left Oklahoma prior to execution of the order, enforcement of the emergency custody or pick-up order and recognition of Oklahoma's jurisdiction by the another state must occur to have the child returned to Oklahoma. Each circumstance is managed according to the laws and procedures in the state where the child is located.

INSTRUCTIONS TO STAFF 340:75-3-300

Issued ~~6-16-14~~ 6-15-15

1. (a) Evaluating child safety.

(1) Form 04KI030E, **Assessment of Child Safety**, is the tool used to document the safety evaluation by focusing on six key questions when gathering information regarding family functioning to determine whether a child is safe or unsafe.

(2) Critical thinking is used when applying the safety threshold and evaluating protective capacities of the person responsible for the child's health, safety, or welfare (PRFC).

(3) The child welfare (CW) specialist completes Section ~~VI~~ II of Form 04KI030E, entitled **Protective Capacities of the PRFC** on assigned report.

(4) The safety threshold is compromised when family behaviors, conditions, or situations are manifested in a way that is not controlled or managed.

(5) Child protective services (CPS) history is considered when determining safety.

(6) When present danger exists, an immediate protective action plan (IPAP), Form 04MP054E, **Immediate Protective Action Plan**, is implemented to remove the child from harm while the evidence-based safety assessment, Form 04KI030E, is completed.

(i) The CW specialist completes Section IV of Form 04KI030E applying the safety threshold to identify safety threats that are:

(A) specific;

(B) severe;

(C) observable;

(D) occurring now or likely to occur within the next few days;

(E) out-of-control; and

(F) applicable to a vulnerable child.

(ii) When a child is found unsafe, the CW specialist completes:

(I) Section ~~VII~~ V of Form 04KI030E, **Safety Threat Intervention**; and

(II) Section ~~VIII~~ VI of Form 04KI030E, **Voluntary Safety Plan Services**, in conjunction with Form 04MP054E, **Immediate Protective Action Plan**.

(iii) The CW specialist documents all information gathered during the assessment of child safety on Form 04KI030E.

2. Review of a substantiated finding with a safe determination. The CPS supervisor reviews the substantiated finding of abuse or neglect when the child has been determined safe. The determination may be made when:

- (1) an assessment of child safety has been completed and no safety threats are identified;**
- (2) patterns and the safety threshold were correctly applied;**
- (3) the PRFC demonstrates adequate protective capacities to keep the child safe;**
- (4) an assessment was properly upgraded to an investigation, when applicable; and**
- (5) the proper substantiation protocol was applied.**

3. Present danger.

(1) Present danger means an immediate, significant, and clearly observable family condition that is presently occurring and already endangering or threatening to endanger a child.

(A) When present danger exists, steps are taken to protect the child through the implementation of a short-term ~~immediate protective action plan (IPAP).~~

(B) The IPAP is designed to protect the child while the safety evaluation is completed, and may be utilized for up to seven calendar days.

(C) Present danger and potential IPAPs include, but are not limited to, circumstances, such as when a child is found in:

(i) the street that may require an IPAP to remove the child from the street and identify adequate supervision for the child; or

(ii) a home containing a working methamphetamine lab may require an IPAP for the PRFC to voluntarily place the child in a safe location with relatives for short-term care.

(2) When present danger exists and the IPAP requires a child's temporary placement outside of the child's home, out-of-home safety planning protocol per OAC 340:75-3-300 Instructions to Staff (ITS) # 6 through # 8 of this Instruction is followed.

(3) When the child's safety is secured, the safety evaluation is completed to determine if impending danger exists.

4. Impending danger.

(1) Impending danger means the presence of a threatening family condition that is:

(A) specific;

(B) severe;

(C) observable;

(D) occurring now or likely to occur within the next few days;

(E) out-of-control; and

(F) applicable to a vulnerable child.

(2) Impending danger includes specific threats to the child's safety that:

(A) are harmful, but are not immediate, obvious, or active at the onset of CPS intervention;

(B) are identified and understood after evaluating individual and family conditions and functioning;

(C) will result in severe harm if safety intervention does not occur and is not sustained; and

(D) require the development of a safety plan implemented through services to the family or court intervention monitored by CPS until the impending danger is under control.

5. Evaluating need for protective or emergency custody.

(1) Law enforcement may place a child in protective custody. When emergency custody is indicated, DHS prepares and presents an affidavit to the district attorney documenting:

(A) the imminent safety threat;

(B) why continuation of the child in the home is contrary to the welfare of the child; and

(C) a request for emergency custody of the child.

(2) The CW specialist consults with the CW supervisor throughout the evaluation process and documents the decision in the case record. The ~~immediate protective action plan~~ IPAP is documented on Form 04MP054E, Immediate Protective Action Plan, and the safety plan is documented on Form 04MP064E, Safety Plan.

(3) Cases of serious abuse or neglect described in (A) through (Q) of this paragraph may pose an imminent safety threat to a child and require a recommendation for placement of the child in protective or emergency custody.

(A) The child was assaulted, hit, poisoned, or burned so severely that serious injury resulted or could have resulted.

(B) An infant has bruising or burns on any part of the body.

(C) The child is 5 years of age or younger and the PRFC demonstrates no attachment to the child and has dangerously inappropriate parenting skills.

(D) The child was systematically tortured or inhumanely punished. For example, the child was locked in a closet for long periods, forced to eat unpalatable substances, or forced to squat, stand, or perform other unreasonable acts as a means of torture.

(E) The PRFC's reckless disregard for the child's safety caused or could have caused serious injury. For example, the PRFC left a young child in the care of an obviously irresponsible or dangerous person.

(F) The physical condition of the home is dangerous and poses an immediate threat of serious injury to the child. For example, exposed electrical wiring or other materials create an extreme danger of fire or there are gas leaks in the home.

(G) The child was sexually abused or sexually exploited and the perpetrator has access to the child.

(H) The PRFC purposefully or systematically withheld essential food or nourishment from the child. For example, the child was denied food for extended periods as a form of punishment for real or imagined misbehavior.

(I) The PRFC refuses to obtain or consent to medical or psychiatric care for the child that is immediately required, as documented by medical evaluation, to prevent or treat a serious injury or disease. The child's

physical condition shows signs of severe deterioration and the PRFC seems unwilling or unable to respond.

(J) The PRFC appears to suffer from mental illness, intellectual disability, or substance abuse so severe that he or she does not provide for the child's basic needs, such as the PRFC who is demonstrably out of touch with reality or significantly intoxicated.

(K) The PRFC has abandoned the child.

(L) There is reason to suspect, based on a history of frequent moves or of hiding the child from outsiders, the PRFC may flee with the child and the child is in danger.

(M) There is specific evidence the PRFC's anger and discomfort about the report and subsequent investigation will result in serious retaliation against the child. The information is gained through:

(i) a review of the PRFC'S past behavior;

(ii) the PRFC'S statements and behaviors during the investigative interview; or

(iii) reports from others who know the PRFC and family.

(N) A baby is born to the PRFC who is currently involved in an open permanency planning case and has not successfully completed the court-ordered individualized service plan or there is a pending motion to terminate parental rights.

(O) The PRFC's parental rights were terminated to other children and there is harm or significant threat of harm to the child in the PRFC's home.

(P) Any situation that involves the child in a family for which the criteria for the determination that reasonable efforts are not required per OAC 340:75-1-18 are met.

(Q) The child has a developmental or physical disability and the PRFC has demonstrated an inability or unwillingness to address the child's special needs. For example, the PRFC:

(i) has not applied for or followed through with appropriate developmental services or resources for the child and the child is negatively impacted;

(ii) does not seek routine, on-going, or follow-up medical care for the child's specific disability; and

(iii) does not consistently or adequately maintain the child's physical care needs, such as hygiene or nutrition that impacts the child's well-being.

6. Safety plan.

(1) When a child is determined unsafe, the CW specialist evaluates the PRFC's protective capacities, available supports, such as relatives or community resources, and willingness to collaborate with DHS to keep the child safe.

(A) When safety threats cannot be managed through a safety plan or the PRFC does not agree to comply with the safety plan, protective or emergency custody of the child and court intervention is requested.

(B) A safety plan does not preclude a recommendation for court intervention and supervision by DHS to formalize the service agreement through a court-ordered individualized service plan.

(C) The safety plan:

- (i) is utilized when the child is determined unsafe and court-ordered removal of the child from the home is not requested;**
- (ii) may replace the ~~immediate protective action plan~~ IPAP when the safety evaluation is completed and impending danger is identified;**
- (iii) is completed when the family has agreed to collaborate with DHS to control and manage identified safety threats;**
- (iv) may be utilized with or without court involvement; and**
- (v) is documented on Form 04KI030E, Assessment of Child Safety, and detailed on Form 04MP064E, Safety Plan.**

(D) A safety plan is developed to control and manage the safety threats while the child remains in the home or while the child temporarily stays in an alternative location outside of the home. When DHS and the PRFC agree to utilize a safety plan:

- (i) safety plan monitors are identified;**
- (ii) Form 04MP025E, Family Services Agreement, is completed; and**
- (iii) protocols for determining service needs are followed per Oklahoma Administrative Code (OAC) 340:75-4-12.1.**

(2) The purpose of a safety plan is to control safety threats immediately. The safety plan:

(A) specifies what safety threats exist, to establish what must be controlled;

(B) identifies how the safety threat will be managed and controlled, including:

- (i) by whom;**
- (ii) under what circumstances and agreements;**
- (iii) within what time frame; and**
- (iv) the availability, accessibility, and suitability of those involved; and**

(C) includes how CPS or others monitor and oversee the plan.

(3) Engaging kin in safety planning creates more options for support and safety planning. The CW specialist:

(A) identifies as many kin as possible to support the family;

(B) engages those who know the child best;

(C) facilitates a family team meeting; and

(D) makes timely decisions, with input from the team, regarding the child's safety, physical, and emotional well-being.

(4) Following the guidelines of OAC 340:75-4-12.1 and related OAC 340:75-4-12.1 ITS, the CW specialist:

(A) assesses the PRFC's reliability, willingness to cooperate, commitment, and alliance to the safety plan;

(B) ensures all necessary arrangements for the safety plan are made and agreed to by each participant;

(C) contacts, no less than weekly, persons responsible for the safety plan until the safety threats in the family are significantly reduced.

7. Safety plan factors. Questions (1) through (7) are considered when evaluating the relative, kinship monitor, or non-perpetrator PRFC's protective capacities for adequately protecting the child from the perpetrator.

(1) Does the relative, kin, or PRFC believe that abuse or neglect occurred? If not, has the relative, kin, or PRFC demonstrated behaviors related to protective capacities? If not, adequate protection may not be provided.

(2) Is the non-perpetrator PRFC strongly dependent on the perpetrator for financial or emotional support or both? If so, it may initially be difficult for the non-perpetrator PRFC to overcome his or her own needs and protect the child.

(3) Is the non-perpetrator PRFC a victim of domestic violence or emotional abuse by the perpetrator? If so, the non-perpetrator PRFC may be fearful of the perpetrator and unable to protect the child until services begin.

(4) Did the relative, kin, or non-perpetrator PRFC fail to protect the child from abuse or neglect or fail to heed serious warning signs that abuse occurred? If so, the relative or non-perpetrator PRFC may not see a threat to the child if the perpetrator wants unauthorized contact with the child.

(5) Does the relative, kin, or non-perpetrator PRFC display a willingness to control and manage the safety threats or is the person's agreement to participate in the safety plan only to avoid the child's removal? When there is no willingness to seek help to alleviate the concerns that led to the abuse or neglect, relying on the relative or non-perpetrator PRFC is not an adequate safety plan.

(6) Is the non-perpetrator PRFC planning to seek action in civil court to change custody? If so, it must be evaluated whether this will adequately protect the child. It is likely that visitation will continue even with a change in custody. An action in civil court does not ensure that all information regarding the abuse or neglect is heard and considered in custody and visitation decisions.

(7) Does the non-perpetrator PRFC have difficulties due to substance or alcohol abuse? If so, these difficulties may prevent the non-perpetrator PRFC from adequately protecting the child.

8. Assessing safety plan participants.

(1) Prior to engaging individuals as IPAP or safety plan monitors or caregivers, the CW specialist assesses the individual's:

(A) protective capacities;

(B) willingness to collaborate with DHS to ensure the child's safety; and

(C) alignment with the IPAP or safety plan.

(2) When the IPAP or safety plan is implemented, the following checks must be completed on both an IPAP, in-home and an out-of-home IPAP, or safety plan monitor, or caregiver, the CW specialist:

(A) reviews ~~Child Welfare Services~~ CW records to determine if the prospective IPAP or safety plan ~~caregiver~~ monitor or any adult residing

in the prospective caregiver's monitor's home has a history of child abuse or neglect;

(B) completes and submits Form 04AF007E, Records Check Documentation Form, for the prospective IPAP or safety plan caregiver monitor and each adult household member;

(C) determines if the prospective IPAP or safety plan caregiver monitor and any adult household member:

(i) is subject to the Oklahoma Sex Offender Registration Act and the Mary Rippey Violent Crime Offender Registration Act. Refer to OAC 340:75-7-15 ITS # 1 (2) for instructions to access the free website; or

(ii) has convictions for felony offenses involving violence. Refer to OAC 340:75-7-15;

(D) uses Form 04AF004E, House Assessment, as a guide when determining the physical safety of the home on an out-of-home IPAP or safety plan;

(E) when the child is 5 years of age or younger, completes Section One, Physical Environment, of:

(i) Form 04MP004E, Contact Guide Addendum for Face-to-Face Visit with Newborn(s) Newborns and Infant(s) Infants – Age 0 to 12 Months, as applicable; or

(ii) Form 04MP006E, Contact Guide Addendum for Face-to-Face Visit with Toddler(s) – Age 13 through 36 Months, as applicable;

(F) completes and submits Form 04AD003E, Request for Background Check, for the prospective IPAP or safety plan caregiver monitor and each adult household members member;

(G) when needed afterhours, requests a National Crime Information Center (NCIC) check for the prospective IPAP or safety plan caregiver monitor and each adult household member.

(i) If law enforcement officials decline to check NCIC for the CW specialist after hours, a request is made to check local records where the IPAP or safety plan caregiver monitor resides, including: warrant checks, name inquiries, arrest records, and dispatch records and/or call logs.

(ii) The CW specialist inquires if the IPAP or safety plan caregiver monitor has resided in another town or county in the previous 12 months, and if so, a request is also made to that jurisdiction to check local records as listed above.

(iii) Form 04AD003E, Request for Background Check, is completed and submitted the following business day;

(H) ensures the IPAP or safety plan caregiver monitor and each adult household member submits fingerprints within five business days for submission to the ~~Background Checks Program Unit~~ CWS Fingerprint Processing Section, when a NCIC check is completed prior to the child's placement;

(I) contacts, no later than the next business day, other states in which the IPAP or safety plan caregiver monitor or adult household members

resided and requests child welfare history for each adult in the household. When emergency custody of the child is requested, procedures per OAC 340:75-7-15 are followed prior to placement;

(J) does not utilize individuals convicted of the felony offenses of:

- (i) physical assault, battery, or a drug-related offense within the preceding five-year period;
- (ii) child abuse or neglect;
- (iii) domestic abuse;
- (iv) a crime against a child, including, but not limited to, child pornography, child exploitation; or
- (v) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide. Homicide includes manslaughter. A crime involving violence means an offense that:

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

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

(L) reviews the CW and criminal history of the prospective IPAP or safety plan caregiver monitor and each adult household member with the CW supervisor or district director. The district director may grant exceptions for certain felony convictions but does not grant exceptions for felony convictions or relevant misdemeanors per OAC 340:75-7-15 (h)(1); and

(M) documents information obtained regarding the assessment of the IPAP or safety plan caregiver monitor and household members and other safety plan participants as a Contact in KIDS and files copies of the completed forms in the KK case associated with the CPS investigation.

(3) When a child is placed in protective or emergency custody, the guidelines in OAC 340:75-7-15 are followed prior to the child's placement in a kinship home.

9. Foreign nationals. A child's removal from the home is based on safety considerations without regard to citizenship or immigration status. When the child who is a foreign national is removed from the home, the CW specialist notifies the foreign consul by completing Form 04MP016E, Notice to Foreign Consul of Child Welfare Proceedings, per OAC 340:75-1-31 ITS.

10. DHS authority to execute an emergency custody order. An order issued by the district court placing a child in DHS emergency custody is executed and the child is taken into custody by law enforcement or employee of the court; however, a child may be removed from a hospital, educational, or child care facility by a CW specialist when the criteria in (1) through (5) of this subsection are met prior to removal.

(1) The CW specialist and supervisor establish that the removal is necessary to protect the child from safety threats resulting in serious abuse or neglect.

(2) The CW specialist prepares and submits an affidavit to the district attorney (DA) who obtains a written emergency custody court order that includes a statement that the child may be removed from the hospital, educational, or child care facility by the CW specialist to protect the child from safety threats.

(3) A determination is made by the CW supervisor and district director that the child's removal from the facility can occur without disruption to the facility, or hostility, ~~or~~ risk, or threats to the child or CW specialist.

(4) A copy of the written emergency custody court order is provided by the CW specialist to the hospital, educational, or child care facility at the time of the removal.

(5) The CW specialist notifies the PRFC of the removal the same day and provides the PRFC with a copy of the written emergency custody order immediately, when the PRFC is present, or as soon as possible. If the notification will place the specialist in danger, law enforcement assistance is requested.

11. Protective services alert. A protective services alert is requested by contacting the CPS Programs Unit after diligent, yet unsuccessful efforts have been made to locate the family when:

(1) a report indicates the child's safety is or will be at risk;

(2) it appears the family relocated within Oklahoma or to another state; and

(3) the child and family's address and whereabouts are unknown; or

(4) the child has been abducted from DHS custody; or

(5) the CW specialist is aware of a pregnancy involving a mother or father who is a party to an open permanency planning case and the whereabouts of the mother or father is unknown.

12. Child who left Oklahoma. When a child, for whom emergency custody or a pick-up order has been requested, has left Oklahoma prior to execution of the order, enforcement of the custody order and recognition of Oklahoma's jurisdiction by the other state must occur to have the child returned. Each situation is treated according to the laws and procedures of the state where the child is located.

(1) When the child's location is unknown, the CW specialist contacts the CPS Programs Unit to issue a protective service alert.

(2) When the child's location is known, the CW specialist with the information about the allegations and investigation contacts the CPS agency in that county or state and sends a copy of the pick-up or emergency custody order to the CPS agency along with any other requested written documentation. Information may be shared with another CPS agency under these circumstances.

(3) Some CPS agencies, based on the information received, enforce Oklahoma's order by taking the child who is in danger into custody.

(4) When the child is taken into custody, the court of jurisdiction in Oklahoma is notified, based on the information and order from Oklahoma, the child was taken into custody in the other state or jurisdiction. Oklahoma CW staff secures a court order from the other state or

jurisdiction releasing the child to DHS custody in order to return to Oklahoma.

(5) When a CPS agency is unwilling or unable to assist, Oklahoma law enforcement is contacted and the Oklahoma court order is faxed to the local law enforcement entity where the child is located.

(6) The Oklahoma judge and DA are notified when the CPS agency or law enforcement in the other state or jurisdiction is unwilling or unable to assist. In some circumstances, the judge or DA may contact the court or law enforcement in the other state or jurisdiction for assistance.

13. Preparation for removal. When the decision is made to remove a child from the child's home, the CW specialist makes efforts to reduce the trauma and stress for the child and family by properly preparing all persons involved. Preparing the family as well as the child is crucial when removal occurs.

(1) The CW specialist prepares the family by:

(A) explaining the reasons for the child's removal and placement;

(B) answering questions about court procedures;

(C) making clear the intent to reunify the child with the family, when appropriate, as soon as the home is safe for the child;

(D) encouraging the parent, once he or she understands and accepts the reasons for the placement, to help explain the reasons for the placement to the child. This may comfort and reassure the child that the parent will work with the CW specialist to facilitate the child's return to the home;

(E) asking the parent to provide in-depth information regarding the child's schedule, routines, likes and dislikes, and medical needs to help the placement provider maintain continuity for the child. The CW specialist:

(i) completes Form 04MP012E, Receipt and Release of Prescription and Over-the-Counter Medication(s), with the parent when the child takes medication or has medical needs or allergies;

(ii) completes Application for Search and Certified Copy of Birth Certificate to obtain a full-certified copy of the child's birth certificate, per OAC 340:75-13-9. This form is located on the DHS InfoNet under Non-DHS forms and is available at the Oklahoma State Department of Health Division of Vital Records website: http://www.ok.gov/health2/documents/VR_BCRrequest_interactive.pdf; and

(iii) asks the parent to complete Form 04MP015E, Important People in the Child's Life, to document and maintain the child's ongoing relationships;

(F) acknowledging the parent's anger and grief in response to the loss of his or her child, and expecting the parent to be initially resistant;

(G) encouraging the parent's involvement in all aspects of the planning and placement process;

(H) encouraging the parent, when appropriate, to make recommendations of potential homes where the child may be placed;

(I) providing DHS Publication No. 99-27, Away From Home, A Parent's Guide to Out-of-Home Placement, to the parent; and

(J) arranging the initial meeting between the parent and the resource parent.

(2) Adequately preparing the child for the placement serves several important purposes.

(A) The CW specialist alleviates many of the child's anxieties and reduces the child's stress by providing the child with information regarding the need for placement and by familiarizing the child with aspects of the setting where the child is moving.

(B) When the CW specialist does not know the child well, the CW specialist uses the preparation period to better assess the child's strengths and needs. The information is communicated to the placement provider to assist with the provider receiving the child and making the child's transition into the new setting easier.

(C) Working with the child during the preparation phase helps the child establish a supportive relationship with the CW specialist.

14.(a) Placement considerations. Placement with the non-offending parent, relatives, or kin is considered and siblings are placed together in the same home when appropriate and possible. Relative or kinship placements are assessed in terms of the child's safety, per ITS # 8 of this Section, and long-term needs. Relatives or kin are only considered when:

(1) the child will be safe with the relative or kin. The history of the family is explored extensively with the child's PRFC and the relative or kin considered for placement;

(2) a relative or kin can provide a home that does not pose an obstacle to reunification plans as demonstrated by the relative's or kin's willingness to work with DHS and the family toward reunification;

(3) a relative or kin is willing to accept placement of a sibling so the siblings are not separated or the relative or kin is willing to facilitate contact between the siblings; and

(4) a relative or kin could potentially provide long-term care for the child. The CW specialist considers the relative or kin's abilities and willingness to meet the day-to-day, individual needs of the child should the placement become long-term.

(b) Family history. When a child has been seriously abused or neglected, the perpetrator may have been a victim of abuse or neglect within his or her own family. The perpetrator's relative may have been a victim of abuse or neglect or impacted by abuse or neglect within the family. This kind of family history may place the child in an unsafe situation in the relative's or kin's home.

(c) Placement in foster family care. When a foster family placement is made as an emergency, the placement is evaluated quickly and arrangements are made to make a more appropriate placement as soon as possible. When it is determined that foster family care is the best placement option for the child, considerations include, but are not limited to, whether the:

(1) foster parent has the ability and willingness to meet the day-to-day and individual needs of the child, such as providing a stimulating environment and ensuring the child the opportunity to participate in extracurricular activities;

(2) other children placed in the foster family home do not pose a safety threat to the child considered for placement; and

(3) foster family is able to accept placement for siblings or facilitate contact between the siblings.

(d) Initial placement. The placement made at the time of the child's initial removal from the home has a significant impact on the child's safety and ultimately the possibility for successful reunification with the family or alternative permanent plans for the child.

(e) Sibling placement. Every reasonable attempt is made to place siblings together when appropriate and possible. When it is not possible to place siblings together initially, efforts begin the next business day and actively continue to place the siblings in the same home.

(f) Adoption dissolution notification. The CW specialist notifies the adoption specialist and the Post Adoption Services Program Unit of the child's placement in out-of-home care when the child:

(1) receives adoption assistance; or

(2) is placed in, or returned to DHS custody due to the dissolution of a DHS or other type of adoption.

(g) Placement of the infant who is medically fragile or disabled.

(1) Factors that determine whether an infant in DHS custody is medically fragile or disabled include:

(A) prematurity;

(B) history of respiratory distress;

(C) oxygen dependency;

(D) a diagnosis requiring special care beyond routine infant care;

(E) 6 weeks of age or younger; and

(F) medical conditions or illnesses that may result in increased episodes of illness, prolonged hospitalization, and increased cost for care.

(2) An appropriate placement for an infant who is medically fragile or disabled includes an approved foster or kinship family home, health care facility, or children's shelter that meets the criteria in (A) through (C) of this paragraph. The placement:

(A) provider for the infant has undergone all necessary training required to meet the infant's medical needs;

(B) setting has all necessary equipment required to meet the infant's medical needs, the placement provider knows how to use the equipment, and the equipment is in operating condition; and

(C) provider is willing and able to:

(i) follow all medical requirements and orders as given by the infant's physician;

(ii) transport the infant to all medical appointments; and

(iii) keep the infant's CW specialist fully apprised of the infant's condition.

(3) The CW specialist provides to the placement provider, at the time of placement, all medical and other related information about the condition of the infant and updates the placement provider concerning any new information as it occurs.

PART 4. SPECIALIZED INVESTIGATIVE PROTOCOLS, CHILD DEATH OR NEAR-DEATH REPORTING PROTOCOLS

340:75-3-400. Reports of child abuse and neglect with specialized protocols § 1 through 11

~~Issued 7-1-13~~ Revised 9-15-15

Reports of child abuse and neglect with specialized protocols considered for acceptance for assessment or investigation include, but are not limited to:

(1) Child Protective Services (CPS) reports regarding an Oklahoma Department of Human Services (~~OKDHS~~) (DHS) employee; § 1

(2) reports of abuse or neglect of a child in an active permanency planning or family-centered services (FCS) case; § 2

(3) reports regarding a child whose address is confidential per the Address Confidentiality Program (ACP) pursuant to Section 60.14 of Title 22 of the Oklahoma Statutes (22 O.S. § 60.14); § 3

(4) reports regarding Indian children; § 4

(5) reports regarding children in out-of-home care; § 5

(6) reports of abuse or neglect in child care center or home; § 6

(7) reports of abuse or neglect by someone other than the person responsible for the ~~child~~ child's health, safety, or welfare (PRFC) per 10A O.S. § 1-2-102. § 7

(A) ~~OKDHS~~ DHS makes a referral, either verbally or in writing, to the appropriate local law enforcement agency for the purpose of conducting a possible criminal investigation when, upon receipt of a report alleging abuse or neglect or during the assessment or investigation, ~~OKDHS~~ DHS determines the:

(i) alleged perpetrator is someone other than a ~~person responsible for the child's (PRFC) health, safety, or welfare~~; and

(ii) alleged abuse or neglect of the child does not appear to be attributable to failure on the part of a ~~person responsible for the child's health, safety, or welfare~~ PRFC to provide protection for the child.

(B) After making the referral to the law enforcement agency, ~~OKDHS~~ DHS is not responsible for further investigation unless:

(i) ~~OKDHS~~ DHS has reason to believe the alleged perpetrator is a parent of another child, not the subject of the criminal investigation, or is otherwise a ~~person responsible for the health, safety, or welfare~~ PRFC of another child;

(ii) notice is received from a law enforcement agency that it has determined the alleged perpetrator is a parent of or a ~~person responsible for the health, safety, or welfare~~ PRFC of another child, not the subject of the criminal investigation; or

- (iii) the appropriate law enforcement agency requests ~~OKDHS~~ DHS, in writing, to participate in the investigation. If funds and personnel are available, as determined by the ~~OKDHS~~ DHS Director, or designee, ~~OKDHS~~ DHS may assist law enforcement in interviewing children alleged to be victims of physical or sexual abuse;
- (8) reports resulting from judicial proceedings.
- (A) When a report of child abuse or neglect resulting from court proceedings concerning child custody or visitation is received, the CPS assessment or the investigation protocol and the provisions of 10A O.S. § 1-4-102 are followed. The assessment or investigation is completed within 30 calendar days of the referral date. Upon completion, ~~OKDHS~~ DHS:
- (1) submits an assessment or investigation report to the office of the district attorney;
- (2) provides a copy of the report to the referring court; and
- (3) notifies the parties to the proceeding of the submission of the report to the court.
- (B) When the evidence in a court proceeding concerning child custody or visitation results in placing the child into ~~OKDHS~~ DHS emergency custody by the referring court, the provisions of 10A O.S. § 1-4-203 apply.
- (C) Per 22 O.S. § 20, when a judge finds that a defendant subject to incarceration is the sole custodian of a minor child and has not made safe and appropriate arrangements for the care of the child, the court makes a referral to ~~OKDHS~~ DHS. The report is assigned for assessment or investigation; ~~§ 8 ; and~~
- (9) reports of relinquishment of child ~~seven~~ 7 calendar days of age or younger to ~~OKDHS~~ DHS.
- (A) ~~OKDHS~~ DHS will, without court order, take possession of a child ~~seven~~ 7 calendar days of age or younger when the child is voluntarily delivered to the child protective services agency ~~when~~ by a parent voluntarily ~~relinquishes~~ relinquishing the child ~~as defined in per~~ 10A O.S. § 1-2-109 and ~~does not express~~ expresses an intent not to return for the child. ~~OKDHS~~ DHS may:
- (i) request, but not demand, information the parent is willing to share about the child, including the details of relevant medical history relating to the child or the parents of the child. At the parent's request, ~~OKDHS~~ DHS respects the parent's desire to remain anonymous; and
- (ii) provide the parent with printed information relating to the parent's rights with respect to reunification with the child and sources of counseling for the parents.
- (B) Once a child ~~has been~~ is relinquished to ~~OKDHS~~ DHS, ~~OKDHS~~ DHS:
- (i) performs or provides for the performance of any act necessary to protect the child's physical health or safety; and
- (ii) immediately checks with law enforcement authorities to determine if a child was reported missing and whether the missing child could be the relinquished child; and ~~§ 9~~
- (10) reports involving child victims of human trafficking. Per 21 O.S. 748.2, when law enforcement determines a child may be a victim of human trafficking, DHS

initiates a joint investigation with law enforcement and the child is remanded to DHS emergency custody. ç 11

INSTRUCTIONS TO STAFF 340:75-3-400

Revised ~~6-16-14~~ 9-15-15

1. Child protective services (CPS) reports regarding an Oklahoma Department of Human Services (DHS) employee. Specific procedures are followed when a report of child abuse or neglect is received involving a DHS employee or a member of the employee's immediate or extended family with the exception of alleged abuse in an institution.
 - (1) A Child Welfare Services (CWS) child welfare (CW) specialist from another district or region is assigned the assessment or investigation:
 - (A) to avoid potential conflicts of interest when there is close proximity between the CWS office and work location of the DHS employee; or
 - (B) when the CW specialist is acquainted with the DHS employee or the employee's family.
 - (2) When a report alleges serious physical or sexual abuse by CWS staff, the local district attorney is consulted to determine the most objective course of investigation.
 - (3) DHS Child Abuse and Neglect Hotline (Hotline) personnel contact the deputy director for the region regarding assignment of the accepted report.
 - (4) All case information related to the assessment or investigation is restricted in Child Abuse and Neglect Information System (KIDS).
2. Reports of abuse, neglect, or injury of a child in an open permanency planning case, including trial reunification, Interstate Compact on the Placement of Children (ICPC), or Family-Centered Services (FCS) case.
 - (1) When abuse or neglect of a child, who is part of an open permanency planning, trial reunification, ICPC, or FCS case, is suspected, or when the child has evidence of any abuse or neglect per Oklahoma Administrative Code (OAC) 340:75-3-130, 340:75-4-12.1, and 340:75-6-88, including alleged accidental physical injury when the accidental injury is to the head, face, ears, neck, stomach, or genitals, the information is reported to the Hotline and documented on Form 04KI001E, Referral Information Report.
 - (2) The report assigned for investigation is assigned to a CW specialist who does not have assignment to the open permanency planning, trial reunification, ICPC, or FCS case.
3. Reports regarding a child whose address is confidential per the Address Confidentiality Program per OAC 340:75-1-30. Reports regarding child abuse and neglect that fall within the CPS scope are accepted for assessment or investigation even though the actual finding address of the child is confidential per Section 60.14 of Title 22 of the Oklahoma Statutes (22 O.S. § 60.14).
4. Reports regarding Indian children. To ensure compliance with the Indian Child Welfare Act (ICWA), procedures per OAC 340:75-19-9 and 340:75-19-10 are followed for all children reported or determined to be Indian.

5. Reports of child abuse or neglect or a violation of DHS rules in out-of-home care.
 - (1) When a report regarding a foster or trial adoptive home is received, the report is documented and evaluated to determine whether the allegations indicate abuse or neglect or a violation of DHS rules. Reports of abuse or neglect of the child in a foster or trial adoptive home is documented on Form 04KI001E.
 - (2) When information in the report indicates a rules violation occurred, the report is screened out and notification is sent to the resource unit to address the violation.
 - (3) Reports that meet criteria for acceptance involving the child in an above foster care setting are directed to the Office of Client Advocacy inbox for assignment.
 - (4) When a report of child abuse or neglect is received regarding a child in a foster or trial adoptive home that identifies the alleged perpetrator as a person not responsible for the child, a referral is made to law enforcement. A preliminary inquiry is conducted to determine whether the foster or trial adoptive parent failed to protect the child from a high-risk situation the foster or trial adoptive parent had knowledge of or could have predicted.
 - (5) All investigations regarding a foster or trial adoptive parent are assigned as Priority I.
 - (A) When information indicates the safety of the child can be assured without an immediate investigation, the Hotline supervisor may assign the report as a Priority II with a response time of no more than three calendar days for initiation of the investigation.
 - (B) The Hotline supervisor documents the reason the report was not assigned as a Priority I on Form 04KI001E.
6. Reports of abuse or neglect in a child care center or home.
 - (1) Reports of physical abuse, sexual abuse, or serious neglect in child care centers or homes, licensed or unlicensed, are investigated by a CWS CPS specialist.
 - (A) All accepted child care home and center reports are assigned as investigations.
 - (B) The response time for initiation of the investigation pertaining to child care centers depends on whether the alleged perpetrator is employed, ~~resides in the home,~~ or continues to care for or have access to children.
 - (C) Accepted reports pertaining to child care homes are assigned a Priority I response time for investigation initiation because, the owner/operator is generally the employee with continuing access to children.
 - (2) Allegations of general neglect and violations of licensing laws and regulations, such as a dirty facility, unsupervised children, or other similar situations are referred to and addressed by Child Care Services (CCS).
7. Reports of child abuse or neglect alleging someone other than the person responsible for a child's health, safety, or welfare (PRFC) is the perpetrator.

(1) When a reporter makes an allegation of abuse or neglect perpetrated by someone other than a PRFC, a preliminary inquiry, assessment, or investigation is conducted to determine if the alleged abuse or neglect is attributable to failure on the part of a PRFC to provide protection.

(A) A determination is made regarding whether the third-party perpetrator resides with a child who may be unsafe due to the alleged perpetrator's actions.

(B) A separate referral is completed and assigned for CPS assessment or investigation when information indicates a child is at risk of harm.

(2) A referral is assigned for CPS assessment or investigation to evaluate the family's circumstances when it is unknown whether the alleged abuse or neglect of a child by a third-party relative is attributable to failure on the part of the PRFC to provide protection for the child. A third-party assessment or investigation assignment protocol consists of:

(A) documenting report information on Form 04KI001E, Referral Information Report;

(B) determining whether the third-party perpetrator lives with or has a child who is at risk;

(C) completing Form 04KI001E, relating to the alleged perpetrator and the perpetrator's own child, when appropriate;

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

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

(F) assigning the report for assessment or investigation.

(3) Examples of the need for third-party assessment or investigation include, but are not limited to, when a:

(A) child is allegedly abused by a temporary baby-sitter who is a close friend of the child's mother or father. While the baby-sitter is an alleged third-party perpetrator, the close friendship between the mother or father and the alleged perpetrator indicates the need to conduct an assessment or investigation to determine:

(i) if the PRFC failed to protect the child; and

(ii) whether there will be ongoing protection for the child; or

(B) child's grandparent, who does not live in the child's home, allegedly sexually abused the child. While the grandparent is a third-party perpetrator, the close relative relationship indicates the need to conduct an assessment or investigation to determine:

(i) if the PRFC failed to protect the child; and

(ii) whether there will be ongoing protection for the child.

8. Reports resulting from judicial proceedings.

(1) When a report of child abuse or neglect is made by a referring court resulting from a child custody or visitation proceeding, the report is accepted for investigation.

- (A) When evidence in a court proceeding concerning child custody or visitation indicates the child may be a victim of abuse or neglect, the court makes a report to DHS for assignment as an investigation.
 - (B) When evidence in a court proceeding concerning child custody or visitation indicates a child is in surroundings that endanger the welfare of the child, the court may enter an order placing the child in DHS emergency custody at which time the provisions of the Oklahoma Children's Code apply.
 - (2) When any defendant sentenced to incarceration has sole custody of a minor child and has not made appropriate arrangements for the care of the child during the period of incarceration, the court makes a referral to DHS by contacting the Hotline and completes a DHS-provided form.
 - (3) Any court presiding over any proceeding may report allegations of child abuse or neglect to DHS for assignment as an investigation.
 - (4) Judicial reports are not screened out except with permission of the referring court.
9. Abandoned or relinquished newborn. When a parent is reported to have abandoned or relinquished a newborn, a report is provided to the Hotline and documented on Form 04KI001E, Referral Information Report, and assigned for investigation. When the abandoned newborn's name and birth date is unknown, the newborn's:
- (1) first name is selected by the CW specialist and entered in KIDS;
 - (2) last name is entered as XOXO in KIDS; and
 - (3) birth date is entered as the 15th day of birth month.
10. Infants born to incarcerated mothers, Erica's rule. When DHS receives a report concerning a pregnant inmate in the custody of the Oklahoma Department of Corrections (DOC) prior to the birth of the child, the report will be screened out and referred to CWS CPS Programs staff who will:
- (1) Contact the DOC case manager assigned to the pregnant inmate to arrange a CWS consultation with the inmate. With the inmate's consent, consultation will occur at the correctional facility or by telephone to assist in identifying appropriate caregivers if the inmate is expected to remain in custody after the birth of the child.
 - (A) Upon contact with the inmate, the CWS staff will obtain the names of potential caregivers for the unborn child and follow the protocol outlined below in Instructions to Staff (ITS) # 2.
 - (B) If the inmate declines to consult with CWS staff:
 - (i) The inmate's decision to decline is documented in the KIDS case associated with the screened out referral.
 - (ii) The hospital utilized by the DOC for the birth of the child will be notified of the inmate's decision to decline services. CWS staff request that the hospital call the DHS Abuse and Neglect Hotline upon birth of the child.
 - (2) CWS staff will perform a records search of the potential caregivers identified by the inmate.
 - (A) The search will include the following public information sources:

- (i) the Oklahoma Supreme Courts Network;
- (ii) On Demand Court Records;
- (iii) Oklahoma Department of Corrections records;
- (iv) the Sexual Offender Registry; and
- (v) the Violent Offender Registry.

(B) CWS staff will also perform a search of the Child Abuse and Neglect Information System (CANIS), also known as KIDS.

(C) CWS staff will document the results of the searches performed in the KIDS case associated with the screened out referral.

(3) When a report is received by the DHS Abuse and Neglect Hotline that the inmate has given birth, results of the services provided and information obtained related to the caregivers identified by the inmate will be made available to the CWS staff to assist in determining the appropriate response to the report per Oklahoma Administrative Code (OAC) 340:75-3-130.

(A) Upon the report of the birth of the child, if the inmate previously consulted with CWS staff regarding potential caregivers:

- (i) CWS staff will verify with hospital staff that the identification of the caregiver provided to hospital staff by the inmate, matches the name previously provided to CWS staff.
- (ii) CWS staff will document in the referral contact screen, and will notify the hospital staff that a response to the report per OAC 340:75-3-130 has been completed and associate this screened out referral to previous case in KIDS.

(B) If the inmate previously declined the consultation with CWS staff, or the caregiver identified to the hospital staff does not match the name previously provided to CWS staff, the protocol outlined in ITS # 2 (A) and (B) will be followed in order to determine the appropriate response to the report per OAC 340:75-3-130.

*2-5-14 Editor note: Effective this date, ITS # 10 wording is not to be changed without Legal Services authority, per Samantha Galloway, Administrator, Office of Intergovernmental Relations and Policy.

11. Child victims of human trafficking. DHS is responsible for investigating reports that a child may be a victim of human trafficking per 21 O.S. § 748.2.

(1) When DHS receives a report stating a child may be a victim of human trafficking a:

- (A) Priority 1 response is required per OAC 340:75-3-130;
- (B) joint investigation is conducted with law enforcement per OAC 340:75-3-110 and may involve coordination with other states when the child is not an Oklahoma resident;
- (C) court order for emergency custody of the child is requested as soon as possible;
- (D) plan is made for the child's admission to a designated crisis stabilization center upon confirmation that a court has placed the child in DHS emergency custody; and
- (E) notification of the report is made to the CPS Programs Unit.

(2) When the child is found to be a resident of or in the custody of another state, the CW specialist:

(A) contacts the other state immediately to notify them of the child's whereabouts and alleged involvement in human trafficking;

(B) coordinates the transfer of the child back to the child's home state with either the local CPS office or the child's legal guardian when appropriate; and

(C) consults with the district director on where the child will be placed while awaiting transfer. Crisis stabilization centers are not appropriate for use as placement while awaiting transportation.

(3) Human trafficking protocol.

(A) During the investigation process:

(i) ~~The~~ the child is transported to a designated crisis stabilization center upon placement with DHS.

(I) A crisis stabilization center is defined as a facility that provides short-term intervention and stabilization for trauma, emotional, behavioral, or substance abuse issues.

(II) Each child welfare office is responsible for identifying the center closest to their location;

(ii) ~~Prior~~ prior to transporting the child, the CW specialist contacts the center to ensure the child meets admission criteria and the center has a bed available for the child; and

(iii) ~~In~~ in the event the designated crisis stabilization center does not have a an available bed available, the CW specialist contacts the district director for assistance in exploring additional placement options, including a facility for in-patient evaluation, when circumstances warrant.

(B) Child victims of human trafficking, due to their status as crime victims, are placed in appropriate facilities per 21 O.S. § 748. Placement in youth or children's shelters is discouraged due to concern for the safety of the other children in the shelter and the flight risk the human trafficking victim may pose.

(C) An emergency custody (show cause) hearing is conducted per OAC 340:75-3-300.

(i) When it is shown at the emergency custody (show cause) hearing that the child is likely a victim of human trafficking, the associated criminal charges, if any, ~~shall be~~ is dismissed.

(ii) When the district attorney's (DA's) office timely files a petition alleging the child ~~to be~~ is deprived, the child remains in DHS emergency custody pending further disposition of the case in the deprived child proceeding.

(D) When it is determined, after consultation with the DA's office, the child is not a victim of human trafficking, an immediate notification is made to law enforcement for further disposition, and the CW investigation is completed. Unless a deprived petition is timely filed,

the emergency custody order expires per 10A O.S. § 1-4-205 and DHS no longer has legal custody of the child.

(E) In order to protect the child victim of human trafficking, all information regarding the child, the child's family, and others involved with the child, as well as identities of suspected human traffickers must be treated as highly confidential. Extreme caution is taken and consultation with the appropriate district director and the DA's office occurs prior to the inclusion of any information into the court record that could compromise the safety of the child victim.

340:75-3-420. Protocol for investigating reports of abuse or neglect in child care centers or homes § 1 & 2

Issued 7-1-13 Revised 9-15-15

(a) Reports of physical abuse, sexual abuse, and serious neglect in child care centers or homes, licensed or unlicensed, are investigated by child protective services (CPS) staff.

(b) Allegations of general neglect and violations of licensing laws and regulations, such as a dirty facility, children unsupervised not being appropriately supervised, or other similar situations, are referred to and addressed by Oklahoma Child Care Services (OCCS).

INSTRUCTIONS TO STAFF 340:75-3-420

Revised 6-16-14 9-15-15

1. Protocol for investigating reports of abuse or neglect in child care centers or homes.

(1) The Child Welfare Services (CWS) child protective services (CPS) specialist notifies and coordinates with Child Care Services (CCS) personnel when a child abuse or neglect report related to a child care center or home is assigned. When possible, the CCS licensing specialist accompanies the CPS specialist and assists with conducting the investigation.

(2) The CPS Programs Unit is available for consultation as needed. The CPS specialist coordinates with the district attorney and law enforcement officials when appropriate.

(3) While the general investigative time requirements and protocols apply, there are sequential differences and additional protocols applied in the child care investigation.

(A) The time requirement for initiation of the investigation pertaining to the child care center depends on whether the alleged perpetrator is still employed and continues to care for or have access to children.

(i) Assigned reports pertaining to child care homes are assigned a Priority I initiation time requirement as generally the owner/operator is also an employee and thus continues to have access to children.

(ii) An exception may be granted to assign the child care investigation as a Priority 2 with a two-day response time in limited

circumstance, such as when the report is received after normal business hours.

(B) The CPS specialist reviews all CCS records pertaining to the child care center or home to obtain background information.

(i) The CWS supervisor, CPS specialist, or both contact the current CCS licensing specialist assigned to the center or home to confer regarding the most appropriate way to conduct the investigation.

(ii) The investigation protocol may be modified to allow the CPS specialist to first interview other individuals or witnesses who may have additional identifying information.

(C) The alleged child victim's parent is interviewed first, usually in the parent's home.

(i) The CPS specialist interviews the:

(I) alleged child victim's parent; and

(II) parents of other children in the child care center who are subsequently named as victims or witnesses.

(ii) The parent of each child in the child care home is interviewed as each child in the child care home is considered a potential victim.

(D) Interviews with each child victim and child witness are conducted after obtaining the parent's permission. Each alleged victim and witness is interviewed privately unless it is in the child's best interest for the parent to remain in the room with the child during the interview. When the parent is present during the child's interview, the parent is asked to say as little as possible and allow the CPS specialist to direct the interview. Other than officials conducting the investigation, no one else is present during the interview.

(E) When injuries are alleged or apparent, the child is visually inspected by the CPS specialist with the consent of the child's parent. A medical examination for injury documentation is needed when the injury appears serious or when sexual abuse is alleged. The CPS specialist assists the parent in arranging for the examination.

(F) An unannounced visit is made to the child care center or home and the child care operator is advised of the nature of the allegation.

(G) Administrative staff, employees, and the alleged perpetrator are interviewed privately and separately. Other persons are interviewed as appropriate.

(H) The physical premises where the alleged incident occurred are viewed or examined.

(I) While no child victim or child witness is interviewed without parental permission, in the event that inadvertent contact with a child victim or child witness is made by the CPS specialist at the child care center or home, the child's parent is contacted the same day.

(J) Investigation of allegations of abuse or neglect is necessary even when there is no identified alleged victim, such as when the reporter does not name a specific child, but states the alleged victim is a child

attending the child care center or home or that several children may be victims.

(K) CCS staff may be advised of the status of the investigation prior to completion.

(L) The CPS specialist determines the abuse or neglect finding.

(i) When there are allegations of abuse by a child care center or home employee, the allegations regarding the operator and owner pertain to whether the owner and operator knew or should have known the employee could harm the child.

(ii) The operator and owner are individually notified verbally and in writing of their individual findings.

(iii) Each employee is individually notified verbally and in writing of the individual findings. The finding letter is mailed to the employee's home address and not to the child care center or home.

(iv) The operator and owner are notified of the findings on the employee to determine what action may be taken regarding continued employment.

(v) The investigative report is reviewed by the Child Care Restricted Registry committee.

(M) Investigative interviews with the child victim and PRFC are documented within five calendar days from the date the interview is completed.

(N) Each investigative interview is completed and documented and the investigation is closed within 30 calendar days from the date the abuse or neglect report was received.

(O) After completion of the investigation, the CPS specialist provides the investigation findings to:

(i) CCS;

(ii) the child care owner and operator; and

(iii) the parent of each child victim.

(I) Questions regarding the child abuse or neglect are answered.

(II) Parents of the child(ren) who attends the child care center or home who is not an alleged victim are referred to CCS staff.

(P) Issues related to licensing are addressed with the child care owner and operator by the CCS licensing specialist.

(Q) Form 04KI003E, Report to District Attorney:

(i) is expedited when CCS requires the report to initiate court action to close or revoke the child care center or home license;

(ii) does not contain recommendations as to the child care center or home's closure or license revocation but does include in the Summary/Recommendation the statement "This matter is referred to Child Care Services in regard to related licensing issues";

(iii) may be submitted to CCS after the CWS supervisor signature prior to the district attorney review; and

(iv) regardless of the finding, is forwarded to the district attorney per OAC 340:75-3-510.

- (R) A copy of Form 04KI003E is provided to the CCS licensing specialist.
 - (i) Other case information is provided to the licensing specialist, including Form, 04KI036E, Referral/Investigation Case Contacts, Form 04KI001E, Referral Information Report, and all other CWS records regarding the child care center or home.
 - (ii) To ensure confidentiality, all documents provided by CWS to the CCS licensing specialist have a cover sheet with the notation "Confidential per Section 1-6-107 of Title 10A of the Oklahoma Statutes."
 - (iii) Licensing files are open to the public but CCS maintains a separate section for CWS case information as CWS case material is confidential and not available for public inspection.
- (S) The CWS specialist completes:
 - (i) Form 04CP004E, Child Welfare Investigative Summary - Notification to Child Care Services. The original is provided to the CCS licensing specialist for placement in the public file and a copy is maintained in the CWS case record; and
 - (ii) when a substantiated finding of abuse or neglect is appealed and reversed by the Appeals Section, a new Form 04CP004E with the new finding is forwarded to CCS.
- 2. Sharing Child Welfare Services (CWS) records. Other than as specified in previous subsections of this Section, CCS is not authorized to receive CWS information or records pertaining to:
 - (1) individual child care center employees and their child(ren); or
 - (2) child care home employees who are not members of the household and the employee's child(ren).

340:75-3-440. Multidisciplinary child abuse team (MDT)

Issued 7-1-13 Revised 9-15-15

- (a) **Multidisciplinary child abuse team MDT purpose.** It is the primary responsibility of the district attorney (DA) to develop a multidisciplinary child abuse team (~~an~~ MDT) in the DA's county or contiguous group of counties, per Section 1-9-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-102). The MDT approach is:
 - (1) used whenever feasible for investigations and service planning involving cases of child sexual abuse, serious physical abuse, and serious neglect;
 - (2) used to enhance the investigative process and maximize services provided to the affected children and families; and
 - (3) not required when there is reasonable cause to believe that a delay in investigation or interview of a child victim could place the child at risk of harm or threatened harm.
- (b) **~~Multidisciplinary child abuse team~~ MDT members.** The MDT members include, but are not limited to:
 - (1) mental health professionals;
 - (2) law enforcement;
 - (3) medical personnel;
 - (4) Oklahoma Department of Human Services (~~OKDHS~~) (DHS) Child Welfare Services (CWS) personnel; § 1

- (5) MDT coordinators or child advocacy centers personnel; and
- (6) the county DA or assistant DA.

(c) ~~Multidisciplinary child abuse team~~ **MDT functions.** The MDT function of the ~~MDT~~ is dependent upon available resources and includes, but is not limited to:

- (1) joint investigations of child abuse reports by law enforcement and CWS personnel whenever possible; § 2
- (2) development of written protocol for investigations and for interviewing children; § 3
- (3) identification, improvement, and delivery of services to the child victim and the child's family;
- (4) training in the multidisciplinary team approach; and
- (5) formalized case reviews.

(d) **Child abuse multidisciplinary team account (CAMA).** Monies appropriated and funds collected from criminal cases filed in Oklahoma district courts are deposited with ~~OKDHS~~ DHS and designated as CAMA monies, per 10A O.S. §§ 1-9-103 and 1-9-104.

(1) ~~OKDHS~~ DHS distributes CAMA monies to functioning freestanding MDTs approved by the ~~Child Abuse Training and Coordination Council (CATCC)~~ Oklahoma Commission on Children and Youth (OCCY) and to child advocacy centers (CACs) accredited by the National Children's Alliance (NCA).

(2) CAMA monies are:

- (A) provided for the maintenance of eligible MDTs and CACs;
- (B) distributed each calendar year to MDTs and CACs by a weighted formula;
- (C) made available to:
 - (i) one functioning MDT per county;
 - (ii) one hospital team; and
 - (iii) one accredited CAC per DA's district.

(3) After the NCA's five-year accreditation, the CAC must secure a third-year interim review to continue eligibility for CAMA monies.

(A) The Children's Advocacy Centers of Oklahoma, Inc. (CACO) administers the review by procuring an NCA site reviewer who resides outside of Oklahoma and has no conflict of interest. The CAC submits to the reviewer, 60 calendar days prior to the on-site review:

- (i) the current interagency agreement;
- (ii) the current MDT Protocol;
- (iii) the current financial audit;
- (iv) the current program budget;
- (v) proof of general and professional liability coverage for the CAC board of directors and officers;
- (vi) the Internal Revenue Service letter of 501(c)(3) status or government affiliation statement letter;
- (vii) the demographic information for the community;
- (viii) statistical data; and
- (ix) NCA accreditation standards certifying documents.

(B) The site reviewer makes one half-day on-site visit to the CAC and administers the review in accordance with the NCA accreditation process.

- (C) The CAC demonstrates performance of the essential components of the NCA accreditation process with full cooperation and availability of requested personnel.
- (4) Failure of the third-year review requires a fourth-year review, but does not make the CAC ineligible for CAMA monies. If the CAC fails the fourth-year review:
- (A) the CAC may submit, within 10 business days from the site reviewer's written notice of failure:
- (i) a written request for further review by the CACO board of directors; and
 - (ii) documents pertaining only to the CAC's understanding of the compliance issues. Information for the purposes of improvement or change of practice is not considered; and
- (B) the CACO board of directors secures three additional NCA site reviewers from outside of Oklahoma to review the written findings.
- (5) When the review failure is upheld or when the CAC does not request further review of a failure notice, the CAC is no longer eligible for CAMA monies until reaccredited by the NCA.

INSTRUCTIONS TO STAFF 340:75-3-440

Issued ~~6-16-14~~ 9-15-15

- 1. Child Welfare Services (CWS) personnel participation in the multidisciplinary child abuse team process. CWS personnel participate as members of the multidisciplinary team (MDT), in joint investigations and attend meetings and case reviews pertaining to child sexual abuse, serious physical abuse, and serious neglect by the person responsible for the child's health, safety, or welfare (PRFC). The MDT team process includes the free exchange of confidential information among team members.**
 - (1) Although not required, CWS personnel may attend case reviews involving non-CWS investigations and cases when invited and there:**
 - (A) are no conflicting workload demands; and**
 - (B) is reason to believe that CWS has pertinent information to contribute.**
 - (2) The Child Protective Services Programs Unit is available when there is a concern as to whether a team meets MDT criteria.**
- 2. Law enforcement and CWS joint child abuse or neglect investigations.**
 - (1) The CWS specialist is involved in joint investigations with law enforcement only when the alleged perpetrator of the child abuse or neglect is the PRFC. ~~CWS personnel do~~ The CWS specialist does not have authority to investigate child abuse or neglect by a non-PRFC.**
 - (2) The CWS specialist is present during a forensic interview with the child victim to consider the interview face-to-face. The CWS specialist views the forensic interview via a two-way mirror or technology that allows communication with the interviewer but does not require the CW specialist to be present in the room with the child.**
- 3. Oklahoma Department of Human Services (DHS) policy and procedures supersede MDT written protocol. The MDT written protocol does not override the role of CWS personnel adhering to DHS policy.**

PART 5. INVESTIGATIVE FINDINGS AND APPEALS

340:75-3-500. Child Protective Services investigation findings § 1 through 9

~~Issued 7-1-13~~ Revised 9-15-15

After completion of the child protective services (CPS) investigation, a finding is made regarding whether there was some credible evidence to constitute child abuse or neglect, per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) and ~~OAC~~ Oklahoma Administrative Code 340:75.

(1) **Ruled out.** A finding of ruled out means the Oklahoma Department of Human Services (~~OKDHS~~) (DHS), after an investigation of a report of child abuse or neglect, determined that no child abuse or neglect occurred.

(2) **Unsubstantiated.** A finding of unsubstantiated means ~~OKDHS~~ DHS, after an investigation of a report of child abuse or neglect, determined insufficient evidence exists to fully determine whether child abuse or neglect occurred. When child abuse or neglect is unsubstantiated, ~~OKDHS~~ DHS may recommend, when determined necessary, that the parents or persons responsible for the care of the child obtain child abuse and neglect prevention and intervention-related services.

(3) **Substantiated.** A finding of substantiated means ~~OKDHS~~ DHS, after an investigation of a report of child abuse or neglect and based upon some credible evidence, determined that child abuse or neglect occurred. When child abuse or neglect is substantiated, ~~OKDHS~~ DHS may recommend:

(A) court intervention if ~~OKDHS~~ DHS finds the child's health, safety, or welfare is threatened; or

(B) 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 necessary.

~~(4) **Reasonable exercise of parental discipline.** Per 10A O.S. § 1-2-105, if an OKDHS assessment or investigation conducted in response to any report of child abuse or neglect determines that the incident reported was the result of the reasonable exercise of parental discipline involving the use of ordinary force, including spanking, switching, or paddling, the investigation or assessment proceeds no further and all records regarding the incident are expunged.~~

INSTRUCTIONS TO STAFF 340:75-3-500

~~Revised 6-16-14~~ 9-15-15

1. **Child Protective Services (CPS) findings.** CPS findings are entered into the KIDS system. Form 04KI003E, Report to District Attorney, is used to document all findings.

(1) **CPS investigative findings.** Findings in Oklahoma Administrative Code (OAC) 340:75-3-500 paragraphs (1) through (3) are made only in CPS investigations and not in CPS assessments per OAC 340:75-3-130 guidelines.

(2) **Documentation.** Form 04KI003E is initially used to document all investigative findings, including a determination of reasonable exercise of

parental discipline. Procedures in OAC 340:75-3-140 Instructions to Staff (ITS) are followed to document findings or determinations in KIDS.

(3) Circumstances that prevent an investigation finding. The CPS investigation that cannot be completed due to special circumstances or when there is a determination that the reported incident was the result of the reasonable exercise of parental discipline involving the use of ordinary force. The reasonable exercise of parental discipline has a determination of no finding. Specific circumstances that result in a determination of no finding include:

(A) an unable to locate determination. The unable to locate determination may be used when diligent efforts were made but failed to locate the child victim and family per OAC 340:75-3-200 ITS # 19; or

(B) a failure to cooperate determination. The failure to cooperate determination may be used when the person responsible for the child's health, safety, or welfare (PRFC) does not cooperate in an assessment or investigation by refusing to allow access to the child victim for observation and an interview per OAC 340:75-3-200 ITS # 18; or

(C) reasonable exercise of parental discipline. The reasonable exercise of parental discipline determination, per 10A O.S. § 1-2-105, may be used when the incident reported was the result of the reasonable exercise of parental discipline involving the use of ordinary force, including spanking, switching, or paddling. The investigation or assessment proceeds no further and all records regarding the incident are expunged.

2. Ruled out investigation finding. When there is no identified risk of child abuse or neglect and the family does not need prevention or intervention-related services, a finding of ruled out is appropriate.

3. Unsubstantiated investigation finding. When insufficient evidence exists to fully determine whether child abuse or neglect occurred, the child welfare (CW) specialist may recommend, when necessary, that the parents or PRFCs obtain child abuse and neglect prevention and intervention-related services. This finding is not used when a safety threat exists.

4. Substantiated investigation finding. A substantiated finding is appropriate when a report is determined by a CW specialist, after an investigation and based upon some credible evidence, to constitute child abuse or neglect. When child abuse or neglect is substantiated, the CW specialist assures the safety of the child and selects one or more of the following intervention strategies:

(1) securing the PRFC's cooperation with Oklahoma Department of Human Services (DHS) to modify his or her behaviors or conditions in the home that caused the abuse or neglect to occur;

(2) securing the PRFC's agreement to participate in family-centered services; and

(3) keeping the DHS case open to monitor the safety plan;

(4) determining if the PRFC:

(A) is taking action to control or manage the safety threats; and

(B) has adequate protective capacities; or

(5) requesting court intervention by recommending a deprived petition. The CW specialist documents in a KIDS case contact, the district attorney's comments on Form 04KI003E, ~~Report to District Attorney~~, when court intervention is requested.

5. Documenting attempts to provide, refer, or arrange services. Attempts to provide, refer, or arrange voluntary services are documented in the DHS record per OAC 340:75-3-520.
6. SoonerStart referrals for the child under 3 years of age when substantiated finding made. The child under 3 years of age who is the victim of substantiated child abuse or neglect is referred to SoonerStart per OAC 340:75-4-12.1.
7. Child care center and child care home investigations. Court intervention via a deprived petition is not necessary for the child care center and child care home investigations. When there is concern the PRFC for the child victim is not protecting the child from the child care center or child care home perpetrator, a separate referral is made regarding the PRFC's alleged failure to protect the child and an assessment or investigation is conducted when indicated.
8. Reasonable exercise of parental discipline. When circumstances indicate the PRFC used ordinary force and age appropriate, reasonable discipline methods that did not result in injury or visible marks on the child, the case information is forwarded to the CPS Programs Unit for review, per OAC 340:75-3-140 ITS # 2.
9. (a) Final determination review processes.
 - (1) All completed investigations, with a substantiated finding, for out-of-home, child death, near death, and critical incidents, receive a review by the CPS Programs Unit.
 - (2) When the proposed substantiated out-of-home, child death, near death, or critical incident investigative finding is in compliance with OAC 340:75-3-120, no action is taken and the review is documented in the appeal/review screen in KIDS.
 - (3) When the proposed substantiated out-of-home, child death, near death, or critical incident investigative finding is not in compliance with OAC 340:75-3-120, the CPS Programs Unit may:
 - (A) recommend mentors for the CW specialist and supervisor;
 - (B) request additional information or an investigation as necessary; or
 - (C) revise the finding when appropriate.
 - (4) When the proposed substantiated out-of-home, child death, near death, or critical incident investigative finding is not in compliance with OAC 340:75-3-120 and requires revision, the CPS Programs Unit:
 - (A) contacts the appropriate district director or deputy director for the region to assure all relevant information is considered prior to the final determination;
 - (B) marks improper entry on a particular allegation and enters the revised allegation and appropriate finding;

- (C) amends the finding, when appropriate, and notifies the appropriate district director or deputy director for the region of the change within five business days;
 - (D) notifies the PRFC that he or she is allowed 30 calendar days to send additional information regarding the new finding;
 - (E) completes the review of the proposed finding for compliance with OAC 340:75-3-120 and documents the final determination review in the appeals/review screen in KIDS; and
 - (F) notifies the appropriate district director or deputy director and the district attorney of the final determination.
- (5) After review by the CPS Programs Unit and the exchange of information between district and program staff, the finding becomes final.
- (b) Re-opening the out_of_home, child death, near death, or critical incident investigation pending final determination. During the final determination review process, the investigation may be re-opened to add additional information or to conduct additional interviews. When a referral is reopened, information may be obtained for 15 calendar days. Reopened referral requirements:
- (1) collateral contacts may be interviewed to gather additional information, when the Appeals or CPS Programs Unit requests the referral be reopened based on a lack of supporting documentation;
 - (2) the CW specialist will not reinterview any identified PRFCs, alleged perpetrators, siblings, or victims;
 - (3) information obtained during this period may be entered as an addendum to Form 04KI003E, ~~Report to District Attorney~~;
 - (4) supporting documentation is scanned into the referral file cabinet in KIDS;
 - (5) the referral may only be open for a period of 15 calendar days from the time the district director receives the request from the CPS Programs Unit; and
 - (6) at the end of the 15 days no further documentation is considered by the CPS Programs Unit in regard to the appeal.
- (c) Critical incident review during the final determination process. A case may be set for critical incident review during or after the final determination review process.
10. All other completed investigations with a substantiated finding may be appealed by the individual about whom the substantiated finding was made per OAC 340:75-3-530.

340:75-3-530. Appeal process for substantiated findings of child abuse or neglect

ø 1 through 6

~~Issued 7-1-13~~ Revised 9-15-15

(a) **Purpose.** The 2010 Child Abuse Prevention and Treatment Act (CAPTA), Section 5101 et seq. of Title 42 of the United States Code, requires the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) to provide an appeal process for persons who disagree with a substantiated finding of child abuse or neglect. The appeal process:

- (1) provides individuals with a substantiated finding of child abuse or neglect an opportunity for due process;
- (2) serves as a quality assurance mechanism to assess findings compliance with child protective services (CPS) standards, per Oklahoma Administrative Code (OAC) 340:75-3-120 and 340:75-3-130; and
- (3) provides substantiated findings review by Child Welfare Services (CWS) personnel not involved in any other stage of the case.

(b) **Eligibility criteria.** ~~An individual may request a review through the appeal process when:~~

~~(1) the person~~ An individual may be eligible to request an appeal when the individual is a person responsible for the child's health, safety, or welfare (PRFC), per OAC 340:75-3-2 340:75-3-120 in an investigation involving abuse or neglect allegations; and

~~(2) the investigation results in a substantiated finding regarding the PRFC; and~~

~~(3)(2) An eligible individual may request a review through the appeal process when~~

(A) no deprived petition is filed or amended regarding the PRFC;

(B) no existing deprived petition is amended; or

(C) a deprived petition is filed and the court case is dismissed prior to adjudication.

(3) An individual meeting the requirements in (1) and (2) of this subsection is not eligible for a review through the appeal process when:

~~(4)(A) there is no other court action is filed or a court order is issued in regards to concerning the alleged child abuse or neglect including pending or completed:~~

(A)(i) any permanent protective order hearings orders issued against the PRFC that includes the alleged child victim(s); or

(B) civil actions for monetary compensation;

(C)(ii) any pending or concluded criminal court proceedings; or

(D) juvenile deprived cases regardless of disposition.

~~(5)(B) no other OKDHS another DHS program specific review is pending or was has been conducted including a program review by the CPS Section regarding:~~

(A)(i) regarding a child death or near-death; or

(B)(ii) for each any substantiated finding of an out-of-home care investigation that was completed by a child welfare (CW) specialist or an Office of Client Advocacy (OCA) investigator.

(c) **Tribal Investigations not eligible for OKDHS DHS appeal process.** The DHS appeal process applies only to investigations conducted by OKDHS DHS. Investigations of child abuse or neglect investigated by a tribal representative or on tribal land are not eligible for ~~an OKDHS the DHS~~ the DHS appeal process.

(d) **Procedures for appeal process.** The procedures for the appeal process are outlined in (1) through (4) of this subsection.

(1) **Notification to PRFC.** Upon substantiation of abuse, neglect, or both, the CWS CW specialist notifies the PRFC of the finding by mailing Forms 04KI019E, Notification Concerning Finding(s) of Child Abuse/Neglect, and 04KI020E, Request for Appeal of Substantiated Findings of Child Abuse or Neglect, provided the criteria in OAC 340:75-3-530 are met. Forms 04KI019E and 04KI020E are:

(A) mailed within ten 10 calendar days of substantiation of abuse or neglect;

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

(i) Form 04KI019E informs the PRFC of:

(I) any substantiated child abuse or neglect finding in the investigation;

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

(III) demographic information;

(ii) Form 04KI020E specifies:

(I) the PRFC may file an appeal by mailing a request to CWS Appeals Program Unit within 15 calendar days from the postmark on the envelope containing Form 04KI020E; ~~Request for Appeal~~; and

(II) failure to submit the appeal request within 15 calendar days from the postmark on the envelope containing Form 04KI020E results in the finding becoming final and the PRFC waives any right to appeal this finding in the future, unless good cause is established per OAC 340:75-3-530; and ~~§ 1~~

(C) not mailed to the PRFC when case records reflect that notification may place family members at risk. ~~§ 2~~

(2) **Conditions of good cause.** A PRFC is granted a review despite failure to make a timely response, provided good cause is established, including, but not limited to, severe illness or other disabling condition.

(3) **Response to appeal request from PRFC.** If When the PRFC requests a review within the required time, the Appeals Program Unit responds to the PRFC through written notice within ~~ten~~ 10 calendar days following receipt of the PRFC's request for review. The Appeals Program Unit notifies the PRFC:

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

(B) that failure to submit additional information within 30 calendar days results in a waiver of this right, unless good cause is established per OAC 340:75-3-530; and

(C) that verification of legal representation must be established when the PRFC requests an attorney be notified of the determination results. Verification is established by a statement of representation on official letterhead from the attorney. ~~§ 3~~

(4) **Review Procedure.** Within 120 calendar days following acceptance of the PRFC's timely request for a review, or a late request for a review when good cause was established per OAC 340:75-3-530, the CWS Appeals Committee determines whether the substantiated finding of abuse or neglect meets substantiation protocol per ~~OAC 340:75-3~~ 340:75-3-120.

(A) The decision to uphold, modify, or reverse the original finding of abuse or neglect is determined by reviewing:

(i) Form 04KI003E, Report to District Attorney, that includes ~~form~~ Form 04KI030E, Assessment of Child Safety, attachments, and relevant CWS information including child welfare history and referrals; and

(ii) all written documents submitted by the PRFC.

(B) When the Appeals Program Unit determines the finding failed to meet the criteria for substantiation ~~in compliance with per~~ OAC 340:75-3-103 340:75-3-120, the committee:

(i) determines whether the preliminary decision was based upon lack of credible evidence to support the allegations of child abuse, neglect, or both; or

(ii) determines whether the preliminary decision is based upon a lack of documentation by the ~~CWS~~ child welfare (CW) specialist;

(I) When a lack of documentation exists, the ~~appeals section~~ Appeals Program Unit sends notification to the district director, approving supervisor, and CW specialist that information is missing and requests the information be added to the report or scanned into the KIDS file cabinet.

(II) After notification by the Appeals Program Unit, the district director reopens and reassigns the investigation.

(III) The assigned CW specialist adds the additional information to the report within 15 calendar days of the reassignment and sends notification to the Appeals Program Unit upon completion.

(IV) The Appeals Program Unit reconsiders the PRFC appeal with the additional information and modifies or upholds the finding as appropriate;

~~(iii)(C)~~ (C) The Appeals Program Unit modifies the finding, when appropriate, in KIDS.

~~(i)~~ (i) When the substantiation finding is appropriate, but the allegation in KIDS is incorrect, the ~~chairman~~ chair on the appeals committee ensures the inappropriate allegation is marked as an improper entry and the correct allegation is added along with the substantiated finding; ~~and~~.

~~(ii)~~ (ii) Forms 04KI019E, Notification Concerning Finding(s) of Child Abuse/Neglect, and 04KI020E, ~~Request for Appeal~~, are mailed to the PRFC with the corrected allegations.

~~(C)~~ (D) The Appeals Program Unit provides written notification of the final determination of the finding within 120 calendar days following acceptance of the appellant's PRFC's request for a review to the:

(i) appellant PRFC who requested the review;

(ii) district director;

(iii) deputy director for the region;

(iv) CW supervisor;

(v) CW specialist;

(vi) district attorney's office in the county where the finding originated;

(vii) tribe, when applicable; and

(viii) ~~Oklahoma~~ Child Care Services, when applicable.

INSTRUCTIONS TO STAFF 340:75-3-530

Revised ~~6-16-14~~ 9-15-15

1. Notification of appeal determination to person responsible for the child's health, safety, or ~~wealth~~ welfare (PRFC).

(1) When to send notification of appeal determination to PRFC. The child welfare (CW) supervisor assures Forms 04KI019E, Notification Concerning

Finding(s) of Child Abuse/Neglect, and 04KI020E, Request for Appeal of Substantiated Findings of Child Abuse or Neglect, are sent to each PRFC identified during the investigation, within 10 calendar days after an investigation with a substantiated finding is approved by the CW supervisor.

(2) How to send notification of appeal determination to the PRFC. KIDS generates Forms 04KI019E and 04KI020E. The address of the PRFC populates to Form 04KI019E designed to display the PRFC's address in a window envelope. Forms 04KI019E and 04KI020E are mailed.

2. Justification for not providing notification of appeal determination. Justification for not sending Forms 04KI019E and 04KI020E is documented in KIDS Contacts screens.
3. Response to appeal request from an Oklahoma Department of Human Services (DHS) employee.
 - (1) In lieu of a review by the Appeals Program Unit, a DHS employee may request a review by programs staff comprised of a:
 - (A) programs administrator;
 - (B) programs manager; and
 - (C) programs field representative.
 - (2) Requests for review by programs staff is submitted in writing at the time of the appeal request.
4. Notification to Child Welfare Services (**CWS**) staff of appeal. When the Appeals Program Unit accepts a PRFC request for review, notification of the acceptance is provided to the previously assigned CW specialist, supervisor, district director, and deputy director for the region who are advised of the need to ensure all necessary documentation has been entered into KIDS referral and investigation screens and other supporting documentation is stored in the KIDS file cabinet.
5. Final determination regarding investigation finding.
 - (1) The Appeals Program Unit notifies the appellant, district director, deputy director for the region, CW specialist and supervisor, district attorney's office, and appropriate programs staff, such as Child Care Services and Child Protective Services (CPS) Programs Unit of the final determination regarding whether the substantiated finding is upheld or reversed.
 - (2) The CW specialist prints the final determination email, files the email in the CWS case record and, when applicable, in the resource record, and scans the email and stores it in the referral file cabinet.
6. Appeals committee composition. The Appeals Committee is comprised of:
 - (1) a Family-Centered Services (FCS) Program Unit program field representative who serves as the Appeals Committee chairperson;
 - (2) the FCS Appeals Programs Unit programs manager;
 - (3) the CPS Programs Unit programs manager or designee;
 - (4) a Continuous Quality Improvement Program Unit programs manager or designee; and

(5) a CW supervisor or other representative above the supervisor level from each region designated by the deputy director. The committee member:

(A) is designated as a rotating committee member; and

(B) does not vote on cases to avoid potential conflict of interest.

SUBCHAPTER 6. PERMANENCY PLANNING

PART 7. FAMILY AND CHILD INDIVIDUALIZED SERVICE PLANNING COMPONENTS

340:75-6-40.9. Termination of parental rights ~~§~~ 1 through 43

Revised ~~11-17-14~~9-15-15

(a) **Effect of termination of parental rights.** Per Section 1-4-904 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-904), the termination of parental rights (TPR) terminates the parent-child relationship including the parent's right to:

(1) custody of the child;

(2) visit the child;

(3) control the child's training and education;

(4) consent to the child's adoption;

(5) the child's earnings;

(6) inherit from or through the child; although termination of parental rights does not affect the child's right to inherit from the parent.

(b) **Legal grounds for termination of parental rights.**

(1) Per 10A O.S. § 1-4-904, a court may not terminate a parent's parental rights unless the child is adjudicated deprived prior to, or concurrent with the termination of parental rights proceedings, and the court makes the finding that TPR is in the child's best interests.

(2) Per 10A O.S. § 1-4-901, a petition or motion for TPR may be filed by the district attorney or by the attorney for the child alleged to be or adjudicated deprived.

(3) Per 10A O.S. § 1-4-904 the court may terminate parental rights on the grounds listed in subparagraphs (A) through ~~(M)~~ (Q) of this paragraph.

(A) **Consent.** The parent may consent to termination of his or her parental rights by signing a voluntary consent form to relinquish parental rights.

(i) The written, voluntary consent, signed under oath, is not revocable unless the parent can provide clear and convincing evidence that the consent was executed by reason of fraud or duress.

(ii) In any proceeding for a voluntary TPR to an Indian child, the parent's consent may be withdrawn for any reason at any time prior to the entry of a final decree of termination. Any consent given prior to, or within 10 calendar days after, the birth of the Indian child is not valid.

(B) **Abandonment.** The court may find that the parent who is entitled to custody of the child has abandoned the child.

(C) **Abandonment of an Infant.** The court may find that the child, 12 months of age or younger, was abandoned.

(D) **Non-compliance with voluntary placement agreement.** The court may find that the child's parent:

- (i) voluntarily placed physical custody of the child with ~~OKDHS~~ the Oklahoma Department of Human Services (DHS) or a ~~child-placing~~ child placing agency for out-of-home placement;
 - (ii) has not complied with the placement agreement, and
 - (iii) has not demonstrated during the child's period of voluntary out-of-home placement, a firm intent to resume physical custody of the child or make other permanent legal arrangements for the child's care.
- (E) **Failure to correct conditions.** The court may find that the parent failed to correct conditions that led to the child's adjudication as a deprived child although the parent was given at least three months to correct the conditions.
- (F) **Same conditions - another child.** The court may find that another child of a parent whose parental rights to any other child have been terminated and the conditions that led to the prior TPR have not been corrected.
- (G) **Failure to support.** The court may find that the non-custodial parent has willfully failed, refused, or neglected to contribute to the child's support for six out of the last 12 months immediately preceding the filing of the termination petition or motion:
- (i) as specified by a court order for child support, or
 - (ii) according to the parent's financial ability to support the child, when an order for child support does not exist. Incidental or token support is not construed or considered when determining if the parent has maintained or contributed to the child's support.
- (H) **Certain criminal convictions.** A conviction in a criminal action in any state, of any of the following acts:
- (i) permitting a child to participate in pornography;
 - (ii) rape or rape by instrumentation;
 - (iii) lewd molestation of a child under 16 years of age;
 - (iv) child abuse or neglect;
 - (v) enabling child abuse or neglect;
 - (vi) causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child;
 - (vii) causing the death of the child's sibling as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling;
 - (viii) murder of any child or aiding or abetting, attempting, conspiring, or soliciting to commit murder of any child;
 - (ix) voluntary manslaughter of any child;
 - (x) a felony assault that resulted in serious bodily injury to the child or another child of the parents; or
 - (xi) murder or involuntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring, or soliciting to commit murder of the child's parent.
- (I) **Heinous or shocking abuse or neglect.** The court may find that a parent has abused or neglected the child or the child's sibling or failed to protect the child or sibling from abuse or neglect that is heinous or shocking.
- (J) **Prior abuse or neglect.** The court may find that a parent has previously abused or neglected the child or the child's sibling, or failed to protect the child or sibling

from abuse or neglect and the child or sibling has been subjected to subsequent abuse.

(K) **Rape by the parent.** The court may find the child was conceived as a result of a rape perpetrated by the parent whose rights to the child are sought to be terminated.

(L) **Incarceration.** The parent's incarceration in and of itself is not sufficient to deprive a parent of parental rights. The court may find ~~that~~ the parent whose rights are sought to be terminated is incarcerated, and continuation of parental rights will result in harm to the child based on the consideration of the factors, including, but not limited to the:

- (i) ~~the~~ duration of incarceration and its detrimental effect on the parent-child relationship;
- (ii) previous convictions resulting in involuntary confinement in a secure facility;
- (iii) history of criminal behavior, including crimes against children;
- (iv) ~~the~~ age of the child;
- (v) evidence of abuse or neglect or failure to protect the child or siblings of the child by the parent;
- (vi) ~~the~~ current relationship between the parent and child; and
- (vii) ~~the~~ manner in which the parent has exercised parental rights and duties in the past.

(M) **Behavioral health illness or incapacity.** The court must find ~~that~~ the factors in units (i) and (ii) of this subparagraph exist:

- (i) the parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health that renders the parent incapable of adequately and appropriately exercising parental rights, duties, and responsibilities within a reasonable time, considering the age of the child; and
- (ii) allowing the parent to have custody will cause the child actual harm or harm in the near future.

(I) A parent's refusal or non-compliance with treatment or assistance for the condition can be used as evidence.

(II) A finding that a parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health or substance dependency, does not in, and of itself, deprive the parent of parental rights.

(N) **Prior adjudication of same conditions.** The court may find the:

- (i) condition that led to the deprived adjudication has been the subject of a previous deprived adjudication of this child or a sibling of this child; and
- (ii) parent has been given an opportunity to correct the conditions that led to the determination of the initial deprived child.

(O) **Substantial erosion of parent-child relationship.** The court may find a substantial erosion of the relationship between the parent and child exists caused at least in part by:

- (i) the parent's serious or aggravated neglect of the child, physical or sexual abuse or exploitation of the child;
- (ii) a prolonged and unreasonable absence of the parent from the child; or
- (iii) an unreasonable failure by the parent to visit or communicate in a meaningful way with the child.

(P) Lengthy foster care of child 4 years of age and older.

(i) The court may find:

(I) a child 4 years of age and older at the time of placement, has been placed in foster care by DHS for 15 of the most recent 22 months, preceding the filing of the TPR petition or motion; and

(II) at the time of the filing of the TPR petition or motion, the child cannot be safely returned to the home of the parent.

(ii) A child is considered to have entered foster care on the earlier of the adjudication date, or the date that is 60 calendar days after the date the child is removed from the home.

(Q) Lengthy foster care of a child younger than 4 years of age.

(i) The court may find a child younger than 4 years of age at the time of the filing of the TPR petition or motion:

(I) has been placed in foster care by DHS for at least six of the 12 months preceding the filing of the TPR petition or motion; and

(II) the child cannot be safely returned to the home of the parent.

(ii) A child is considered to have entered foster care on the earlier of the adjudication date or the date 60 calendar days after the date the child is removed from his or her home.

(iii) The court may consider:

(I) circumstances of the failure of the parent to develop and maintain a parental bond with the child in a meaningful, supportive manner; and

(II) whether allowing the parent to have custody would likely cause the child actual serious psychological harm or harm in the near future as a result of the removal of the child from the substitute caregiver due to the existence of a strong, positive bond between the child and caregiver.

(c) Mandatory petition or motion for termination of parental rights TPR. Per 10A O.S. § 1-4-902, the district attorney is required to file a petition or motion to terminate the parent-child relationship and parental rights with respect to a child or joins in the petition or motion, if filed by the child's attorney ~~when:~~ as in any of the circumstances detailed in paragraphs (1) through (3) (4) of this subsection.

(1) The child is in out-of-home care for 15 out of the most recent 22 months.

Prior to the end of the fifteenth month, ~~when~~ the child has been placed in foster care by ~~OKDHS~~ DHS for 15 of the most recent 22 months. The child is considered to have entered foster care on the earlier of the date:

(A) of adjudication as a deprived child, or

(B) ~~that is~~ 60 calendar days after the date on which the child is removed from the home;

(2) The child is determined to be an abandoned infant. A petition or motion to termination parental rights is filed no later than 60 calendar days after the child is judicially determined to be an abandoned infant;

(3) Reasonable efforts to reunite are not required due to certain felony convictions of the parent. No later than 60 calendar days after the court ~~has determined~~ determines that reasonable efforts to reunite are not required due to a felony conviction of a parent ~~who has~~ of any of the following acts:

~~(A) committed the murder of any child or has aided or abetted, attempted, conspired in, or solicited the commission of the murder of any child;~~

~~(B) committed voluntary manslaughter of another child of the parent, or has aided or abetted, attempted, conspired in, or solicited the commission of voluntary manslaughter of any child; or~~

~~(C) committed a felony assault that resulted in serious bodily injury to the child or to any child.~~

(A) permitting a child to participate in pornography;

(B) rape, or rape by instrumentation;

(C) lewd molestation of a child under 16 years of age;

(D) child abuse or neglect;

(E) enabling child abuse or neglect;

(F) causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child;

(G) causing the death of a sibling of the child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling;

(H) murder of any child or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of any child;

(I) voluntary manslaughter of any child;

(J) a felony assault that resulted in serious bodily injury to the child or another child of the parent; or

(K) murder or voluntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of the child's parent; or

(4) The parent has made no measurable progress in correcting conditions. No later than 90 calendar days after the court has ordered the individualized service plan, the parent has made no measurable progress in correcting the conditions that caused the child to be adjudicated deprived.

(d) District attorney not mandated to file petition or motion to terminate parental rights under certain conditions. Per 10A O.S. § 1-4-902, when any of the conditions in paragraphs (1) through (3) exist, the district attorney is not mandated to file a petition or motion for termination of parental rights.

(1) At the option of ~~OKDHS~~ DHS or by order of the court, the child is properly cared for by a relative;

(2) ~~OKDHS~~ DHS has documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the child's best interests ~~of the child~~ that may include consideration that the:

(A) parents or legal guardians have maintained a relationship with the child and the child would benefit from continuing the relationship;

(B) child, who is 12 years of age ~~or~~ and older objects to the termination of the parent-child, legal relationship;

(C) child's foster parents are unable to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal responsibility for the child; but are willing and capable of providing the child with a stable and permanent environment, and the removal of the child from the physical custody of the foster parents would be seriously detrimental to the emotional well-being of

the child because the child has substantial psychological ties to the foster parents;

(D) child is not capable of achieving stability if when placed in a family setting; or

(E) child is an unaccompanied, refugee minor and the situation regarding the child involves international legal issues or compelling foreign policy issues; or

(3) ~~OKDHS~~ DHS has not provided to the child's family, consistent with the time period in the state case plan, services that the state deems necessary for the safe return of the child to the child's home, if when reasonable efforts are required to be made with respect to the child.

(c) **Parental rights not terminated at trial.** Per 10A O.S. § 1-4-908, when parental rights are not terminated ~~as a result of a~~ at trial, the court ~~sets the matter for~~ schedules a permanency hearing within 30 calendar days. The failure of parental rights to be terminated at trial does not:

(1) deprive the court of the court's continuing jurisdiction over the child, ~~or~~ nor

(2) require reunification of the child with the parent when the child is adjudicated deprived.

(d) **Adoption consent authority when parental rights terminated.** Per 10A O.S. § 1-4-907, when the court terminates parental rights and the child's custody is placed with ~~OKDHS~~ DHS, the court ~~vests OKDHS~~ must vest DHS with the authority to place the child, and consent to the child's adoption.

INSTRUCTIONS TO STAFF 340:75-6-40.9

Revised 11-17-14

1. Termination of parental rights (TPR) considerations. TPR is an extreme legal step that requires in-depth analysis of the case facts.

(1) The parent permanently loses control and custody of the child; however, visitation and communication between the parent and child may continue when in the child's best interests.

(2) TPR usually occurs after both parents fail to correct the conditions that caused the child's removal from the home.

(3) Despite service efforts to assist the parent, some parents are either unwilling or unable to do what is needed to make the home environment safe for the child.

(4) Circumstances that indicate a child cannot be safely returned home, include, but are not limited to, examples listed in subparagraphs (A) through (H) of this paragraph.

(A) Despite diligent, appropriate, and reasonable efforts by Child Welfare Services and other service providers, the parent fails to correct the behaviors or conditions that threaten the child's safety.

(B) A long-standing pattern of abandonment or extreme parental disinterest exists.

(C) The parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health, that renders the parent incapable of adequately and appropriately exercising parental rights, duties, and responsibilities within a reasonable time considering the age of the child.

- (i) The child welfare (CW) specialist considers whether allowing the parent to have custody would cause the child actual harm or harm in the near future.
 - (ii) The parent's refusal or pattern of noncompliance with treatment, therapy, medication, or assistance from outside the home can be used as evidence that the parent is incapable of adequately and appropriately exercising parental rights, duties, and responsibilities.
 - (D) A history of drug or alcohol related incapacity with repeated unsuccessful efforts at treatment.
 - (E) Prior abuse or neglect of the child, a sibling, or other child in the family has occurred and the parent failed to correct the behaviors or conditions that threaten the child's safety.
 - (F) The child's neglect or abuse was so severe that the court determined reasonable efforts to reunify the child and family are not required.
 - (G) Prior abuse or neglect has caused the child to develop a deep aversion or fear of the parent that has not subsided with counseling.
 - (H) The parent is imprisoned for a prolonged period and will be unavailable during the child's minority.
2. Documenting Oklahoma Department of Human Services (DHS) request for motion or petition to terminate parental rights. When the CW specialist requests a petition or motion to terminate parental rights, the CW specialist documents the request in the KIDS/Court/Par Rights/Recommend screen within five business days of the request.
 3. Compelling reasons not to request mandatory termination of parental rights. When DHS or the court determines a compelling reason exists not to request TPR based on 10A O.S. § 1-4-902 requirements, the CW specialist documents the type of compelling reason in the KIDS Court/Par Rights/Recommend screen within five business days of the determination. The compelling reason is submitted to the court in the applicable court or progress report.

PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES

340:75-6-85. Placement considerations for the child in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) custody ¶ 1 through 13

Revised 11-17-14 ~~149-15-15~~

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

(b) **Multiethnic Placement Act of 1994.** ~~OKDHS~~ DHS follows the provisions of the Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996, per

Oklahoma Administrative Code (OAC) 340:75-1-9, unless the court finds that the Indian Child Welfare Act (ICWA) applies to the child. § 2

(c) **OKDHS DHS responsibility for the child's out-of-home placement.** § 3 OKDHS DHS has the duty to provide for the care and treatment of each child placed in OKDHS DHS custody by an order of the court, per ~~Section 1-7-103 of Title 10A of the Oklahoma Statutes~~ (10A O.S. § 1-7-103). OKDHS DHS:

(1) may place the child in:

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

(B) when no kinship or foster care home is available, a group home, children's shelter, or any licensed facility established for the care of children;

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

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

(d) **Placement Relative placement preference if not with noncustodial parent.** § 3 Per 10A O.S. § 1-4-204 and 10A O.S. § 1-7-106, when OKDHS DHS determines that placement with the noncustodial parent is not in the child's best interests, preference is given to relatives and persons who have a kinship relationship with the child, and who are determined to be suitable, capable, and willing to serve as caretakers for the child.

(1) Per 10A O.S. § 1-4-204 and 10A O.S. § 1-4-706, every effort is made to place the child with a suitable relative of the child.

(2) OKDHS DHS makes efforts to locate the relative, kinship relation, or resource parent who is best able to meet the child's long-term best interests.

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

(4) OKDHS DHS complies with the ICWA placement preferences in per OAC 340:75-19-14, when applicable to the child; and

(5) ~~When the child cannot be placed pursuant to 10A O.S. 1-7-106, the reason for the determination is specified in the Child Welfare Services case record and provided to the court. When a child is not placed with a relative who has been considered for placement, DHS must advise the court, in writing on Form 04MP056E, Notice to the Court of Relative Denied Placement, the reasons why that relative was denied and the written reasons are made a part of the court record per 10A O.S. § 1-4-204 and documented in the Child Welfare Services case record.~~

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

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

(g) **Placement in nearest geographic proximity to parent or school.** Per 10A O.S. § 1-4-707, unless the child is placed with relatives or in accordance with federal and state Indian Child Welfare Acts, the child is placed when possible, in the parent or legal guardian's ~~district~~ county of residence to facilitate family reunification.

(1) When an appropriate placement is not available in the parent or legal guardian's county of residence, the child is placed in an appropriate home in the nearest proximity to the parent or legal guardian's ~~district~~ county of residence, the child's school district, or both, to facilitate family reunification and ensure educational consistency for the child.

(2) The child's placement is not intended to correspond in frequency to the parent or legal guardian's change of residence.

(3) When determining ~~whether~~ if the child ~~should be~~ is moved, OKDHS DHS considers the potential harmful effects of disrupting the child's placement and the reason the parent or legal guardian changed residences.

(h) **Sibling placement.** Per 10A O.S. § 1-7-107, when two or more ~~children in foster care are~~ siblings are removed and placed in foster care, every reasonable attempt is made to place the siblings, ~~who have been removed~~, together in the same temporary or permanent placement.

(1) When siblings are separated, the siblings are allowed contact or visitation with each other when appropriate.

(2) The best interests of each child ~~determines~~ determine whether joint placement, contact, or visitation is allowed.

(3) Per 10A O.S. § 1-4-707, when the child is a part of a sibling group, it is presumed that placement of the entire sibling group in the same placement is in the best interests of the child and siblings unless the presumption is rebutted by a preponderance of evidence to the contrary.

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

(j) **Religious consideration in placement decision.** Consideration is given to the parent's wishes regarding religious preference in the selection of a placement provider for the child, per 10A O.S. § 1-4-705 and OAC 340:75-6-49.

(k) **Placement stability.**

(1) When reunification is feasible, the child's first out-of-home placement ~~should be~~ is the best available placement to provide permanency and placement stability for the child.

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

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

(m) **Prescribed standards for placement provider.** § 2 Each placement utilized by OKDHS DHS is approved or licensed by specified procedures and meets prescribed standards.

(1) The child in ~~OKDHS~~ DHS custody is not placed in a home, temporarily or with a closely related person, prior to the person meeting provider standards per OAC 340:75.

(2) Placement providers must:

- (A) provide safety for the child in ~~OKDHS~~ DHS custody;
- (B) have sufficient space in the home to allow the child privacy;
- (C) support and participate in the child's permanency plan;
- (D) adhere to ~~OKDHS~~ DHS rules, such as not using physical discipline; and
- (E) support the child's preferred religious and cultural choices.

(n) **Determining the appropriate placement.** Per 10A O.S. § 1-4-204, when determining the appropriate placement for the child, ~~OKDHS~~ DHS considers, but does not limit consideration to the:

- (1) person's ability to provide safety for the child, including a willingness to cooperate with any restrictions placed on contact between the child and others and to prevent others from influencing the child in regard to allegations of the case;
- (2) person's ability to support ~~OKDHS~~ DHS efforts to implement the permanent permanency plan for the child;
- (3) person's ability to meet the child's physical, emotional, and educational needs, including the child's need to continue in the same school or educational placement;
- (4) person who has the closest existing personal relationship with the child, when more than one person requests placement;
- (5) person's ability to provide a placement for the child's sibling who is also in need of placement or continuation in out-of-home care;
- (6) wishes of the parent, the relative, and the child if when appropriate;
- (7) person's ability to care for the child as long as necessary and to provide a permanent home when needed; and
- (8) child's best interests.

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

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

- (1) physical assault, battery, or a drug-related offense within the five-year period preceding the application date;
- (2) child abuse or neglect;
- (3) domestic abuse;
- (4) a crime against a child, including, but not limited to, child pornography; or

(5) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in paragraph (A). Homicide includes manslaughter. A crime involving violence means an offense that:

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

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

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

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

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

(t) **Foster parent rights.** A ~~complete~~ statement of foster parent's rights ~~can be viewed~~ is found at 10A O.S. § 1-9-119 and annually, a copy is given to every foster parent.

INSTRUCTIONS TO STAFF 340:75-6-85

Revised 11-17-14

1. Least restrictive placement. The out-of-home placement selected for the child in Oklahoma Department of Human Services (DHS) custody is the least restrictive or most home-like setting that meets the child's needs and provides for the child's safety, per Oklahoma Administrative Code (OAC) 340:75-6-85 through 340:75-6-85.4. Every effort is made to place the child with a member of the child's family in a safe and appropriate home. Placements in (1) through (4) of this subsection, listed in the least to the most restrictive order, are a:

(1) kinship home, that includes a:

(A) relative home; and

(B) close family relationship;

(2) non-kinship foster home;

(3) therapeutic foster home; and

(4) group home or residential child care facility.

2. Multiethnic Placement Act of 1994. When the parent of a child in emergency or temporary DHS custody requests a placement that violates the Multiethnic Placement Act of 1994 and Interethnic Adoption Provisions of 1996 (MEPA/IEP), the child welfare (CW) specialist advises the parent that MEPA/IEP states that a parent's request for a same race placement is not legal and is not considered by DHS. Only requests regarding relative and religious

preferences are considered.

3. **Noncustodial parent and paternity.** In many cases, Child Support Services has established and documented paternity prior to Child Welfare Services (CWS) involvement. Refer to OAC 340:75-6-31.5 Instructions to Staff to ensure placement with the noncustodial parent is adequately explored and the CWS case record accurately reflects all available DHS records regarding paternity.
4. **Child's placement preferences.** The child's placement preferences, when the child is of sufficient age and developmental abilities, are recorded on Form 04KI011E, Individualized Service Plan (ISP) Preadjudication Court Report; 04KI013E, Individualized Service Plan (ISP) Dispositional Report; or 04KI014E, Individualized Service Plan (ISP) Progress Report. The child's preferences are not the sole consideration in determining the child's placement and case plan decisions, but the preferences are evaluated regarding to the preference reasons or causes, degree of consistency, and implications for the permanency plan.
5. **Notice of hearing provided to resource parent.** Notice of the hearing is provided per OAC 340:75-1-16.1.
6. **Foster parent's right and responsibility to participate.** Each foster parent is advised of his or her right to participate in meetings, such as local post-adjudication review board meetings, special staffings, scheduled permanency planning reviews, or family team meetings.
7. **Previous placement information provided to foster parent.** The child's current foster parent may contact and communicate with the child's previous foster parent to share information about the child, when the previous foster parent agrees to the contact. The current foster parent is informed by DHS of the number of times the child has been moved and the reasons for each move.
8. **Foster parent's role in the ISP development.** The CW specialist engages the current foster parent in the development of the child's ISP and provides a copy of the court-approved treatment and ISP to the current foster parent.
9. **Foster parent or placement provider is member of professional team.** The CW specialist treats the foster parent or placement provider with dignity, respect, consideration, and as a professional member of the CWS team.
 - (1) A statement of foster parent rights may be viewed at Section 1-9-119 of Title 10A of the Oklahoma Statutes.
 - (2) The CW specialist cooperates with the foster parent or placement provider to encourage a mutual exchange of information that includes, but is not limited to:
 - (A) the child's physical and emotional development;
 - (B) significant connections and behaviors that may affect the child's permanency plan and progress;
 - (C) school events; and
 - (D) other concerns.
10. **Relationship between parents and foster parents.** The CW specialist helps facilitate the foster parent's role as a team member by encouraging a professional relationship between each parent and foster parent. The CW specialist:

- (1) facilitates the initial meeting between the parent and foster parent within seven calendar days of the child's placement to share information about the child and to begin the process of creating a parent-foster parent relationship; and
 - (2) encourages ongoing communication between the foster parent and parent to effectively facilitate visitation, connection with family members, and meeting the child's identified needs.
11. Foster parents' relationship with the child. Foster parents provide the child's basic needs, such as food, clothing, shelter, nurturing, emotional support, direction and guidance for the child's growth and development. The foster relationship may be recorded through photographs, a Life Book, exchange of gifts, and contact after the placement is completed.
12. Documenting the child's personal history.
- (1) Digital photographs. The CW specialist ensures that each child is photographed with a digital camera a minimum of once every 12 months. The digital photograph is saved in the KIDS File Cabinet no later than five business days after the photograph is taken.
 - (2) Life Book. The CW specialist ensures that each child has a Life Book and that the Life Book is maintained by the placement provider. A Life Book is available in Outlook in Public Folders/All Public Folders/STO DCFS/Life Book. The CW specialist prints the applicable sections for the child and provides the sections to the placement provider when a Life Book has not been created for the child.
13. Documenting placement episodes. When a child is placed in out-of-home care, the CW specialist documents the placement in the KIDS Placement screens no later than two business days after placement.
- (1) A placement cannot be entered until a child's removal from the person responsible for the child is documented.
 - (2) When the placement is a kinship, paid or non-paid, or foster family home, Form 04FC011E, Placement Agreement for Out-of-Home Care, and Form 15GR004E, Notice of Grievance Rights - Minors in DHS Custody, are completed, provided to the placement provider, and recorded in the KIDS Document Tracking screen.

340:75-6-86. Changes in child's living arrangements c 1 through 6

Revised 11-17-149-15-15

(a) **Notification requirement when the child in ~~Oklahoma Department of Human Services (OKDHS)~~ custody is moved from one location to another.** c 1 & 2 Section 1-4-804 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-804) requires that when the child in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) custody is moved from one location to another, within a reasonable time after ~~OKDHS~~ DHS is aware of the need for movement, but in no event less than five judicial days prior to movement unless an emergency exists, ~~OKDHS~~ DHS notifies the:

- (1) court of jurisdiction;
- (2) child's attorney of the child's specific location;
- (3) district attorney;

- (4) Post Adjudication Review Board (~~PARB~~);
- (5) court-appointed special advocate (~~CASA~~), if when any, of the child's specific location;
- (6) guardian ad litem of the child, if when any, of the child's specific location;
- (7) the tribal representative is involved in the case, if when any, of the child's specific location; and
- (8) ~~Oklahoma~~ Child Support Services office in the county of jurisdiction.

(b) **Emergency movement of the child in ~~OKDHS~~ custody.** "Emergency," as used in 10A O.S. § 1-4-804, means movement of the child that is:

- (1) pursuant to a court order including, but not limited to, an order authorizing placement of the child with a parent or sibling;
- (2) immediate removal of the child without delay or notice requested by the ~~child-placing~~ child placing agency or child's foster parent;
- (3) for emergency medical or mental health treatment;
- (4) for substantial noncompliance by the foster parent or ~~child-placing~~ child placing agency with applicable placement standards and agreements such that the child is in imminent danger; or
- (5) due to a pending investigation of an allegation of abuse or neglect of a child by the foster parent, ~~or child-placing~~ child placing agency, or other person residing in the foster family home.

(c) **~~Removal from foster care and required notification when the child has resided in the foster home or group home for three months or more.~~ § 2**

(1) Pursuant to 10A O.S. § 1-4-805, except in an emergency, when the child has resided with the foster parent or in a group home for three months or more, written notice is provided five judicial days prior to the child's removal from the foster parent or group home to the:

- (A) tribal foster parent;
- (B) emergency foster parent;
- (C) therapeutic foster parent;
- (D) Developmental Disabilities Services Division (~~DDSD~~) foster parent;
- (E) kinship foster parent;
- (F) non-kinship foster parent; and
- (G) court.

(2) The length of time applies to placement in each individual therapeutic or ~~emergency contract foster care~~ or group home and not placement with the therapeutic or ~~emergency foster care~~ contract agency.

(d) **~~Foster parent's objection~~ Objection to removal when the child has resided in the foster home or group home for more than six months.** When the child has resided in the same foster home or group home for more than six months, the foster parent or group home representative has the right to file a written objection to the child's removal from the ~~foster placement~~ home per 10A O.S. § 1-4-805.

- (1) The objection must be filed with the court and served on ~~OKDHS~~ DHS within five judicial days after receipt of the notice to remove the child.
- (2) Timely filing and service of the objection stays removal of the child pending review by the court, unless the reason ~~OKDHS~~ DHS stated for removal is due to an emergency, as ~~defined in~~ per subsection (b) of this Section.

(e) ~~Hearing on any party or foster parent's objection to child's removal from the foster home or group home.~~ When the child is being removed from the foster home or group home and any party, ~~or the foster parent, or group home representative~~ files an objection, an informal placement review hearing is held within 15 judicial days per 10A O.S. § 1-4-805. The court may order ~~that~~ the child remain in, or be returned to, the objecting foster parent's home or group home if when the court finds the ~~OKDHS~~ DHS placement decision was arbitrary, inconsistent with the child's permanency plan, or not in the child's best interests.

INSTRUCTIONS TO STAFF 340:75-6-86

Revised 11-17-14

1. Tribal notification of child's change of placement. When a child in Oklahoma Department of Human Services (DHS) custody is moved from one location to another, DHS notifies the tribe, when applicable, within no less than five judicial days prior to movement unless an emergency exists. DHS requests the tribe assist with identifying an appropriate placement within the Indian Child Welfare Act (ICWA) placement preferences.
2. Notification of change in placement. The child welfare (CW) specialist completes Forms 04KI025E, Change in Placement Notification for Child's Attorney, and 04KI026E, Change in Placement Notification for the Judge, regarding the child in DHS custody no later than one business day after the child is placed when the child changes placement or to report the initial placement after the deprived petition is filed.
3. Removal of the child from placement.
 - (1) Assessment of emergency removal from placement. Before emergency removal of the child from the foster parent or group home, an assessment is made by the CW specialist, supervisor, resource specialist or group home liaison, and district director to determine the best course of action to avoid trauma to the child and disruption of the child's placement, when possible, per Oklahoma Administrative Code (OAC) 340:75-3-410. When multiple counties are involved, the assessment includes the CW specialist, CW supervisor, and district directors.
 - (2) Notification of removal from placement. The CW specialist:
 - (A) prepares two originals of Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement;
 - (B) obtains the supervisor's approval;
 - (C) hand delivers Form 04MP014E, to the foster parent or group home representative at least five judicial days before the change of placement occurs, unless an emergency exists, then advance notice is not required.
 - (i) In the event of an emergency, Form 04MP014E is provided at the time of the child's removal, when possible.
 - (ii) When not provided at the time of the child's removal, Form 04MP014E is provided no later than one business day after the removal;
 - (D) documents in KIDS Contacts screen, each communication with the

- foster parent or group home representative regarding the child's removal; and
- (E) advises the foster parent or group home representative to seek legal counsel when the foster parent or group home representative has questions about filing an objection to the removal.
- (3) Documenting notification to foster parent or group home representative of child's removal.
- (A) The CW specialist obtains the signature of the foster parent or group home representative on two originals of Form 04MP014E and one original form is given to the foster parent or group home representative. When the foster parent or group home representative refuses to sign the form, CW staff documents the refusal on the original retained by DHS and in KIDS Contacts screen.
- (B) The second original, signed by the foster parent or group home representative is retained by DHS and is scanned into the KIDS file cabinet and filed in the child's paper case record. One copy is filed in the resource record and one copy is sent to the:
- (1) court;
 - (2) contract foster care agency foster parent, or group home representative, as applicable; or
 - (3) child's tribe, as applicable.
- (4) Emergency removal from placement.
- (A) When the decision to remove a child is based on an emergency and the child's removal will occur from a location other than the child's placement, the CW specialist:
- (i) makes diligent efforts to notify the foster parent or group home representative prior to the removal; and
 - (ii) continues diligent efforts until contact, in person or by phone, is made with the foster parent or group home representative.
- (B) Notification attempts are made in the manner and order described in (i) through (iii) of this subparagraph.
- (i) The CW specialist makes a home visit to the new foster parent or group home immediately after the child's placement in the new location.
 - (ii) When the foster parent is not home or group home representative is unavailable, the CW specialist leaves a note instructing the foster parent or group home representative to immediately contact the CW specialist.
 - (iii) The CW specialist immediately phones the foster parent's residence or group home representative and leaves a phone message with contact instructions when the foster parent or group home representative has voice mail.
- (5) Placement disruptions. When the child's placement disrupts, the CW specialist, when applicable:
- (A) determines other placement options to meet the child's needs that include ICWA placement preferences, when applicable. Prior to placing

the child, the CW specialist considers:

- (i) if the child has family or other established connections in the current placement community such as friends, school, or place of worship;**
- (ii) the need for further diligent search efforts for relatives;**
- (iii) placement with siblings or placement in close proximity to siblings;**
- (iv) placement in close proximity to the parent, when reunification is the permanency plan;**
- (v) the need to maintain the child's education in the same school district;**
- (vi) the need for continuation of counseling and therapy with the same provider; and**
- (vii) placement in accordance with ICWA; and**

(B) in an emergency situation, such as a placement disruption after normal business hours, weekends, and holidays, makes diligent attempts to maintain the child in the district of placement until further assessment of the child's needs is conducted the next business day in:

- (i) the approved alternate caregiver's home when appropriate;**
- (ii) relative or kinship respite care;**
- (iii) another foster home; or**
- (iv) a youth services shelter, in or near the district of placement.**

- 4. Notification to parent of the child's change of placement. The parent, legal guardian, or custodian involved with the child and deprived court case is informed of:**
 - (1) each change in the child's living arrangements;**
 - (2) the address of the child's placement when case circumstances allow; and**
 - (3) the child's location when needed for scheduled family visits or correspondence.**
- 5. Pre-approval required before the child moves within Oklahoma with the Bridge resource parent. Pre-approval is required before the child placed in a Bridge resource home moves to another district within Oklahoma. When approval is granted for the child to move with the Bridge resource parent, the CW specialist, within five business days after notification that the Bridge resource parent is moving out of district, notifies the:**
 - (1) court;**
 - (2) child's attorney;**
 - (3) district attorney;**
 - (4) post-adjudication review board;**
 - (5) court-appointed special advocate, when applicable;**
 - (6) guardian ad litem, when applicable; and**
 - (7) child's tribe, when applicable.**
- 6. Pre-approval required before the child moves out-of-state with the Bridge resource parent. Prior approval of the district director is required before the child in DHS custody moves out-of-state with the Bridge resource parent. The**

district director considers authorization for the move when reunification is no longer the goal for the child and family.

(1) The CW supervisor, after consulting with the CW and resource specialist and the resource supervisor requests, when appropriate, approval for the child's move out-of-state with the Bridge resource parent by memorandum to the district director.

(2) The memorandum includes:

(A) the reasons for the request;

(B) the benefits to the child;

(C) a medical plan that includes a manner of payment for necessary and expected services;

(D) court orders or conditions set by the court related to the child's potential move, such as whether the child must appear at future court hearings; and

(E) recommendations from the child's attorney, when any, related to the move.

(3) When the out-of-state move is approved by the district director, the CW specialist initiates an Interstate Compact for Placement of Children request for a foster home assessment per OAC 340:75-1-86.

PART 13. INDEPENDENT LIVING

340:75-6-110. Independent Living program ~~§ 1 through 4210~~

Revised 7-4-139-15-15

(a) **Eligibility for Independent Living (IL) program.** The Independent Living (IL) program ~~seeks to serve~~ serves youth:

(1) ~~ages 16 and 17 years of age who are in an out-of-home placement; and in:~~

(A) Oklahoma Department of Human Services (~~OKDHS~~) (DHS) legal custody; or

(B) the custody of a federally recognized Indian tribe; ~~and~~

~~(C) out-of-home placement;~~

(2) ~~ages 18, 19, and 20 years of age that:~~

~~(A) who were in an out-of-home placement while in~~ (A) who were in an out-of-home placement while in ~~OKDHS~~ DHS or tribal custody;

~~(3) in out-of-home placement on his or her 18th birthday; or~~

~~(4)(B) who entered a permanent guardianship with kin or adoption after 16 years of age to achieve permanence~~ (B) who entered a permanent guardianship with kin or adoption after 16 years of age to achieve permanency and who have not yet reached his or her 21st birthday; and

~~(5)(3) 21 and 22 years of age who on his or her 21st birthday were participating in the Education and Training Voucher Program. § 1~~

(b) **Legal authority for IL services.** Laws that guide IL services administered by ~~OKDHS~~ DHS are described in paragraph (1) and (2) of this subsection.

(1) **Federal IL component law.** The Foster Care Independence Act of 1999 ~~was enacted as part of Public Law (P.L.) 106-169. Public Law 106-169 and Section 475~~

of the Social Security Act as amended by P.L. 110-351, Fostering Connections to Success and Increasing Adoption Act of 2008:

(A) supports states, ~~including Oklahoma~~, in the delivery of IL services to eligible youth and provides them with services that focus on:

- (i) education;
- (ii) career planning;
- (iii) life skills; and
- (iv) aftercare services; and

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

(2) **State IL component law.**

~~(A) Section 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-103) requires OKDHS to the extent of available funds, to provide or contract for services for the child in OKDHS custody.~~

~~(B) The Independent Living Act, 10A O.S. § 1-9-107, ensures that eligible youth who, due to abuse or neglect, have been or are in the foster care program of OKDHS or a federally recognized Indian tribe with which OKDHS has a contract, receive the protection and support necessary to allow the youth to become a self-reliant and productive citizen through the provision of requisite services that include, but are not limited to~~ Section 1-9-107 of the Oklahoma Statutes (10A O.S. §1-9-107) created the "Independent Living Act," the purpose of which is to ensure eligible youth who, due to abuse or neglect, have been or are in the foster care program of DHS or a federally recognized Indian tribe with whom DHS has a contract or agreement, receive the protection and support necessary to allow youth to become self-reliant and productive citizens through the provision of requisite services that include, but are not limited to:

- ~~(A) protection;~~
- ~~(B) support;~~
- ~~(C) transitional planning;~~
- ~~(D)(B) housing;~~
- ~~(E)(C) medical coverage;~~
- ~~(F)(D) education; and~~
- ~~(G)(E) tuition waivers, when eligible, as set forth in 70 O.S. § 3230.~~

(c) **IL Service Provision ~~service provision~~.** ~~The provision of IL services for youth:~~

(1) are initiated by the child welfare (CW) specialist according to the youth's age, as outlined in ~~OKDHS~~ DHS Publication No. 94-08, Oklahoma Independent Living Program;

(2) in ~~OKDHS~~ DHS custody placed in other states is the responsibility of ~~OKDHS~~ DHS, per Oklahoma Administrative Code (OAC) 340:75-1-86;

(3) placed in Oklahoma through Interstate Compact for the Placement of Children (ICPC) ~~is~~ are approved by ~~Independent Living (IL) Program Unit staff~~ on a case-by-case basis, per OAC 340:75-1-86; and

(4) are initiated by the legal guardian or adoptive parent for youth who exited care after 16 years of age to permanent guardianship with kin or adoption.

(d) **Requirements.** Federal regulations, state statutes, and best practice require that eligible youth are provided each of the items listed in paragraphs (1) through (4) of this subsection.

(1) **IL case assessment.** The IL assessment is a comprehensive evaluation of the youth's readiness for IL and identification of the services and supports required for the youth to achieve a maximum level of self-sufficiency. ~~¶ 1 & 2~~

(2) **IL plan.** The IL plan describes the services, supports, and activities the CW specialist and youth identify as necessary for the youth to transition to independence, and includes the components required by federal and state statutes. During the 90 calendar day period immediately prior to a youth's 18th birthday, DHS and, as appropriate, the youth's representatives, provide the youth with assistance and support in developing an appropriate personalized transition plan based upon the youth's input, and as detailed as the youth elects that includes specific options regarding:

(A) housing;

(B) health insurance;

(C) education;

(D) local opportunities for mentors and continuing support services; and

(E) employment supports and services. ¶ 31 & 2

(3) **Judicial oversight.** A judicial determination is made:

(A) at each dispositional and review hearing involving a youth 16 years of age or older whether the IL services needed to assist the youth in making the transition from custody to self-sufficiency out-of-home care to independent living are being provided, not provided, or are not appropriate; and

~~(B) during the 90-calendar day period immediately prior to a youth's 18th birthday, whether OKDHS and, as appropriate, the youth's representatives, are providing the youth with assistance and support in developing an appropriate personalized transition plan based upon the youth's input, and as detailed as the youth elects that includes specific options regarding:~~

~~(i) housing;~~

~~(ii) health insurance;~~

~~(iii) education;~~

~~(iv) local opportunities for mentors and continuing support services; and~~

~~(v) employment supports and services; and~~

~~(C) confirming~~ information was provided to the youth about the importance of designating another individual to make health care treatment decisions on the youth's behalf if the youth:

~~(i) becomes unable to participate in his or her health care decisions; and~~

~~(ii) does not have, or does not want a relative, who would otherwise be authorized under state or tribal law, to make health care decisions; and~~

~~(D)(C) that the youth was provided with the option of executing a health care power of attorney, health care proxy, or other similar documents recognized under state or tribal law. ¶ 42~~

(4) **IL support services.** A variety of services, resources, and ~~youth development~~ funds are provided to facilitate successful transition into adulthood. Each service,

resource, and youth development fund category listed in subparagraphs (A) through (G)(H) of this paragraph has distinct eligibility requirements. ~~§ 5~~

(A) **Community contracted services.** Contracts support the IL program activities and serve youth who are IL eligible. ~~§ 3~~

(B) **Contingency Youth development funds.** IL contingency youth development funds are a category of youth development funds, outlined in OKDHS Appendix C-19-A. IL Youth Development Funds, obtained through a community contracted provider providers and are designed:

(i) to support the youth's IL case plan in preparation for living independently; and

(ii) for emergencies the youth encounters after leaving out-of-home care while learning to live independently. ~~§ 64~~

(B)(C) **Incentive payments.** The IL incentive payment is a category of youth development funds that allows for monetary payments to the eligible youth for survey and application completions and for accomplishments prior to exiting OKDHS DHS or tribal custody. Activities that the youth receives compensation for include:

(i) life skills assessment;

(ii) educational attainment;

(iii) employment;

(iv) placement stability;

(v) volunteerism;

(vi) life skills development; and

(vii) future planning. ~~§ 75~~

(C)(D) **Educational opportunities and scholarships.** Scholarships and IL services are available to assist the youth with completing education and training. ~~§ 6~~

(D)(E) **Youth and Adult Advisory Board.** The Youth and Adult Advisory Board includes current and former OKDHS DHS and tribal custody youth, and Independent Living IL Program Unit staff and adult advisors. The board provides the eligible youth an opportunity to work together with other interested youth and adults to:

(i) educate the community regarding issues related to youth in out-of-home placement;

(ii) improve the child welfare CW system through problem solving;

(iii) promote independent living through training; and

(iv) bridge the gap between youth and adults. ~~§ 97~~

(E)(F) **Teen panels.** Teen panels provide an opportunity for OKDHS DHS and tribal custody youth to educate staff, care providers, the community, and prospective Bridge resource parents by presenting the teen's youth's views and experiences in the child welfare CW system. ~~§ 108~~

(F)(G) **Voluntary placement of youth after 18 years of age.** Youth Custody youth may request placement in an OKDHS a DHS paid placement and services from OKDHS DHS on a voluntary basis, or in special circumstances, a short-term voluntary placement while age 18, 19, or 20 years of age, when the youth:

- (i) reaches 18 years of age prior to completing his or her General Educational Development (GED) or high school education; or
 - (ii) did not obtain a GED or high school education and left an out-of-home placement after reaching 18 years of age; or ~~¢ 11~~
 - (iii) has specified reasons approved by the district director for the county where the youth resides. ~~¢ 11~~
- ~~(G)~~**(H) Credit reports for youth in out-of-home care.** Each youth beginning at 16 years of age and continuing until the youth is discharged from out-of-home care receives:
- (i) an annual copy of the youth's consumer credit reports;
 - (ii) assistance interpreting the reports; and
 - (iii) assistance resolving any inconsistencies in the reports. ~~¢ 10~~

INSTRUCTIONS TO STAFF 340:75-6-110

Revised 7-1-139-15-15

- ~~1. IL case assessment. The IL service type is determined from information obtained during the completion of Form 04KI028E, Family Functional Assessment, and a review of the KIDS Client and Placement screens. The child welfare (CW) specialist:~~
 - ~~(1) updates the IL screen in KIDS to reflect completion of the IL assessment;~~
 - ~~(2) when IL services are determined not appropriate for the youth, consults the CW supervisor and documents the consultation in the KIDS Contacts screen with the reasons the youth cannot live independently. The documentation includes medical, psychiatric, or psychological information from medical or mental health professionals, as applicable;~~
 - ~~(3) files documentation in the Child Welfare Services (CWS) paper record;~~
 - ~~(4) when services are appropriate for the youth, selects the appropriate IL service type of:~~
 - ~~(A) Regular IL;~~
 - ~~(B) IL with Support. This service type includes the youth who may require other supports outside of the IL continuum and includes the youth:~~
 - ~~(i) who resides in the placement above foster care;~~
 - ~~(ii) with mental health or substance abuse issues;~~
 - ~~(iii) with physical disabilities;~~
 - ~~(iv) receiving Social Security income (SSI) benefits; or~~
 - ~~(v) with developmental delays who is not approved for Developmental Disabilities Services Division (DDSD) services.~~
 - ~~(C) DDSD only. This service type includes the youth:~~
 - ~~(i) with a diagnosis of intellectual disability or intellectual disability accompanied by another mental or physical disability; and~~
 - ~~(ii) who receives IL support through other sources including, but not limited to DDSD.~~
- ~~2. Life skills assessment. The life skills assessment is initiated with the youth by the CW specialist or tribal worker when the youth is 16 years of age.~~

- ~~(1) The youth completes a set of questions that measures the youth's skill competency.~~
- ~~(2) The placement provider simultaneously completes a similar set of questions regarding the youth's skills.~~
- ~~(3) The assessment is accessed by contacting the Independent Living Program Unit or the IL community contractor.~~
- ~~(4) The CW specialist or tribal worker ensures the life skills assessment is completed.~~
- ~~(5) The original assessment is filed in the:~~
 - ~~(A) KIDS File Cabinet;~~
 - ~~(B) the primary case record; and~~
 - ~~(C) each duplicate case.~~
- ~~(6) Copies of the life skills assessment are provided to the~~
 - ~~(A) youth; and~~
 - ~~(B) placement provider.~~

~~(7) Results of the assessment are documented in the KIDS IL screen.~~
Independent Living (IL) eligibility, case assessment, and plan. Pertinent information on IL eligibility criteria, case assessment, and the IL plan is included in the IL Guides located on the website at www.okil.ou.edu. Oklahoma Department of Human Services (DHS) Publication No. 94-08, Oklahoma Independent Living Program (OKIL), provides the OKIL website location and quick response code.

~~3. IL plans.~~

- ~~(1) IL plans are~~ The IL plan is required for the youth:
 - ~~(A) 16 years of age or older;~~
 - ~~(B) in OKDHS DHS or tribal custody; and~~
 - ~~(C) in out-of-home placement; and~~
 - ~~(D) capable of receiving IL services.~~
- ~~(2) The child welfare (CW) specialist or tribal worker assists the youth with completion of the IL plan by following the instructions in the IL Guide available on the OKIL website. The IL Guide includes information for the youth about the importance of designating another individual to make health care treatment decisions on the youth's behalf if the youth:~~
 - ~~(A) becomes unable to participate in his or her health care decisions;~~
 - ~~(B) does not have, or does not want a relative, who would otherwise be authorized under state or tribal law, to make health care decisions; and~~
 - ~~(C) discusses the option of executing a health care power of attorney, health care proxy, or other similar documents recognized under state or tribal law. The CW specialist or tribal worker:~~
 - ~~(A) maintains the original IL plan in the primary case record and provides a copy for each duplicate case;~~
 - ~~(B) provides the youth a copy of the plan;~~
 - ~~(C) documents completion of the IL plan in the KIDS IL screen;~~
 - ~~(D) updates IL services in the KIDS IL screen as the services are provided to the youth; and~~
 - ~~(E) updates the IL plan every six months, and attaches the plan to Form~~

~~04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, for each dispositional or review hearing involving the youth.~~

~~(3) Determining type of IL plan. The IL plan is separate from the parent's individualized service plan when the youth is in OKDHS emergency or temporary custody and the youth's mother or father's parental rights are intact. When the youth is in OKDHS permanent custody the CW specialist completes an IL and permanency plan that addresses permanence and IL for the youth.~~

~~(4) Developing the IL plan. When developing the IL plan, the CW specialist:~~

~~(A) uses as a guide, the seven key elements of success that include:~~

~~(i) education;~~

~~(ii) permanent connections;~~

~~(iii) essential documents;~~

~~(iv) employment;~~

~~(v) health;~~

~~(vi) housing; and~~

~~(vii) life skills;~~

~~(B) organizes and conducts a meeting with the youth, the youth's placement provider, parent, or relative, when the youth has an ongoing relationship and chooses to include a relative in the process, and:~~

~~(i) reviews the IL assessment and child-specific section of Form 04KI028E, Family Functional Assessment;~~

~~(ii) identifies the skills necessary for the youth to live independently;~~

~~(iii) discusses the youth's occupational and educational interests, including options for college or university education or vocational programs;~~

~~(iv) determines the need for tutoring and mentoring for the youth;~~

~~(v) establishes a plan for IL living arrangements and a supportive network of adults in the community that will serve as the youth's safety net; and~~

~~(vi) develops a personalized transition plan 90 calendar days prior to the youth's 18th birthday and assists and supports the youth in implementing the plan per OAC 340:75-6-110 (d)(3)(B-D); and~~

~~(C) provides and discusses with the youth, OKDHS Publication 11-01, Health Care Decisions for Independent Living Youth.~~

~~42. Obtaining the appropriate IL determination in court Judicial oversight. The CW specialist:~~

~~(1) when the youth is capable of receiving IL services, attaches a copy of the youth's updated IL plan to and documents on Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, each IL service provided since the last court hearing; and~~

~~(2) recommends the court make the finding:~~

~~(A) the court make the finding "independent living services are provided"; or~~

~~(3) when the youth is not capable of receiving IL services, documents the~~

~~basis for this determination on Form 04KI009E or Form 04KI014E for the court's consideration and recommends the court make the finding~~

~~(B) "Independent living services not appropriate provided" when the youth is not capable of receiving IL services, documents the basis for this determination on Form 04KI009E or Form 04KI014E for the court's consideration; and~~

~~(4)(3) attaches to ensures within 120 calendar days prior to youth's 18th birthday a Family Team Meeting is held to prepare Form 04PP018E, Independent Living My Transition Plan, per Oklahoma Administrative Code (OAC) 340:75-6-31.1 Instructions to Staff (ITS) # 1;~~

~~(4) submits Form 04PP018E to the court within 90 calendar days of the youth's 18th birthday; and~~

~~(5) assists and supports the youth in implementing Form 04PP018E as described in the IL Guide on the OKIL website at www.okil.ou.edu.~~

53. Community contracted services. Current community contractors are listed in DHS Publication No. 94-08.

(1) Services. Services provided through the community contracts include:

(A) educational, vocational, and supplemental assistance;

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

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

(D) technical assistance to ~~OKDHS~~ DHS and tribal CW staff and other contractors;

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

(F) processing requests for youth development funds;

(G) issuing youth development fund payments for goods and services; and

(H) coordinating special IL funding to encourage ~~OKDHS~~ DHS regions or districts and tribes to develop IL activities within local communities that include, at a minimum, training for youth in an area of skill needed for successful transition to independence; and

(I) answering the Yes I Can toll free number and providing services to youth 18 to 21 years of age who were in foster care.

(2) Enrollment. To access community contracted services, the CW specialist or tribal worker; ~~enrolls the eligible youth with the contracted provider, National Resource Center for Youth Services (NRCYS) when the youth reaches 16 years of age, utilizing Form 04IL004E, Independent Living (IL) Community Contracted Services Enrollment.~~

(A) refers to DHS Publication No. 94-08 for contact information; or

(B) calls the Yes I Can toll free number 1-800-397-2945.

(3) Resource materials. Resource materials that assist the youth, available through the National Resource Center for Youth Services (NRCYS), 918-660-3700, include:

(A) ~~binders for the youth's bookkeeping and finances, family history, photographs, important documents, and receipts;~~

- ~~(B) A Future Near Me workbook that contains 100 questions to guide a youth toward self-sufficiency;~~
- ~~(C) The Path Before Me workbook written for Native American youth; and~~
- ~~(D) one piece of luggage per eligible youth.~~
- ~~(4) IL opportunities.~~
 - ~~(A) Teen conferences provide opportunities for youth to learn specialized skills through workshops and recreational activities. The CW specialist or tribal worker enrolls the eligible youth and supervises the youth at the workshops and recreational activities. The youth to staff ratio is no more than three youth to one CW specialist.~~
 - ~~(B) IL seminars and events are held in various communities throughout Oklahoma and provide training to the youth on important life skills. The CW specialist or tribal worker enrolls the eligible youth via NRCYS and accompanies the youth or obtains alternate supervision through the placement provider.~~
- ~~(5) Technical assistance. The IL community contractor consults with CW specialists and Tribes regarding:~~
 - ~~(A) developing and training local community IL advisory boards;~~
 - ~~(B) utilizing training resource materials;~~
 - ~~(C) informing CW staff of new resources;~~
 - ~~(D) implementing IL programs. Assistance may include site visits and phone consultation; and~~
 - ~~(E) developing collaborative efforts between OKDHS and community-based resources.~~
- ~~(6) NRCYS IL specialists. IL specialists assist CW and tribal staff by:~~
 - ~~(A) ensuring eligible youth receive an IL assessment;~~
 - ~~(B) recommending elements to include in the youth's individual IL case and transition plan;~~
 - ~~(C) consulting with CW staff regarding eligible youth for services with Social Security Administration, IL community contractors, and Developmental Disabilities Services Division (DDSD);~~
 - ~~(D) reviewing and updating IL data on KIDS;~~
 - ~~(E) facilitating life skills groups;~~
 - ~~(F) attending family team and transitional planning meetings for IL eligible youth;~~
 - ~~(G) providing IL resources;~~
 - ~~(H) training staff regarding availability of IL services;~~
 - ~~(I) facilitating region or district-wide youth service boards;~~
 - ~~(J) assisting regions or districts with IL activities and events;~~
 - ~~(K) maintaining a list of region or district IL resources;~~
 - ~~(L) processing requests for youth development funds; and~~
 - ~~(M) ensuring youth complete paperwork necessary to enter post-secondary education.~~
- ~~(7) Assistance to promote involvement of OKDHS and tribal staff in IL activities. The IL program provides reimbursement for mileage, per diem,~~

and lodging to specified IL activities and events for ~~OKDHS~~ DHS and tribal CW staff and placement providers.

64. IL ~~contingency~~ youth development funds.

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

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

(3) Exceptions to reimbursement and item cost limits, per ~~OKDHS~~ DHS Appendix C-19-A, Independent Living Youth Development Funds, require approval by the IL Program Unit staff.

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

(5) Eligibility criteria for IL ~~contingency~~ youth development funds are listed in subparagraph (A) through (D) of this paragraph.

(A) Preparation contingency funds.

(i) The eligible youth:

(I) is 16 or 17 years of age and is currently in ~~OKDHS~~ DHS or tribal custody in out-of-home placement; or

(II) entered adoption or a permanent guardianship with kin after 16 years of age.

(ii) Preparation contingency funds are used for education and work-related expenses, miscellaneous services, and permanent connection related activities necessary to achieve the youth's IL plan. ~~Appropriate request for IL Preparation contingency funds include:~~

~~(I) education related – tutoring, summer and night school, correspondence courses, General Educational Development (GED) classes and testing, national college admission examinations, college application fees, calculators, tape recorders and other study aids, career assessments, or any item that enhances the youth's academic achievement;~~

~~(II) miscellaneous related – band, cheerleading squad, and sports equipment and clothing, class related trips, class ring, junior-senior prom expenses, animals and supplies needed for school related clubs, yearbooks, or goods and services that are identified on the IL case plan that assist the youth in a successful transition to adult living;~~

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

~~(IV) permanent connection related – costs connected with searches for family or unrelated persons willing to make a permanent connection to the youth, expenses associated with family team meetings or other activities that result in connections~~

~~for youth, and costs for visits to support or maintain connections.~~
(B) Supportive services contingency funds.

(i) The eligible youth:

(I) is 18, 19, or 20 years of age and was in ~~OKDHS~~ DHS or tribal custody and out-of-home placement on his or her 18th birthday;
or

(II) entered adoption or a permanent guardianship with kin after 16 years of age.

(ii) Supported services contingency funds are used for education related expenses, car expenses, furniture, appliances, alternate transportation, clothing, medical expenses, purchased services, such as substance abuse counseling and mentors, work related services, and other miscellaneous services necessary to achieve the youth's IL plan. ~~Appropriate requests for IL Supportive Services contingency funds include:~~

~~(I) car expenses to assist the youth when the youth is in school or working and the repairs are necessary to maintain transportation to job or school;~~

~~(II) furniture or appliances to assist the youth with housing needs excluding electronic items such as gaming, video, and music equipment;~~

~~(III) alternate transportation, such as public transit, bicycles, or gas for carpooling, that assist the youth with transportation when seeking or maintaining employment, education, or medical care;~~

~~(IV) clothing, including work clothing;~~

~~(V) medical expenses for the youth's medical or dental treatment, prescriptions, eyeglasses, or medical insurance, when these services are not available through other resources;~~

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

~~(VII) miscellaneous goods and services, planned with the youth, that assist in completing the goal of transition to independence and are not covered by any other contingency fund or IL service;~~

~~(VIII) education related expenses such as tutoring, GED classes and testing, summer, night, and correspondence courses, national college admission examinations, college application fees, tape recorders, calculators, other study aids, and career assessments; and~~

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

(C) Housing contingency funds.

(i) The youth eligible for housing contingency funds was in OKDHS

DHS or tribal custody and out-of-home placement on his or her 18th birthday and has not yet reached 21 years of age.

(ii) Housing ~~contingency~~ funds are:

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

(II) used for living expenses, such as rent, utilities, deposits, and food. ~~The youth~~ Youth 18 to 21 years of age, who left out-of-home care may use IL housing ~~contingency~~ funds for deposits and food to establish the initial post-care living arrangement or for housing assistance to prevent homelessness.

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

(iv) The youth may be eligible for a total of six months housing payments. Exceptions require approval from IL Program staff.

(v) Housing payments extending beyond ~~two~~ three consecutive months require approval from the IL Program ~~Unit~~ staff.

(vi) The youth who takes advantage of community supported transitional placement may have three months of housing paid to the transitional placement and still be eligible for an additional six months of housing.

(vii) All subsequent requests for emergencies are considered on a case-by-case basis by the IL Program ~~Unit~~ staff.

~~(viii) Appropriate items for IL Housing contingency funds include:~~

~~(I) rent deposit;~~

~~(II) rent payment;~~

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

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

~~(V) food; and~~

~~(VI) room and board payments that include rent, utilities, and food.~~

(D) One time only ~~contingency~~ funds.

(i) The youth eligible for one time only ~~contingency~~ funds is:

(I) 16 or 17 years of age and is in ~~OKDHS~~ DHS or tribal custody in out-of-home placement;

(II) 18 through 20 years of age who was in ~~OKDHS~~ DHS or tribal custody in out-of-home placement on his or her 18th birthday; and

(III) 16 through 20 years of age who entered a permanent guardianship with kin or adoption at or after 16 years of age.

(ii) The one time only ~~contingency~~ funds are used to purchase goods and services the youth needs on a one time only basis.

~~(3)~~ (6) Contingency funds Fund limits. Eligible youth may access:

(A) an item in IL preparation and supported services ~~contingency~~ funds more than once but expenditures may not exceed the cost limit for each item, per youth, per year, October 1 through September 30;

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

(C) one time only contingency funds at any time.

~~(4)~~**(7) Accessing IL contingency youth development funds for youth in out-of-home care.** To access preparation or one time only contingency funds for the eligible youth, 16 or 17 years of age, or supportive services or one time only contingency funds for the eligible youth, ages 18, 19, or 20 years of age in voluntary out-of-home care, the CW specialist or tribal worker:

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

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

(C) discusses goods and services that support the youth's IL case plan with the youth and placement provider during each visit and documents the discussion in the Child Abuse and Neglect Information System, known as KIDS, Contracts ~~Contacts~~ screen;

(D) ~~negotiates with the vendor obtaining the lowest cost for goods, services, and obtains~~ cost comparisons on all goods and services greater than \$200 and negotiates with the vendor obtaining the lowest cost for goods and services;

(E) completes Form 04IL006E, Request for Independent Living Youth Development Funds, and includes complete vendor information and instructions regarding where the youth development fund payment is mailed;

(F) submits completed Form 04IL006E to the CW or tribal supervisor for approval;

(G) emails or faxes the CW supervisor approved Form 04IL006E to ~~NRCYS, 918-660-3785. NRCYS IL staff~~ the contractor listed on the form.
The contractor then:

(i) processes the request by verifying youth's available funding and determining whether the request supports the youth's IL case plan;
and

(ii) faxes approved Form 04IL006E, ~~Request for Independent Living Youth Development Funds~~, to the community contracted fiscal agent who issues the youth development fund payment and mails the payment to the location designated in the instruction section of Form 04IL006E;

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

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

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

(K) files Form 04IL006E and any supporting documentation in the

youth's case record.

~~(5)~~**(8)** Accessing One Time Only, Supportive Services, and Housing development funds for the youth, 18, 19, or 20 years of age who left exited out-of-home care at 18 years of age or older. When the youth contacts the current IL community contractor, the contractor:

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

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

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

(D) when goods and services are needed, completes Form 04IL006E and consults, as needed, with the CW specialist familiar with the youth formerly in ~~OKDHS~~ DHS custody to identify vendors and goods and services in the area where the youth resides;

(E) faxes Form 04IL006E, ~~Request for Independent Living Youth Development Funds~~, to the contracted fiscal agent. The contracted fiscal agent issues the ~~contingency~~ fund payment and mails the payment to the location identified in the instruction section of Form 04IL006E;

(F) enters the conversations with the youth in KIDS Contacts screen and documents goods and services received on KIDS Service Log screen; and

(G) when the contractor determines the youth requesting ~~contingency~~ funds may benefit from case management, such as a parenting youth or the youth who is in an unsafe place or relationship, makes an agreement with the youth to allow a case manager to schedule a face-to-face contact.

75. Incentive payment process for exit interviews.

(1) The ~~child welfare~~ (CW) specialist or tribal worker discusses the incentive payment process with the ~~eligible~~ youth who are eligible at 16 years of age and refers to the list of accomplishment categories and payment schedule outlined in Form 04IL002E, Independent Living (IL) Incentive Payment Worksheet.

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

(A) conducts an exit interview with the youth using Form 04IL002E two months prior to the youth exiting ~~OKDHS~~ DHS or tribal custody at 18 years of age or voluntary care placement after 18 years of age;

(B) offers the youth the opportunity to complete Form 04IL003E, Independent Living Youth Exit Interview, during the exit interview;

(C) completes Form 04IL005E, Independent Living Payment Claim, for the youth's signature;

(D) determines the incentive payment by verifying the youth's accomplishments during the exit interview process;

(E) ensures the youth's address is correct as the incentive payment is mailed to the address listed on Form 04IL005E; and

(F) mails Forms 04IL002E, 04IL003E, and 04IL005E, and required documentation to the IL Program Unit staff.

86. IL scholarship and educational opportunities.

(1) Oklahoma's Promise (OK Promise) formerly known as the Oklahoma Higher Learning Access program (OHLAP).

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

(B) ~~OHLAP~~ OK Promise application for youth in ~~OKDHS~~ DHS custody. The IL Program Unit staff initiates enrollment for the eligible youth in ~~OHLAP~~ OK Promise and documents enrollment in KIDS Education and Contacts screens.

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

(A) The youth is eligible until he or she:

- (i) earns a baccalaureate degree or program certificate; or
- (ii) reaches 26 years of age, whichever comes first.

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

- (i) have been in the custody of ~~OKDHS~~ DHS or a federally recognized Indian tribe for any nine of the 24 months between his or her 16th and 18th birthdays;
- (ii) be an Oklahoma resident;
- (iii) have graduated from a high school accredited by the State Board of Education, Oklahoma School of Science and Mathematics, completed General Educational Development (GED) requirements, or, with approval, from a public high school in states bordering Oklahoma;
- (iv) have satisfied admission standards determined by Oklahoma State Regents for Higher Education for first time students;
- (v) have secured admission to and enrolled in a post-secondary vocational-technical program that has a cooperative agreement with the Oklahoma State System of Higher Education; and
- (vi) ~~have graduated from high school or completed the GED during the 1999 - 2000 school year or thereafter; and~~
- (vii) utilize the tuition waiver within three years after reaching 18 years of age.

(C) To access the tuition waiver:

- (i) the CW specialist notifies the current IL community contractor or the IL Program Unit staff of the youth who meets the eligibility criteria;
- (ii) ~~the IL Program Unit~~ staff notifies Oklahoma State Regents for Higher Education of the youth's eligibility;

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

(iv) the IL community contractor or IL Program staff mails individual tuition waiver eligibility letters to the school or youth.

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

~~(A) Scholarships are available to the youth who:~~

~~(i) is in OKDHS custody; or~~

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

~~(B) The scholarship award:~~

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

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

~~(iii) continues as long as the youth:~~

~~(I) maintains a 2.0 grade average;~~

~~(II) enrolls in 12 hours or more per semester;~~

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

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

~~(iv) allotments are:~~

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

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

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

~~(C) To apply for the Lou Hartpence Scholarship, the eligible youth and CW specialist submit Form 04IL009E, Lou Hartpence Scholarship Application, and each required attachment to the IL Program Unit no later than six months after the date of the youth's 18th birthday, regardless whether the youth has graduated from high school.~~

~~(i) Form 04IL009E and all required attachments are reviewed by a scholarship committee that recommends to the OKDHS Director the youth to receive the scholarship monies.~~

~~(ii) The OKDHS Director approves the recipients for the scholarship awards.~~

~~(4) Education and Training Voucher (ETV) program.~~

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

~~(i) is eligible for services under the OKDHS DHS IL program;~~

~~(ii) entered a permanent guardianship with kin or was adopted from~~

out-of-home care after reaching 16 years of age; and

(iii) participated in the ETV program on his or her 21st birthday until reaching 23 years of age and enrolled in a post-secondary education or training program and has made satisfactory progress toward program completion.

(B) Education and Training Voucher (ETV) Access. To access the ETV program, the CW specialist or tribal worker:

(i) notifies the ~~National Resource Center for Youth Services (NRCYS)~~ current community contractor listed in DHS Publication 94-08 or the IL Program Unit staff of the youth who meets the eligibility criteria and has been accepted into a post-secondary education or vocational training program; and

(ii) assists the youth with completing and submitting the ETV application to ~~NRCYS the community contractor~~ by the fall semester deadline of July 1 or the ~~Spring~~ spring deadline of December 1.

97. Youth and Adult Advisory Board.

(1) The CW specialist advises each eligible youth of the Youth and Adult Advisory Board and the youth's opportunity to participate.

(2) When the youth indicates a desire to participate in a Youth and Adult Advisory Board, the CW specialist contacts ~~NRCYS~~ the current community contractor listed in DHS Publication No. 94-08.

(3) Reimbursement for mileage is available for the individual providing the youth transportation to the ~~Youth Advisory Board~~ meeting or event and is made to the eligible youth, the CW specialist, tribal worker, Bridge resource parent, placement provider, or mentor. Mileage reimbursement requests are submitted to the IL Program Unit ~~Coordinator office~~ staff for approval and processing.

108. Teen panels.

(1) The youth eligible to participate in teen panels is 16 to 21 years of age, in ~~OKDHS~~ DHS or tribal custody, in out-of-home placement, or the youth formerly in ~~OKDHS~~ DHS or tribal custody.

(2) Participation in teen panels. The CW specialist or tribal worker:

(A) advises each eligible youth of the opportunity to participate on a teen panel; and

(B) when the youth indicates a desire to participate on a teen panel, contacts the IL Program Unit staff to list the youth as an available participant;

~~(C) submits Form 04IL005E, Independent Living Payment Claim, to the current IL community contractor for payment of the stipend. The youth receives:~~

~~(i) \$25 stipend for participating on a teen panel for Bridge resource parent training; and~~

~~(ii) up to \$100 stipend for participating on a teen panel for a conference or co-training with the IL Program Unit staff; and~~

~~(D) requests mileage reimbursement for the person, including youth, staff, or Bridge resource parent providing transportation to the teen~~

~~panel. Mileage reimbursement requests are submitted to the IL Program Unit staff for approval and processing.~~

(3) IL Program staff or the IL community contractor completes and submits Form 04IL005E, Independent Living Payment Claim, for teen panel payment.

119. Voluntary placement.

(1) Eligibility for voluntary placement. The youth who requests voluntary placement must meet the criteria in subparagraphs (A) - (F) of this paragraph.

(A) The youth is appropriate for out-of-home placement.

(B) Placement is available for the youth.

(C) The youth has made a written request for voluntary placement.

(D) The youth agrees to participate in the development of an IL plan outlining the steps to achieve self-sufficiency, participate in IL services and activities, and abide by the plan.

(E) The youth will apply for medical services through ~~Title XIX~~ SoonerCare.

(F) The youth will participate in an approved school or educational program to obtain a GED or high school diploma and seek employment, as appropriate.

(2) Special circumstances for voluntary placement. When a youth requests voluntary placement after 18 years of age for reasons other than completion of high school or a GED, such as providing out-of-home care during the summer months following graduation from high school prior to the youth entering college or a vocational program, the same procedure as for a voluntary placement request is used.

(3) Youth's benefits or resources. When the youth receives benefits, the youth signs a notarized statement agreeing to reimburse ~~OKDHS~~ DHS for the cost of care from any benefits or resources available. When the youth does not wish to reimburse ~~OKDHS~~ DHS from the benefits, the CW specialist explores with the youth alternatives to voluntary placement that are consistent with the goal of self-sufficiency. Refer to OAC 340:75-13-28.

(4) Voluntary placement request. To request voluntary placement, the youth signs Form 04IL001E, Voluntary Placement Request.

(A) Form 04IL001E is submitted to the CW supervisor for approval one month prior to the youth's 18th birthday.

(B) When the supervisor approves the voluntary placement request, Form 04IL001E is forwarded to the district director or designee for final approval.

(C) When the youth's request for voluntary placement is approved by the district director or designee, the status type for the removal and official custody is changed to "voluntary" in KIDS and the youth's 18th birthday is used as the status-begin date.

(5) Medical eligibility. The youth 18 years of age in voluntary ~~OKDHS~~ DHS or tribal placement is eligible for ~~Title XIX Medicaid, known as SoonerCare,~~ under a certified Temporary Assistance for Needy Families (TANF) case.

(A) The CW specialist notifies and provides Form 04IL001E, Voluntary Placement Request, to the custody specialist when the youth enters voluntary placement to allow the youth to receive medical benefits. The CW specialist:

- (i) scans Form 04IL001E into the KIDS file cabinet in the Client tab;
- (ii) chooses User Generated Form as the document type;
- (iii) selects a file name; and
- (iv) uses Voluntary Placement Agreement and date – Client Name as the document description.

(B) When the youth exits care at 18 years of age or exits OKDHS or tribal voluntary care between 18 and up to 21 years of age, the CW specialist:

(i) completes the exit interview that includes:

(I) Form 04IL002E, Independent Living (IL) Incentive Payment Worksheet;

(II) Form 04IL003E, Independent Living Youth Exit Interview; and

(III) Form 04IL005E, Independent Living Payment Claim.

(ii) completes pages 1-3 and 11 of non-OKDHS Form SC-1, http://www.okhca.org/publications/pdf/lib/SCapplication_english.pdf SoonerCare Health Benefits Application, at the time of the exit interview;

(iii) forwards to the Independent Living Program Unit:

(I) Form 04IL002E;

(II) Form 04IL003E;

(III) Form 04IL005E;

(IV) non-OKDHS Form SC-1; and

(V) a copy of the youth's birth certificate; and

(iv) documents in KIDS Contacts that the youth left care at 18 years of age or left voluntary care at 18, 19, or 20 years of age.

(C) When the youth exiting voluntary OKDHS DHS or tribal care is over older than 18 years of age, but has not reached his or her 21st birthday, the youth is directed to the my SoonerCare member enrollment website at www.apply.okhca.org to complete their his or her application for health insurance application is processed and approved by the Adult and Family Services Health Related and Medical Services Unit.

(i) The Family Support Health Related and Medical Services Unit forward approved applications to the appropriate local OKDHS office where an Adult and Family Services eligibility worker is assigned.

(ii) The IL Program Unit sends the SoonerCare approval notice and procedure card to the youth.

(D) The youth locates a physician in the youth's local community.

(E) The youth is responsible to contact the local OKDHS office at 19 and 20 years of age to have the SoonerCare case recertified.

(F) The CW specialist sends Form 04KI002E, Eligibility Determination, to Adult and Family Services Health Related and Medical Services Unit to remove the youth from or close the C case, as appropriate, for the youth leaving OKDHS or tribal voluntary foster care.

4210. Credit Reports.

(1) The Independent Living (IL) Program Unit staff:

- (A) requests an annual credit report from the three credit reporting agencies for each youth in ~~OKDHS~~ DHS or tribal custody who is in out-of-home placement at 16 and 17 years of age;**
- (B) documents in the youth's KIDS IL Additional Information screen that the credit report was received and whether there were credit concerns;**
- (C) provides the credit report or information that there were no credit concerns to the youth's CW specialist or tribal worker; and**
- (D) provides a guide, resources, and educational materials to the CW specialist or tribal worker ~~to assist him or her on:~~**
 - (i) ~~discuss with the youth~~ the importance of maintaining good credit and preventing identity theft; and**
 - (ii) ~~assist the youth with resolving~~ how to resolve credit discrepancies on the credit report.**

(2) The CW specialist or tribal worker:

- (A) ensures ~~that~~ a copy of the report is provided to the youth and a copy is placed in the KIDS File Cabinet;**
- (B) documents on the KIDS IL screens the date the report was provided to the youth;**
- (C) discusses with the youth the importance of maintaining good credit and protecting him or herself against identity theft;**
- (D) assists the youth with reviewing and resolving any errors or fraudulent charges in the report;**
- (E) discusses during the 90 calendar-day Transition Planning meeting the importance of the youth continuing annual credit report requests after the youth's 18th birthday and instructing the youth on how to request the reports; and**
- (F) documents in the KIDS IL Service screen that the youth received budget and financial training.**

SUBCHAPTER 7. FOSTER HOME CARE

PART 1. GENERAL PROVISIONS

340:75-7-2. Purpose, legal basis, and definitions related to foster care

Revised ~~7-4-13~~ 9-15-15

(a) Purpose for foster care services. Foster family care is a planned, goal-directed service that provides 24-hour a day substitute temporary care and supportive services in a home environment for the child, birth through 17 years of age who resides in Oklahoma and is in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) custody. Voluntary foster care is available for the child, birth through 20 years of age who meets the criteria ~~outlined in~~ per Oklahoma Administrative Code (OAC) 340:75-4-12.1 and 340:75-6-110.

(b) Legal authority for ~~OKDHS~~ DHS foster care services.

(1) The Oklahoma Children's Code, per Section 1-1-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-102) acknowledges that the foster parent has a

recognizable interest in the familial relationship the foster parent establishes with the child placed in the foster parent's care. The law recognizes that the foster parent is an essential participant in the decision-making process related to the care, supervision, guidance, rearing, and other foster care services ~~to~~ for the child.

(2) ~~Sections 1-1-105 and 1-7-109 of Title 10A of the Oklahoma Statutes~~ 10A O.S. §§ 1-1-105 and 1-7-109 define and authorize foster family care.

(3) Titles IV-B and IV-E of the Social Security Act mandate and provide funding for certain child welfare services, including foster care.

(4) ~~OKDHS~~ DHS implements recruitment and retention activities that support the:

(A) Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 (MEPA/IEP), per OAC 340:75-1-9;

(B) Federal Indian Child Welfare Act (~~FIGWA~~), per Section 1901 et seq. of Title 21 of the United States Code (21 U.S.C. §§ 1901 et seq.), and ~~the Oklahoma Indian Child Welfare Act (OICWA), per Section 40 et seq. of Title 10 of the Oklahoma Statutes~~ 10 O.S. § 40 et seq.;

(C) Adoption and Safe Families Act of 1997 (ASFA) that amended Titles IV-B and IV-E of the Social Security Act, per ~~Sections 620 through 679 of Title 42 of the United States Code~~ 42 U.S.C. §§ 620 through 679; and

(D) regulations promulgated to implement each Act.

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

(1) **"Alternate Caregiver"** means a person who for not more than 14 consecutive, calendar days, relieves an approved Bridge resource parent's day-to-day responsibilities by temporarily assuming care and supervision of the child or youth in ~~OKDHS~~ DHS custody.

(2) **"Applicant"** means a person who makes a formal application to become a Bridge resource parent, but has not completed the approval process.

(3) **"Application"** means completed Form 04AF001E, Bridge Resource Family Assessment Application. The application is considered complete when required documents are provided and actions completed by the applicant as detailed on Form 04AF001E.

(4) **"Behavioral health"** means mental health, substance abuse, or co-occurring mental health and substance abuse diagnoses, and the continuum of mental health, substance abuse, or co-occurring mental health and substance abuse treatment.

(5) **"Bridge resource family"** means the family who is asked to provide one or more of the services identified:

(A) ~~provide~~ providing temporary care, love, and nurturing to the child;

(B) ~~serve~~ serving as a mentor actively helping the parent improve the parent's ability to safely care for the parent's child while staying connected and assisting in the child's transition to reunification, legal guardianship, or adoption to another family; ~~and/or~~

(C) ~~serve~~ serving as the legal guardian for the child while maintaining the child's connection to kin, culture, and community; ~~and/or or~~

(D) ~~adopt~~ adopting the child while maintaining the child's connection to kin, culture, and community.

~~(6)~~ **"Contract foster care (CFC)"** means substitute care for the child in OKDHS custody, provided by a contract child-placing agency to meet the child's needs through service coordination and delivery in conjunction with OKDHS.

~~(7)~~(6) **"Emergency foster care (EFC)"** means short-term substitute care for the child in OKDHS custody who is birth through five years of age. Care is provided by a contracted agency to meet the child's needs through service coordination and delivery in conjunction with OKDHS.

~~(8)~~(7) **"Foster care" or "foster care services"** means continuous 24-hour care and supportive services provided for the child in foster placement including, but not limited to, the care, supervision, guidance, and rearing of the foster child by the foster parent.

~~(9)~~(8) **"Foster family care"** means an essential temporary Child Welfare Services (CWS) service for the child and parent, legal guardian, or custodian provided when the child's safety cannot be ensured in his or her own home due to the threat of child abuse, neglect, or special circumstances necessitating out-of-home care on a temporary basis in a home away from the child's parent, legal guardian, or custodian. A service of continuous care is provided for the child requiring out-of-home placement in a home environment including, but not limited to, the care, supervision, guidance, and rearing of the child by a Bridge resource parent who is approved by and under contract with ~~OKDHS~~ DHS.

~~(10)~~(9) **"House assessment"** means the evaluation of the prospective Bridge resource family's place of residence to determine whether the residence meets ~~OKDHS~~ DHS physical requirements for safety.

~~(11)~~(10) **"Infant"** means a child who is 12 months of age or younger.

~~(12)~~(11) **"In-service training"** means yearly instruction the Bridge resource parent is required to complete to maintain approval as a Bridge resource home.

~~(13)~~(12) **"Inquiry"** means the first contact by phone, email, or personal contact the prospective Bridge resource parent makes with ~~OKDHS~~ DHS to inquire about foster parenting.

~~(14)~~(13) **"Integrated Assessment"** means an assessment of a family interested in becoming an ~~OKDHS~~ a DHS Bridge resource family completed by ~~OKDHS~~ DHS or ~~OKDHS~~ DHS contractor staff. The assessment consists of an evaluation of the family's ability to foster and adopt and includes, but is not limited to:

- (A) consideration of each family member's criminal and CWS history;
- (B) the safety and physical space available in the home to integrate a new family member;
- (C) the number and ages of children residing in the home;
- (D) references;
- (E) military history; and
- (F) household income.

~~(15)~~(14) **"Kinship foster family care"** means continuous care for the child requiring out-of-home placement provided by a relative, stepparent, or other responsible adult who has a bond or tie with the child or a family relationship role with the child's parent or the child prior to the child's entry into foster care.

~~(16)~~(15) **"Mutual decision-making"** means the process by which the prospective Bridge resource parent decides after learning in pre-service training about

themselves and the children served by ~~OKDHS~~ DHS, whether the prospective Bridge resource parent wants to become an approved foster, kin, or adoptive parent. ~~OKDHS~~ DHS determines whether the prospective Bridge resource parent has the skills, willingness, and resources to foster or adopt the child in ~~OKDHS~~ DHS custody who is ~~custody~~ available for placement.

~~(17)~~(16) **"Parental substitute authority"** means the foster parent's authority to integrate the child requiring out-of-home placement into the family setting to care for the child as the foster parent would his or her own child excluding authority to use corporal punishment on the child in ~~OKDHS~~ DHS custody, by:

- (A) meeting the child's physical and emotional needs;
- (B) teaching the child problem-solving, self-control, and responsibility; and
- (C) building the foster parent - child relationship.

~~(17)~~(17) **"Pre-service training"** means instruction the prospective Bridge resource parent applicant is required to complete prior to approval as a Bridge resource parent.

~~(18)~~(18) **"Relative"** means a grandparent, great-grandparent, brother, or sister of a whole or half blood, aunt, uncle, or any other person related to the child.

(19) "Resource Family Partner (RFP)" means a private, child placing agency under contract with DHS to recruit, retain, and support resource homes known as RFP homes, to meet the child's needs through service coordination and delivery in conjunction with DHS.

(20) "RFP home" means a resource home developed by a child placing agency under contract with DHS to provide foster care to meet the child's needs through service coordination and delivery in conjunction with DHS.

~~(19)~~(21) **"Targeted recruitment"** means efforts that:

- (A) focus on specific families or communities that are most likely to yield results in recruiting Bridge resource parents that can safely meet the unique needs of the child and youth in ~~OKDHS~~ DHS custody; and
- (B) comply with MEPA/IEP requirements.

PART 2. DEVELOPMENT OF RESOURCES

340:75-7-12. Prospective Bridge resource application and screening process and requirements ~~§ 1~~ through 7

Revised ~~7-4-13~~9-15-15

(a) **Applying to become a Bridge resource parent.** ~~§ 1~~ Any person who is at least 21 years of age may apply to become a Bridge resource parent by contacting the local Oklahoma Department of Human Services (~~OKDHS~~) (DHS) office. ~~§ 1~~ ~~OKDHS~~ DHS Form 04AF001E, Bridge Resource Family Assessment Application, is completed by the Bridge resource applicant who seeks consideration as foster parent for a child in ~~OKDHS~~ DHS custody.

- (1) The application is considered complete when required documents are provided and actions are completed by the applicant as detailed on Form 04AF001E.
- (2) The applicant may provide the required documents to complete the application within 20 business days after the applicant's signature on Form 04AF001E. The

required documents and actions the applicant submits and fulfills to complete the application include:

- (A) Form 04AD003E, Request for Background Check, and fingerprint cards completed by each applicant and each adult household member. All names, including maiden names, used by each adult household member are included on Form 04AD003E;
- (B) Form 04AF010E, Resource Family Financial Assessment;
- (C) copy of paycheck stubs;
- (D) Form 04AF008E, Medical Examination Report, completed for each adult household member and a doctor's statement of health for each child residing in the home;
- (E) Form 04AF017E, Family Health History;
- (F) copy of Certificate of Degree of Indian Blood (CDIB) card and tribal membership card, when applicable;
- (G) Forms 04AF020E, Family/Parent Questionnaire, and 04AF019E, Child's Questionnaire, ~~that are~~ an optional component of the assessment process. The applicant is advised he or she has the option of completing these forms or sharing this information through interviews with the adoption specialist;
- (H) copy of automobile insurance verification;
- (I) copy of Social Security card for each applicant;
- (J) copy of driver license for each applicant;
- (K) copy of current marriage license, when applicable;
- (L) copy of all divorce decrees for each applicant, when applicable;
- (M) copy of immunization record for each child in the household who is not in ~~OKDHS~~ DHS custody, when applicable;
- (N) copy of pet vaccination records, when applicable;
- (O) alternate caregiver contact information;
- (P) copy of DD Form 214, Certificate of Release from Active Military Duty, for each applicant, when applicable;
- (Q) verification of lawful residence when the applicant was not born in the United States; and
- (R) other documents or actions requested by ~~OKDHS~~ DHS.

(b) **Bridge resource parent requirements.** Requirements described in Oklahoma Administrative Code (OAC) 340:110-5 serve as the framework for families and ~~OKDHS~~ DHS in the mutual assessment process used to select the most suitable home for the child in ~~OKDHS~~ DHS custody in need of foster family care. Each Bridge resource applicant must:

- (1) be at least 21 years of age;
- (2) reside lawfully in the United States; \neq 2
- (3) have healthy relationships whether married, single, separated, or divorced;
- (4) have the ability to manage personal and household financial needs without relying on the foster care maintenance payment;
- (5) agree that if the applicant becomes a Bridge resource parent, the applicant will receive approval of the Child Welfare Services (CWS) supervisor responsible for foster care before accepting a relative or non-relative child from any source into the home when a child in ~~OKDHS~~ DHS custody is placed in the Bridge resource home;

- (6) provide appropriate sleeping arrangements for each child placed;
- (7) provide verification that all household members are in sufficiently good physical and mental health to provide for the individual needs of each child placed; ~~§ 3~~
- (8) submit to a search of all ~~OKDHS~~ DHS records, including CWS records;
- (9) ensure that each household member 18 years of age or older at the time of application and when a household member later reaches 18 years of age submits fingerprints for a state and national criminal history records search; ~~§ 3~~
- (10) submit to a search of Juvenile Justice Information System (JOLTS) records for any child older than 13 years of age who resides in the household at time of application and when the child later reaches 18 years of age;
- (11) not allow a person with a conviction for any sexual offense to reside in the household;
- (12) notify the resource specialist within 24 hours of any change in the household including, but not limited to:
 - (A) income;
 - (B) address;
 - (C) health;
 - (D) residents; or
 - (E) relationships;
- (13) participate in the family assessment process that includes a home study;
- (14) agree ~~to~~ not to smoke in the Bridge resource home when a child in ~~OKDHS~~ DHS custody is placed in the home;
- (15) agree not to ~~not~~ smoke in the automobile when transporting a child in ~~OKDHS~~ DHS custody placed in the home;
- (16) provide references;
- (17) complete ~~27 hours of~~ a DHS approved pre-service training according to licensing requirements for child placing agencies;
- (18) agree to complete 12 hours of in-service training each calendar year if when approved as a Bridge resource parent;
- (19) commit to demonstrating to each child or youth in ~~OKDHS~~ DHS custody the Bridge foundational beliefs that include:
 - (A) understanding and meeting the child or youth's unique needs;
 - (B) actively supporting each child or youth's ongoing relationships to the child's kin, culture, and community;
 - (C) understanding the impact of separation, grief, loss, and trauma the child or youth has suffered;
 - (D) partnering with the child or youth's professional team to focus on the child or youth's safety, permanency, and well-being; and
 - (E) recognizing the impact of secondary traumatic stress and the importance of the Bridge resource parent's self-care;
- (20) provide a clean and safe home;
- (21) cooperate in the completion of a house assessment;
- (22) select and recommend appropriate extended family or friends to provide support and child care for the child in ~~OKDHS~~ DHS custody other than, or in addition to, licensed child care paid by ~~OKDHS~~ DHS;

- (23) submit verification of employment when requesting ~~OKDHS~~ DHS paid child care services for the child in foster care;
- (24) acknowledge, cooperate, and agree to abide by applicable Oklahoma statutes and ~~OKDHS~~ DHS rules regarding the child in care that include, but are not limited to:
- (A) ~~OKDHS~~ DHS, as the legal custodian of the child, has the right to move any child from any foster home at any time when in the child's best interests and in accordance with statutes governing movement of the child in ~~OKDHS~~ DHS custody;
 - (B) the necessity to maintain and respect the confidential nature of all information regarding a child placed in the Bridge resource home. A breach of confidentiality may be grounds for closure of the Bridge resource home and termination of the foster care contract; and
 - (C) the requirement that ~~OKDHS~~ DHS investigate in the same manner as any other abuse or neglect investigation conducted by ~~OKDHS~~ DHS, allegations of abuse, neglect, or maltreatment of any child in ~~OKDHS~~ DHS custody placed in an approved Bridge resource home;
- (25) agree that while an applicant, and if becoming a Bridge resource parent, to notify ~~OKDHS~~ DHS when any member of the Bridge resource family is seriously ill or hospitalized;
- (26) agree to provide a physician's statement once approved as a Bridge resource parent:
- (A) regarding any hospital stay;
 - (B) regarding ongoing outpatient medical or mental health care including psychological counseling; or
 - (C) upon ~~OKDHS~~ DHS request;
- (27) agree to provide foster care as a planned, temporary placement for the child whose permanency plan is family reunification or other permanency plan;
- (28) agree to work with ~~OKDHS~~ DHS staff as a member of a professional multidisciplinary team to develop a permanency plan for each child placed in the Bridge resource home;
- (29) agree to participate in an initial meeting with each child's parent when requested;
- (30) agree to share parenting of the child in ~~OKDHS~~ DHS custody with the child's parent who may have different values and lifestyles than the applicant;
- (31) be willing to actively mentor the parent to help improve the parent's ability to safely care for the child;
- (32) agree to maintain all information regarding the child and family as confidential, only sharing information necessary to obtain services for the child or with persons who are directly involved with the case;
- (33) be willing to accept placement of siblings;
- (34) agree to participate in the development of an effective parent and child visitation plan that may include contact with the parents and siblings, when siblings are separated;
- (35) agree to comply with ~~OKDHS~~ DHS rules regarding discipline of children;
- (36) agree to meet and maintain requirements necessary for continued approval as a Bridge resource parent;

(37) agree to participate in the re-assessment of the Bridge resource home and the evaluation of the ~~OKDHS~~ DHS Foster Care program and services;

(38) agree to utilize the foster care maintenance payment for the care and maintenance of the child's basic needs, such as food, clothing, shelter, incidentals, non-prescription medications, including special activity fees, allowances, and recreational opportunities;

(39) agree to utilize the clothing allowance included in the foster care maintenance payment to provide adequate clothing for the child placed; and

(40) agree to comply with all Oklahoma statutes relating to the care and support of minors including those that prohibit the use of tobacco, alcohol, or non-prescribed medications.

(c) Temporary Assistance for Needy Families (TANF) recipient and ~~OKDHS~~ DHS employee inquiries. TANF recipients and ~~OKDHS~~ DHS employees may apply to become an ~~OKDHS~~ a DHS Bridge resource parent. ~~¶ 3 & 4 & 5~~

(d) Child abuse or neglect records check request from another state. When another state requests an ~~OKDHS~~ a DHS records check regarding a former ~~OKDHS~~ DHS foster parent who applied to become a foster parent in the other state, ~~the Foster Care Program Unit~~ Bridge Foster Care responds to the request. ~~¶ 56~~

(e) Disposition of the Bridge resource parent application. The Bridge resource parent application is either accepted or denied. When denied, the reasons for denial are discussed with the applicant. ~~¶ 57~~

INSTRUCTIONS TO STAFF 340:75-7-12

Revised ~~7-1-13~~ 9-15-15

1. Response to Bridge resource inquiry. When the Bridge resource inquiry is received by the Bridge Resource Support Center, ~~paragraphs (1) and (2) of this subsection are completed by the support center and the resource specialist proceeds to paragraph (3) of this Instruction.~~ When the Bridge resource inquiry is received by the local Oklahoma Department of Human Services (~~OKDHS~~) (DHS) office, the resource specialist resource family partner:

(1) responds within three business days of the inquiry by a mailing a Bridge information packet to the prospective applicant;

(2) documents each inquiry in the KIDS Pre-Resource screen by noting the referral source;

(3) makes face-to-face or telephone contact within five business days after mailing the Bridge information packet and at two-week intervals until the applicant's interest is determined;

(4) discusses with each potential applicant the:

(A) basic responsibilities and requirements expected of a foster parent;

(B) children requiring out-of-home placement; and

(C) elements of the application and training process;

(5) discusses with the applicant his or her ability to meet the day-to-day needs of a child, such as providing a stimulating environment and ensuring a child the opportunity to participate in extracurricular activities.

- (A) When the applicant does not have the ability or willingness to meet the responsibilities and requirements, the resource specialist explains the application may be denied.
 - (B) When the applicant wishes to make a formal application, the application is accepted and processed;
 - (6) carefully considers the responses of each potential applicant to the explanation of the focus and goals of OKDHS DHS programs;
 - (7) obtains information regarding the person's particular circumstances, motivation, and ability to foster a child in OKDHS DHS custody; and
 - (8) makes referrals to other program units, such as Adoption Services, or other divisions within OKDHS DHS, such as Oklahoma Child Care Services or the Office of Volunteerism Community and Faith Engagement, when the applicant's needs or expectations may be better met through other sources.
2. Determining applicant's lawful residency.
- (1) A Bridge resource family can be approved when at least one applicant in the household is lawfully residing in the U.S. The applicant lawfully residing in the U.S. is considered the head of household. The resource specialist assesses all adult members of the household per OAC 340:75-7-15. The Bridge Foster Care field administrator provides approval for all placements. The resource specialist, in addition to policy requirements for assessing an applicant:
 - (A) conducts a home visit and face-to-face meeting with all adult household members;
 - (B) completes the required background checks. When the applicant is without a U.S. Social Security or other tax identification number, the specialist must assess and verify (A) through (F) by interviewing and contacting the applicant's references regarding:
 - (i) employment, location, and length of employment;
 - (ii) relationships and roots in the community;
 - (iii) stability of household, including length of time at current residence;
 - (iv) prior residence in the community, Oklahoma, and U.S.;
 - (v) length of residence in each location; and
 - (vi) length and type of relationship with child's kin, when applicable; and
 - (C) evaluates safety issues in the home by assessing:
 - (i) the applicant's relationship to the child and the biological parents, when applicable;
 - (ii) the applicant's current child care responsibilities;
 - (iii) any concerns expressed about the applicant by individuals and the family;
 - (iv) any concerns about the possibility of the applicant taking the child to the applicant's home country; and
 - (v) the applicant's family network and current connections to extended family and non-blood kin.

(2) When the applicant is not a United States (U.S.) citizen, lawful residence documentation is required, scanned, and saved in the pre-resource Pre-Resource KIDS file cabinet. When questions arise regarding whether the documentation provided is appropriate:

(1)(A) the resource specialist emails the documents to the Foster Care Program Unit Bridge Foster Care for review and consultation; and

(2)(B) the Foster Care Program Unit Bridge Foster Care makes a determination and provides a written response to the resource specialist within three business days of receipt of the documents.

(3) Approval of resource. When a resource specialist and supervisor have assessed the Bridge resource home and determine approval of the Bridge resource home that includes an applicant lawfully residing in the U.S. is appropriate:

(A) the resource specialist submits an email to the Bridge Foster Care field manager and district director for the child's case with the home assessment, information on all other relatives who were assessed, and the reasons this resource is considered an appropriate placement for the child including the information obtained through the background check and interviews;

(B) when the district director and field manager agree with the recommendation, the Bridge Foster Care field manager consults with the Bridge Foster Care field administrator to obtain further direction. The Bridge Foster Care field administrator denies, approves, or gives a conditional approval that requires a written plan of compliance;

3. Foreign exchange students. Approval is required for a Bridge resource parent or applicant to accept foreign exchange students while providing care for a child in DHS custody. The Bridge resource family or applicant provides the resource specialist all background check information provided to the family by the foreign exchange student. When there is a request for the foreign exchange student to reside in the home in excess of 30 calendar days, the foreign exchange student is required to have all applicable background checks completed per child placing agency licensing requirements, prior to the foreign exchange student residing in the home.

34. Inquiries from Temporary Assistance for Needy Families (TANF) recipient. When a TANF recipient inquires about becoming a Bridge resource parent, the assessment process explores includes a determination of the TANF recipient's ability to provide for the child's needs pending and during receipt of the foster care maintenance payment.

45. OKDHS DHS employee inquiry and assessment to become a Bridge, tribal, or other child-placing child placing resource parent. OKDHS employees. An OKDHS A DHS employee interested in becoming a Bridge, tribal, or any other child-placing child placing agency resource parent submits a written inquiry to the employee's supervisor. When the employee is assigned to Child Welfare Services (CWS), the written inquiry is also sent to the district director.

(1) Assessment of the request. Each applicant's request requires assessment on a case-by-case basis. The employee's direct supervisor and reviewing supervisor discuss the:

- (A) potential for a conflict of interest between the role as an employee and that of an ~~OKDHS~~ a DHS Bridge, tribal, or any other ~~child-placing~~ child placing agency resource parent;
- (B) type of leave the employee is required to request when taking the foster child to appointments, such as family visits or court; and
- (C) employee's understanding that employment with ~~OKDHS~~ DHS is not used as a means to obtain information about the child's case or gain services.

(2) Written request. The reviewing supervisor submits Form 04FC019E, DHS Employee Request to be a Bridge Resource Family, notification of approval ~~in writing~~ to the applicable ~~Foster Care Program Unit~~ Bridge Foster Care, tribe, or child placing agency. The approval documents that a discussion was held between the employee and the reviewing supervisor regarding potential conflict of interest and the separation of job duties as an ~~OKDHS~~ a DHS employee and Bridge, tribal, or any other ~~child-placing~~ child placing resource parent.

(3) Written approval. After receiving written approval from the reviewing supervisor, the Bridge, tribal, or other ~~child-placing~~ child placing agency family assessment process for the ~~OKDHS~~ DHS employee may proceed. The written approval is scanned to the ~~pre-resource~~ Pre-Resource by the ~~Foster Care Program Unit~~ Bridge Foster Care and saved in the paper case record or similarly saved in the tribal or child placing agency records.

(4) Placement considerations. When an ~~OKDHS~~ a DHS employee is an approved Bridge resource, tribal, or other ~~child-placing~~ child placing agency foster parent:

- (A) a child assigned to the employee's caseload is not placed with the employee for ~~OKDHS~~ DHS, tribal, or other ~~child-placing~~ child placing agency foster care;
- (B) a child, assigned to a CW specialist in the same district as the employee's work assignment is not placed with the employee except when a kinship relationship between the employee and child exists;
- (C) the employee's resource case is assigned to a resource specialist in a district outside the employee's assigned work location; and
- (D) the employee's resource and the child's KK case are restricted in KIDS.

~~5. Foreign exchange students. A Bridge resource parent or applicant cannot accept foreign exchange students while providing care for a child in OKDHS custody.~~

6. Child abuse or neglect records check request from another state. Requests from another state, agency, or person requesting information from an active or closed resource case is routed to the ~~Foster Care Program Unit~~ Bridge Foster Care for response.

- (1) ~~The Foster Care Program Unit~~ Bridge Foster Care requests information from the district, when necessary.
- (2) The district office removes all reference information and child abuse and neglect information from the requested resource record before sending the information to the ~~Foster Care Program Unit~~ Bridge Foster Care.
7. Denying the Bridge resource application. When the Bridge resource application is denied:
- (1) the specific reason for the denial of the application is provided to the applicant in writing along with a copy of the applicable policy and is documented in the KIDS Pre-Resource screen;
- (2) Form 04MP056E, Notice to the Court of Relative Denied Placement, as applicable, is provided to the court per Oklahoma Administrative Code OAC 340:75-7-18; and
- (3) the pre-resource is closed:
- (A) within five business days after the decision to deny the application; or
- (B) when the applicant has not expressed interest within 45 calendar days.

340:75-7-14. Training requirements for the Bridge resource parent

Revised ~~7-4-13~~ 9-15-15

(a) **Pre-service training for Bridge resource applicants and adult household members.** Applicants and adult household members who will be caring for a child in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) custody are required to complete a prescribed course of training, prior to the approval of the Bridge resource home, that addresses the values and foundational beliefs essential for caring for a child who is a victim of ~~maltreatment~~ abuse or neglect. § 1

- (1) Each adult 18 years of age or older in a Bridge resource home identified as a caretaker for a child completes required training or is determined to possess required values and foundational beliefs as a result of prior foster care training and experience.
- (2) Required pre-service training ~~consists of approximately 27 hours of instruction addressing the Bridge foundational beliefs~~ is per child placing agency licensing requirements.
- (3) Applicants providing kinship foster care may be approved for placement of the kinship child prior to completion of classroom training.
- (4) Applicants providing kinship foster care must complete pre-service training ~~including self-studies in an approved DHS format~~ no later than 120 calendar days after the child's placement with the kinship foster parent.
- (5) An applicant who is a former Bridge resource parent with a break in ~~OKDHS~~ DHS service of less than five years meets the training requirements.
- (6) An applicant may request a permanent training waiver. A request for a training waiver is reviewed and approved or denied by the regional field manager or designee. The request includes:

- (A) a list of equivalent training from another state, tribe, or private agency that details subjects addressed in the training; or
 - (B) verification that the adult in the household has a significant disability that precludes the completion of training. A person granted a permanent training waiver for disabilities cannot be a caregiver for the child in OKDHS DHS custody.
- (7) An applicant may request an exception to classroom training based on the applicant's work schedule or disability and when the exception is granted, ~~complete the applicant completes~~ a ~~self-study~~ curriculum approved by the ~~Foster Care Program Unit~~ Bridge Foster Care manager or designee.
- ~~(A) The assigned resource specialist supervises the self-study.~~
 - ~~(B) The self-study curriculum addressing the foundational beliefs may be requested by an adult in the applicant's home when the person's:~~
 - ~~(i) work schedule precludes the completion of classroom training; or~~
 - ~~(ii) significant disability precludes the completion of classroom training and care of the child.~~
- (b) **In-service training for the Bridge resource parent.** Each Bridge resource parent completes 12 hours of continuing in-service training per calendar year to enhance the Bridge resource parent's skills as a provider. ¶ 2
- (1) OKDHS DHS provides free in-service training options for the Bridge resource parent that includes conferences, electronic instruction, and literature.
 - (2) Internet instruction through recognized state and private foster care agencies is accepted as credit toward in-service training requirements. The Bridge resource parent provides the resource specialist the training certificate, when available, from the training source, that lists the completed approved hours.
 - (3) The Bridge resource parent selects from training options, such as classes, conferences, reading materials, or other learning opportunities that enhance provider skills and meet the in-service training requirement. The Bridge resource parent receives approval for each option from the resource specialist to ensure a common understanding of credit for each event.
 - (4) A Bridge resource parent residing in another state, caring for a child in OKDHS DHS custody, must meet the requirements of the state of residence for ongoing training to maintain OKDHS DHS approval as a Bridge resource parent.

INSTRUCTIONS TO STAFF 340:75-7-14

Revised 7-1-139-15-15

1. Pre-service training for the Bridge resource parent.

- (1) **Training schedule.** A schedule for foster care pre-service training is maintained in KIDS.
 - (A) The regional field manager may request additional foster parent training sessions in the current or subsequent training quarter on an as-needed basis. Request Requests are honored as resources allow.
 - (B) A training session must have at least 12 participants enrolled and committed confirmed to attend for the training to occur.
 - (C) When participation in a training session is less than 12 persons at the first training session, consideration is given to suspending the training.

(2) Enrollment. The resource specialist enrolls the applicant in pre-service training on KIDS.

2. In-service training for the Bridge resource parent. The resource specialist:

(1) documents each training completed by the Bridge resource parent in the KIDS resource Resource or verifies the training tracked by KIDS;

(2) contacts the University of Oklahoma National Resource Center for Youth Services (~~NRC~~) at 1-800-274-2687 or 918-660-3700 for enrollment of the Bridge resource parent who has:

(A) not completed the mandatory Bridge In-Service (BIS); but

(B) completed pre-service training prior to July, 2007; and

(3) completes Form 04AF023E, Written Plan of Compliance, per ~~OAC~~ Oklahoma Administrative Code 340:75-7-94 when a request is received to re-open a Bridge resource home and the ~~Bridge In-service (BIS)~~ has ~~was~~ not been completed. When the home is re-opened, the Bridge resource parent completes the BIS within three months of the re-opening date.

340:75-7-15. Background ~~investigation~~ information search and assessment of results ~~§ 1 through 4211~~

Revised 6-4-129-15-15

(a) **Background ~~investigation~~ information search for prospective Bridge resource parents and adult household members.** A background ~~investigation~~ information search is conducted regarding each adult in the Bridge resource applicant's home as a safeguard for children placed in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) custody. Results from the background ~~investigation~~ information search are obtained, reviewed, and accepted prior to the Bridge resource applicant's approval for foster care maintenance payments. Background ~~investigation~~ information search is conducted at the time of application and include, but are not limited to:

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

(2) a Federal Bureau of Investigation (FBI) national criminal history records search, based on the fingerprints of the applicant and any adult household members ~~as required by~~ per Section 1-7-111 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-111);

(3) a search of the Mary Rippy Violent Offender Registry;

(4) a Department of Public Safety report;

(5) a search of the Oklahoma State Courts Network (OSCN) or Oklahoma District Court Records (ODCR) to determine whether the applicant or adult household member is or was a party in any court action;

(6) a search of all ~~OKDHS~~ DHS records, including ~~Child Welfare~~ child welfare (CW) records, for history of child ~~maltreatment~~ abuse or neglect involving the applicant or adult household member;

(7) a background check request from Family Advocacy for the active or retired military applicant or adult household member;

(8) a search of all applicable out-of-state child abuse and neglect registries for the applicant or adult household member who has not lived continuously in Oklahoma for the past five years ~~as required by~~ per 10A O.S. § 1-7-111.

(A) The prospective resource home is not approved without the results for the applicant and adult household members of the out-of-state maintained child abuse and neglect registry checks, when a registry is maintained in the applicable state.

(B) When no child abuse and neglect registry is maintained in the applicable state, the resource specialist requests any information that can be provided; and

(9) a search of Juvenile Justice Information System (JOLTS) records for any child 13 years of age or older residing in the applicant's household. § 1 & 2

(b) **Authorization to conduct criminal history records ~~history~~ search.** The applicant and adult household members provide consent for an OSBI and FBI criminal history records ~~history~~ search by signing Form 04AD003E, Request for Background Check, and Form 04AF001E, Bridge Resource Family Application. The applicant and adult household members immediately notify DHS of any:

(1) charges or arrests of any foster parent or household member and any illegal activity committed by a foster parent or household member; or

(2) proceeding for a protective order filed by or against any member of the household.

(c) **Exception to fingerprinting.** ~~Per Section 1-7-111 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-111), the OKDHS DHS Director or designee may authorize an exception to the fingerprinting requirement, and authorize use of an alternative procedure for obtaining a national criminal history records ~~history~~ check search for any applicant or adult residing in the home who has a severe condition that precludes such person being fingerprinted. In limited, case specific circumstances, OKDHS DHS may not be able to obtain:~~

(1) an individual's fingerprints as a result of the individual's disability; or

(2) legible fingerprints due to low quality fingerprints, as a result of age, occupation, or otherwise, thereby making it impossible for the ~~national crime information databases (NCID)~~ National Crime Information Center (NCIC) to provide results. § 3

(d) **Out-of-state equivalent records check required based on length of residency.** Prior to approval, applicants or adult household members who have lived in Oklahoma for less than five years must provide the equivalent background records check from previous state(s) of residence. Equivalent records check includes, but is not limited to, a state's criminal history search, including DPS and Sex Offender Registry. ~~OKDHS DHS~~ obtains the child abuse and neglect registry check from the previous state(s) of residence, when a registry is available, prior to approval.

(e) **Residence time requirement for kinship applicants.** Prior to placement, kinship applicants or adult household members who have resided in Oklahoma less than five years must provide the equivalent background records check from the previous state(s) of residence. ~~OKDHS DHS~~ must obtain the child abuse and neglect registry check from the previous state(s) of residence, when a registry is available, prior to placement in a kinship home per 10A O.S. § 1-7-111.

(f) **New occupants in the Bridge resource home.** The Bridge resource parent notifies ~~OKDHS DHS~~ within 24 hours of any person assuming residence in the Bridge resource

home. A Bridge resource family's failure to notify ~~OKDHS~~ DHS of a new household member or refusal of a household member who remains in the home to consent to a background ~~check~~ information search is grounds for cancellation of the foster care contract.

(1) ~~OKDHS~~ DHS completes a background ~~investigation~~ information search, per this Section, for persons 18 years of age or older residing in the Bridge resource home. The Bridge resource parent's child who reaches 18 years of age is considered in this category.

(2) An adult residing in the Bridge resource home has no provider responsibility until:

(A) the background ~~investigation~~ information search is complete; and

(B) ~~OKDHS~~ DHS authorizes the adult to have provider responsibility. ~~§ 4~~

(g) **Kinship Bridge resource applicant criminal ~~background~~ history records search after normal business hours or on a holiday.** ~~§ 5~~ In determining the suitability of the prospective kinship home, ~~OKDHS~~ DHS may elect to contract or otherwise collaborate with local law enforcement agencies to perform a name-based state and federal criminal history records check followed by fingerprint verification in accordance with the procedures set forth in 28 C.F.R., Section 901 et seq., and 10A O.S. § 1-7-115.

(1) When ~~OKDHS~~ DHS considers placement of a child with a prospective kinship Bridge resource family in an emergency situation, after normal business hours, or on a holiday ~~OKDHS~~ DHS requests that local law enforcement conduct a name-based ~~National Crime Information Databases (NCID)~~ NCIC criminal history records search, permitted per 10A O.S. § 1-7-115 to determine whether any adult household member has been arrested for or convicted of any crime.

(A) ~~OKDHS~~ DHS submits the name, race, gender, date of birth, and Social Security number of each person 18 years of age or older living in the household considered for emergency placement of the child.

(B) Each adult household member completes and signs Form 04AD003E to initiate the criminal history records search.

(C) The failure of any adult living in the household to submit to a name-based criminal history records check or submit a full set of fingerprints and provide written permission authorizing ~~OKDHS~~ DHS to forward the fingerprints to OSBI for submission to the ~~Federal Bureau of Investigation~~ FBI for a national criminal history records report within five business days results in denial of placement or the immediate removal of the child from the prospective kinship Bridge resource home per 10A O.S. § 1-7-115.

(2) When requested by ~~OKDHS~~ DHS, local law enforcement immediately conducts the requested name-based state and federal criminal history records check and provides ~~OKDHS~~ DHS with a verbal response of each person's criminal history and whether any orders of protection or outstanding warrants exist per 10A O.S. § 1-7-115 B.2.

(3) ~~OKDHS~~ DHS forwards the fingerprints to the OSBI within 15 calendar days after the results of the preliminary name-based records check is received.

(h) **Assessment of background ~~investigation~~ information search results.**

(1) **History of felony convictions.** ~~§ 6~~ ~~OKDHS~~ DHS denies a Bridge resource home application when the applicant, or any person residing in the home of the applicant, has a criminal conviction record for any of the felony offenses listed in (A)

through (E) of this paragraph. The criminal conviction of an approved Bridge resource parent or any person residing in the Bridge resource home of any of the felony offenses listed in ~~subparagraphs~~ (A) through (E) of this paragraph requires the closure of the Bridge resource home, cancellation of the foster care contract, and removal of each child in ~~OKDHS DHS~~ custody. The felony offenses are:

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

(B) child abuse or neglect;

(C) domestic abuse;

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

(E) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in ~~subparagraph (A) of this paragraph~~. Homicide Per 21 O.S. § 692, homicide includes manslaughter. A Per Section 16 of Title 18 of the United States Code, a crime involving violence means an offense that:

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

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

(2) **Sex related crimes.** ~~OKDHS DHS~~ denies the application to become a Bridge resource parent when the:

(A) applicant, or any person residing in the applicant's home, has a conviction, for any crime specified in ~~Section 582 of Title 57 of the Oklahoma Statutes~~ 57 O.S. § 582 whether the conviction occurred upon a:

(i) verdict;

(ii) plea of guilty; or

(iii) plea of nolo contendere; or

(B) applicant is subject to, living with, or married to a person who is subject to the Oklahoma Sex Offender Registration Act.

(3) **History of crimes, charges, or other convictions.** Approval of an applicant who has, or is living with a person who has, a history of arrests, charges, or convictions for any felony, other than those listed in ~~OAC Oklahoma Administrative Code 340:75-7-15(i)(1)~~ 340:75-7-15(h)(1), or a relevant misdemeanor may be approved as a Bridge resource parent on a case-by-case basis. A relevant misdemeanor includes:

(A) assault and battery;

(B) alcohol or drug related offenses; § 7 through 9

(C) domestic violence; or

(D) other offenses involving the use of physical force or violence against the person or property of another. § 8, 9, & 11

(4) **History of child abuse and neglect investigations.** ~~OKDHS DHS~~ determines the approval of any Bridge resource applicant with a history of child abuse and neglect investigations on a case-by-case basis. § 10 & 11

INSTRUCTIONS TO STAFF 340:75-7-15

Revised ~~12-15-11~~ 9-15-15

1. Guide used to assess background history. The Assessment of Background Information of Bridge Resource Applicants Guide, developed and provided by the ~~OKDHS Office of General Counsel May, 2010~~ Oklahoma Department of Human Services (DHS) Legal Services, November, 2013, is utilized by resource specialists, supervisors, and area and state committee members to assess the applicant or household member's criminal history. ~~The guide is also used by resource specialists to assess Child Welfare, child welfare history, Juvenile Justice Information System (JOLTS) information, or other concerning history, such as protective orders, traffic offenses, money judgments, or multiple marriages.~~
2. Background ~~checks~~ information searches. All background information searches, except for Juvenile Justice Information System (JOLTS) searches, are completed for each Bridge resource applicant and adult household member using current and previous names, aliases, and Social Security numbers.
 - (1) Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) criminal history records searches.
 - (A) Background information search authorized by signature or verbally when assessing kin for a child needing immediate placement. ~~Child Welfare~~ The child welfare (CW) specialist advises the Bridge resource applicant and adult household members that the applicant or household member's signature on Form 04AD003E, Request for Background Check, or his or her verbal consent authorizes ~~Oklahoma Department of Human Services (OKDHS)~~ DHS to complete an investigation a background information search of the applicant or adult household member.
 - (B) OSBI and FBI fingerprinting criminal history records checks search process. ~~Results of the fingerprinting process are received in approximately four weeks. The process the CW specialist follows for obtaining, sharing, and recording the procedure to obtain, share, and process~~ an OSBI name and criminal history records search and an FBI national criminal history records search is as outlined in units (i) through (x) of this subparagraph (iv). The responsible CW specialist:
 - (i) assists every applicant and adult household member in obtaining fingerprints per current Child Welfare Services (CWS) procedure per Oklahoma Administrative Code (OAC) 340:75-7-15(a)(2) and submits Form 04AD003E to Children and Family Services Division (CFSD) the CWS Fingerprint Processing Section for the OSBI records search and FBI national criminal history records search;
 - (ii) files a copy of Form 04AD003E for each applicant and adult household member in the resource record;
 - (iii) submits Form 04AD003E for the OSBI name search and submits a separate Form 04AD003E with fingerprint cards for the OSBI records search and FBI national criminal history records search for every applicant and adult household member;

- ~~(iv) provides two fingerprint cards to the applicant and every person 18 years of age or older residing in the applicant's home;~~
- ~~(v) provides the applicant with an automated fingerprinting authorization obtained through Finance AS400;~~
- ~~(vi) instructs the applicant to:
 - ~~(I) take the authorization and fingerprint cards to local law enforcement or a fingerprinting agency for fingerprinting services; and~~
 - ~~(II) return the cards to the CW specialist once fingerprinting is completed;~~~~
- ~~(vii) checks the fingerprint cards for accuracy and forwards the cards for the applicant and adult household member, along with Form 04AD003E, to the CFSD Fingerprint Processing Section;~~
- ~~(viii) when the fingerprint cards are rejected and reprinting is necessary, returns the cards to and instructs the person, whose fingerprints were rejected, to take the cards to the original vendor, who reprints the person at no additional charge;~~
- ~~(ix) stores fingerprint results for each applicant and adult household member in a locked file cabinet in a separate manila envelope with the name and resource number written on the outside; and~~
- ~~(x)(iv) enters the OSBI results and date of the FBI search in KIDS Criminal Background Check screen.~~

(C) OSBI RapBack service. OSBI record of arrest and prosecution (RAP) reports are maintained by OSBI. RapBack is a service offered to Oklahoma non-criminal justice government agencies for non-criminal justice purposes, such as and the Bridge resource parent application, ~~and continued approval decisions,~~ and trial home reunification.

(i) The RapBack service is not associated with the national criminal history records search and details only subsequent Oklahoma arrests after an individual's fingerprints were submitted to the OSBI and FBI for non-criminal justice purposes.

(I) Yearly OSBI background checks are not necessary as RapBack serves the purpose for a yearly Oklahoma criminal background check for active Bridge resource parents.

(II) The FBI does not have a program similar to the OSBI RapBack and continued fingerprinting for a national criminal history records checks search is necessary for active Bridge resource parents, every five years.

(ii) RapBack reports are received and distributed by the CFSD CWS Fingerprint Processing Section to the ~~CFSD Resource Unit~~ Bridge Foster Care where the report:

(I) is reviewed, scanned, and placed in the KIDS ~~resource file cabinet~~ Resource File Cabinet; and

(II) emailed to the assigned resource specialist and supervisor.

(iii) The resource specialist:

- (I) obtains the disposition of the criminal arrest or charge detailed on the RapBack report;
- (II) contacts the resource parent to address and assess the information;
- (III) determines whether a written plan of compliance, an abuse or neglect referral, or closure of the home is warranted;
- (IV) ensures the safety and well-being of ~~the child(ren)~~ each child placed in the Bridge resource home; and
- (V) documents the information ~~on a contact~~ in the KIDS resource Resource case in the Criminal Background screen.

(iv) ~~CFSD Bridge Foster Care Section~~ and ~~OKDHS DHS Legal Division Services~~ provide consultation regarding RapBack information and related action steps.

(v) RapBack reports received regarding persons in a closed resource home are scanned and placed in the resource file cabinet by ~~CFSD Bridge Foster Care Section~~.

(vi) ~~CFSD Bridge Foster Care~~ maintains an electronic log of RapBack reports.

(2) Court records search. A search is completed to determine whether the applicant or adult household member is or was a party to a court action and, if so, the disposition of the criminal charges or court involvement. When the court records search indicates the applicant or adult household member is named in a protective order case, a traffic case involving drugs or alcohol, or a criminal case that is not a bar to the applicant being considered as a resource, the CW specialist obtains copies of the court information and the underlying law enforcement records for review and discussion with the applicant or household member to assess the suitability and safety of a child being considered for placement in the applicant's home. The results are documented on Form 04AF007E, Records Check Documentation Form, and filed in the resource record. The responsible CW specialist searches the:

(A) the Oklahoma State Courts Network (OSCN) at www.oscn.net;

(B) offender information and offender lookup through the Oklahoma Department of Corrections (DOC) at www.doc.state.ok.us;

(C) Oklahoma District Court Records (ODCR) at www.odcr.com; and

(D) Mary Rippy Violent Offender Registry search at www.doc.state.ok.us. A free, self-initiated search of the Mary Rippy Violent Crime Offender Registry is conducted at the DOC website by selecting:

(i) Offenders on the Quick Links line;

(ii) Violent Offenders Lookup and reading the website caveats and agreeing to the terms; and

(iii) entering the search information.

(3) ~~OKDHS DHS~~ records search. The ~~responsible~~ CW specialist completes a search of all ~~OKDHS DHS~~ records including CW history. A search is completed using the Information Management System (IMS) and KIDS with

the adult's name, Social Security number, and date of birth. The information is recorded on Form 04AF007E and filed in the resource record.

(4) Child abuse and neglect registry information. When a state that maintains a child abuse and neglect registry does not respond appropriately to an information request, the ~~foster care supervisor~~ Bridge Foster Care field manager notifies the ~~CFSD CW foster care programs manager~~ Bridge Foster Care field administrator who contacts the Administration for Children and Families regional office for assistance.

(A) The CW specialist documents the name of the ~~state(s)~~ each state contacted and efforts made to obtain the information in the resource record, but does not place the child, without the required registry check.

(B) When a child abuse and neglect registry is not maintained by a state and the state is unable to provide any information the:

(i) the attempt is documented in KIDS; and

(ii) ~~CFSD foster care program staff~~ the Bridge Foster Care field administrator is consulted regarding whether the placement approval may proceed if when the placement is otherwise approved.

(5) JOLTS search. The ~~responsible~~ CW specialist completes a JOLTS search on ~~JOLTS~~ of all children in the home 13 years of age and older. The results are documented on Form 04AF007E and filed in the resource record.

(6) Foreign country criminal and child abuse and neglect records search. When the prospective Bridge resource parent ~~has~~ resided in a foreign country within the last five years, the resource specialist contacts the appropriate consulate to request criminal and child abuse and neglect records ~~search~~ searches.

3. Exception to fingerprinting procedures. When the ~~prospective caretaker's applicant or adult household member's~~ fingerprint impressions are rejected by the FBI due to low quality fingerprint characteristics or an individual does not have fingers, an alternate procedure to conduct a name-based check of the ~~National Criminal Information Database (NCID)~~ National Crime Information Center (NCIC) is conducted by the FBI to obtain a national criminal history record check. The alternative results are used for limited and case-specific situations. The alternative background check results are not acceptable when fingerprint impressions are of low quality due to lack of technological capacity or use of improper techniques.

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

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

(3) When the ~~NCID~~ NCIC name-based check results are obtained, the ~~CFSD CWS~~ Fingerprint Processing Section submits a written request for an exception to the fingerprint requirement to the ~~CFSD~~ Bridge Foster Care

~~Section, field administrator~~ designated as the ~~Oklahoma Department of Human Services'~~ DHS Director's designee for this purpose.

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

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

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

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

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

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

4. Criminal ~~records~~ history check records search for adults in the home more than 30 calendar days per year. A criminal ~~records~~ history records search is completed for every adult who sleeps in the household more than 30 days per calendar year or engages in a pattern of overnight visitation that meets this test. Such persons are considered household members.
5. Kinship Bridge resource applicant criminal ~~background~~ history records search after normal business hours or on a holiday. The ~~responsible~~ CW specialist:
 - (1) requests a purpose code x name-based NCIC criminal history records search;
 - (2) documents the criminal history records search by local law enforcement after normal business hours and on holidays in KIDS Resource Contacts screen;
 - (3) submits signed Form 04AD003E to the Fingerprint Processing Section the next business day, indicating that it is an after-hours follow-up;
 - (4) submits the fingerprint cards to the ~~CFSD~~ CWS Fingerprint Processing Section within five business days of the name-based after-hours background records check, attached to a copy of the previously submitted Form 04AD003E; and
 - (5) does not place a child in a kinship Bridge resource home when the prospective kinship Bridge resource applicant or person 18 years of age or older residing in the home refuses fingerprinting.
6. Certain felonies prohibit applicant approval. ~~OKDHS~~ DHS does not grant exceptions for felony convictions listed in OAC ~~340:75-7-15(i)(1)~~ 340:75-7-15(h)(1), for a prospective or approved Bridge resource parent or for anyone residing in the prospective or approved Bridge resource home.

7. Drug-related offenses. An alcohol-related felony conviction is a drug-related offense and prohibits approval of an applicant as a Bridge resource parent, when the conviction occurred within five years preceding the application date.
8. ~~Assessment of other~~ Other related crimes, charges, and convictions. The resource specialist conducts a thorough assessment of the risk potential to the child when there is any felony or relevant misdemeanor, criminal arrest arrests or conviction history regarding the applicant or an adult household member. ~~An area or state committee CW leadership team reviews the Bridge resource applicant or adult household member's criminal arrest or conviction history, unless the CW supervisor or county director in consultation with the child welfare field liaison (CWFL), as needed, have reviewed the information and denied the application.~~
9. Assessment of criminal history. The bridge resource specialist and CW supervisor review all criminal arrest and conviction histories of each Bridge resource applicant, adult members of the household, or youth with a JOLTS record and determine whether to approve or deny the application based upon information obtained from the criminal history records search.
 - (1) When assessing criminal history:
 - (1)(A) A a homicide includes any type of murder, manslaughter, or other charge involving the death of a person;
 - (2)(B) A a relevant misdemeanor may include:
 - (A)(i) assault and battery;
 - (B)(ii) alcohol or drug-related offenses;
 - (C)(iii) domestic violence; or
 - (D)(iv) other offenses involving the use of physical force or violence against the person or property of another.
 - (3)(2) According to Oklahoma law, a deferred sentence means a defendant has entered a plea of guilty or nolo contendere; however, the court has agreed to withhold a legal finding of guilt on the condition the defendant completes the terms of the deferred sentence imposed by the court. As such, the plea entered by the defendant is not a conviction to the underlying criminal charge, but may be considered in determining the applicant's suitability to be a Bridge resource family parent even when the applicant was granted a deferred sentence.
 - (4)(3) The resource specialist considers all issues relevant to assessing the applicant's appropriateness or suitability to be a Bridge resource parent.
 - (5)(4) Assessment of charges and convictions include consideration of, but are not limited to, the:
 - (A) type of crime committed, including a detailed description of how and why the crime was committed;
 - (B) time elapsed since the crime or conviction;
 - (C) length of the deferment or length and type of sentence imposed;
 - (D) completion date of the sentence;
 - (E) assignment of a probation or parole officer and the officer's contact and location information;

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

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

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

(5) The resource specialist consults, on a case-by-case basis, with the CW supervisor and the field manager, or in the event the field manager is not available, the field administrator or deputy director, regarding any criminal history records found, including JOLTS. When the resource is a kinship home, the district director or when the district director is unavailable, the deputy director, is included in the assessment. The discussion and basis for the decision are documented on Form 04AF007E, Records Check Documentation and stored in the KIDS Resource File Cabinet. The field manager and district director, when applicable, consider the:

(A) nature and seriousness of the criminal history;

(B) time elapsed since the criminal history;

(C) circumstances of the criminal history;

(D) degree of rehabilitation;

(E) risk, if any, to the child by such placement; and

(F) any information obtained from the applicant's references regarding knowledge of previous, as well as current, lifestyle.

~~9. Area and state committee CW leadership team review of criminal history.~~

~~(1) Area committee review request. The area committee reviews an applicant or household member's criminal history, unless the resource specialist and CW supervisor have reviewed and denied the application.~~

~~(A) The foster care supervisor and appropriate county director or adoption supervisor and adoption programs manager review the criminal history and have the authority to deny the application based on the history. When the application is denied by the foster care supervisor and the appropriate county director or the adoption supervisor and adoption programs manager, an area committee review is not required.~~

~~(B) When the application is not denied, by the foster care supervisor or appropriate county director field manager or the adoption supervisor and adoption programs manager the responsible foster care or adoption supervisor convenes the area committee as quickly as possible to review the criminal history, but no later than three business days following the decision to request an area review. The meeting may be conducted via conference call or email to expedite the process.~~

~~(2) Area committee composition. The area committee includes the:~~

~~(A) appropriate county foster care supervisor;~~

~~(B) area adoption supervisor with consultation from the CFSD adoption programs manager as needed, assigned by the CFSD adoption programs administrator; and~~

- ~~(C) Child Welfare field liaison (CWFL) or permanency field liaison (PFL) assigned by the area director.~~
- ~~(3) Area committee process.~~
- ~~(A) The responsible foster care or adoption specialist scans and emails the criminal history and all information related to the criminal history to the area committee members.~~
- ~~(B) The area committee reviews the criminal history and related information and determines whether the:~~
- ~~(i) foster care or adoption specialist may proceed with the application process; or~~
- ~~(iii) application is denied.~~
- ~~(C) The responsible supervisor:~~
- ~~(i) documents the names of the area committee members and the decision in KIDS Pre-resource Contacts, citing, in detail, all relevant information considered in making the decision; and~~
- ~~(ii) provides notification to the appropriate parties.~~
- ~~(D) A request for review is not made to the state committee when the area committee denies the application.~~
- ~~(E) A state committee review is requested when the area committee:~~
- ~~(i) determines the foster care or adoption specialist should proceed with the application process, but the criminal arrest or conviction history involves one or more of the specifically prohibited felony offenses;~~
- ~~(iii) is unclear about the in or out-of-state arrests, charges, or disposition of any criminal history; or~~
- ~~(iii) does not reach a consensus regarding whether to proceed with the application process.~~
- ~~(4) State committee responsibilities. The state committee reviews all criminal arrest and conviction history provided by the area committee regarding the applicant or household to resolve the question submitted by the area committee or confirm whether the criminal history includes a specifically prohibited felony conviction for any offenses listed in (A) through (E) of this paragraph:~~
- ~~(A) physical assault, battery, or a drug-related offense within the five year period preceding the application date;~~
- ~~(B) child abuse or neglect;~~
- ~~(C) domestic abuse;~~
- ~~(D) a crime against a child including, but not limited to child pornography; or~~
- ~~(E) a crime involving violence, including but not limited to, rape, sexual assault or homicide, but excluding physical assault or battery.~~
- ~~(5) State committee composition. The state committee consults with and receives technical assistance from the Oklahoma Department of Human Services (OKDHS) Legal Division and includes:~~
- ~~(A) a Field Operations Division representative;~~
- ~~(B) the CFSD foster care programs manager; and~~

- ~~(C) the adoptions programs manager II.~~
- ~~(6) State committee review process.~~
- ~~(A) When the application is not denied by the area committee and a state committee review is necessary, the area committee convenes the state committee as quickly as possible to review the criminal history, but no later than three business days following the decision to request a state review. The meeting may be conducted via conference call or email to expedite the process.~~
- ~~(B) The area committee forwards the:~~
- ~~(i) pre-resource or resource number;~~
 - ~~(ii) criminal history;~~
 - ~~(iii) information related to the criminal history to the state committee members; and~~
 - ~~(iv) a brief summary of why the state committee review is requested.~~
- ~~(C) The appropriate CFSD foster care or adoption programs manager documents the names of state committee members and the decision in KIDS Pre-resource Contacts, citing in detail all relevant information considered in making the decision.~~
- ~~(D) The appropriate area committee member provides notification of the state committee decision to the appropriate parties.~~
- ~~(E) The state committee decision is final and represents the official OKDHS position.~~

10. ~~Assessment of CW history. The resource specialist consults, on a case-by-case basis, with the CW supervisor, CWFL, and county director field manager or n the event the field managers is unavailable, the field administrator deputy director regarding any CW history found. When the resource is a kinship home, the district director, or when the district director is unavailable, the deputy director is included in the assessment regarding any CW history found, including appeal decisions. The discussion and basis for the decision are documented on Form 04AF007E, Records Check Documentation and stored in the KIDS Resource File Cabinet. The county director considers field manager and district director, when applicable, consider the:~~

- ~~(1) nature and seriousness of the CW history;~~
- ~~(2) time elapsed since the CW history;~~
- ~~(3) circumstances of the CW history;~~
- ~~(4) degree of rehabilitation;~~
- ~~(5) risk, if any, to the child by such placement; and~~
- ~~(6) results of appeals, when applicable.~~

11. ~~Assessment of CW history of a closed Bridge resource home. OKDHS determines whether to pursue the approval of any applicant that was previously a Bridge resource parent with a history of child abuse and neglect investigations.~~

- ~~(1) The CFSD Foster Care Section reviews investigations when abuse or neglect allegations and confirmed findings are present related to the applicant.~~

~~(2) CFSD Foster Care Section reviews the CW history and makes a recommendation in writing to the county director as to whether the application process proceeds.~~

~~12. JOLTS information. The information obtained from a JOLTS search regarding the child 13 years of age and older living in the applicant's home or the child of an adult household member who visits the home frequently is used to determine whether that child poses a risk to a child in OKDHS custody. The resource specialist consults on a case-by-case basis with the CW supervisor, CWFL, and county director about any JOLTS history found. When determining whether to proceed with the application process, the county director considers the:~~

~~(1) nature and seriousness of the JOLTS history;~~

~~(2) time elapsed since the JOLTS history;~~

~~(3) circumstances of the JOLTS history;~~

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

~~(5) child's degree of rehabilitation. Review of denial decision. When there is disagreement about whether a resource application is denied based upon criminal history records, child welfare, JOLTS or other concerning information, the following steps are taken to obtain resolution:~~

~~(1) the resource deputy director and the regional deputy director consult;~~

~~(2) when a consensus cannot be obtained, the CWS director is consulted and makes the final decision; and~~

~~(3) DHS Legal Services attorneys are consulted, as needed, during the review process regarding an applicant or household member's background information.~~

340:75-7-18. Bridge resource family assessment ~~§ 1 through 4014~~

~~Revised 7-1-139-15-15~~

(a) **Bridge resource family assessment.** Pursuant to Section 1-7-111 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-111), the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) conducts a foster parent eligibility assessment of the Bridge resource applicant and each household member's background and other circumstances and conditions to determine if the home is suitable for the child in ~~OKDHS~~ DHS custody requiring foster care. ~~OKDHS~~ DHS assesses the prospective Bridge resource applicant's ability to parent and provide a safe environment for a child with special needs. The Bridge resource family assessment is completed by ~~OKDHS~~ DHS or an ~~OKDHS~~ a DHS contractor. ~~§ 1~~

(b) **Mandate to conduct background investigation.** 10A O.S. § 1-7-111 and the Oklahoma Child Care Facilities Licensing Act ~~mandates~~ mandate a national criminal history records search based upon the submission of fingerprints and a Child Abuse and Neglect Information System check for each Bridge resource applicant and each household member 18 years of age and older. Signed Forms 04AF001E, Bridge Resource Family Assessment Application, and 04AD003E, Request for Background Check, completed and signed by the Bridge resource applicant and each adult household member, authorize ~~OKDHS~~ DHS to conduct an investigation into the applicant and adult household member's criminal and ~~OKDHS~~ DHS records.

(c) **House assessment.** An in-home evaluation of the applicant's residence is conducted to assess the location, condition, and capacity to accommodate the child in ~~OKDHS~~ DHS custody who requires foster care.

The evaluation includes an assessment of:

- (1) the home's location. The home must be accessible to school, medical, and recreational resources;
- (2) the home and property's condition. The home must be clean and safe and any structures on the property that are accessible to a child must be in a safe condition;
- (3) available play space. Adequate and safe indoor and outdoor space for play activities must be available;
- (4) age-appropriate equipment. Age-appropriate child care equipment, such as beds, high chairs, and toys must be available and in good repair;
- (5) phone communications. A phone must be available in the home when a child is present;
- (6) the applicant's vehicles.

(A) The applicant must:

- (i) maintain a vehicle in working order ~~that is~~ capable of transporting children or provide a transportation plan for the child;
- (ii) carry the statutorily mandated vehicle liability insurance, when applicable;
- (iii) possess a valid Oklahoma ~~driver's~~ driver license; and
- (iv) have a current, valid vehicle license tag or registration, when applicable.

(B) The passenger restraints are inspected as part of the evaluation and the applicant is advised that proper vehicle restraints are used at all times when a child in ~~OKDHS~~ DHS custody is riding in a vehicle.

(C) Each vehicle operator must use a child passenger restraint system that meets federal standards when transporting a child who is younger than 6 years of age.

(D) Each child age 6 to 18 years of age who is transported in a vehicle must be protected by a passenger restraint system or individual seat belt.

(E) The provisions in (i) through (iv) of this subparagraph do not apply to the:

- (i) driver of a school bus, taxicab, moped, motorcycle, or other vehicle not required by law to be equipped with safety belts;
- (ii) transportation of a child for whom a medical condition prohibits the use of a passenger restraint system or seat belt; or
- (iii) transportation of a child who weighs more than 40 pounds and is transported in the back seat using only a lap seat belt when the back seat of the vehicle is not equipped with combination lap and shoulder belts or when the combination lap and shoulder belts are used by other children weighing more than 40 pounds. The back seat includes all seats located behind the front seat of a vehicle;

(7) sleeping arrangements and privacy.

(A) The applicant's home provides a separate bed for each child with the exception of siblings younger than 6 years of age who exhibit a need for mutual support.

(B) A separate bedroom is provided for a child who acts out sexually.

(C) Preferably, no more than two children share a bedroom. Primary consideration is given to the child's safety according to age and emotional needs.

(D) The applicant's home provides separate bedrooms for children older than 6 years of age who are of the opposite sex.

(E) A child in ~~OKDHS~~ DHS custody, with the exception of an infant who is younger than 12 months of age, does not share a bedroom with an adult in the household. Under no circumstances is a child of any age authorized to sleep with an adult.

(F) The applicant's home provides space for the child's personal possessions and for a reasonable degree of privacy.

(G) The applicant may not designate a room for a foster child, such as the living room, utility room, den, dining room, pantry, or unconverted garage as a bedroom unless the room is specifically designed as a bedroom;

(8) sleeping arrangements for infants. A crib, port-a-crib, ~~bassinet~~, or playpen with a firm, waterproof mattress or pad is used for each child younger than 12 months of age:

(A) ~~bassinets may be used for infants:~~

(i) ~~weighing up to 15 pounds; or~~

(ii) ~~no more than 3 months of age;~~

(B) ~~Port-a-cribs or playpens may be used for short-term sleeping arrangements, such as naps or respite and traveling for periods of no more than one week.~~

(C) ~~(B)~~ Crib, port-a-crib, ~~bassinet~~, and playpens with more than two and 3/8 inches between slats or between the side and end panels are not allowed.

(D) ~~(C)~~ Cribs with decorative cutout areas in crib-end panels or tall decorative knobs on the corner posts that may entrap a child's head or catch the child's clothing are not allowed.

(E) ~~(D)~~ Mattresses must be tight fitting with no more than one inch between the mattress and crib, port-a-crib, ~~bassinet~~, or playpen.

(F) ~~(E)~~ Mattress and crib sheets must fit snugly.

(G) ~~(F)~~ Cribs with drop-side latches must have the manufacturer-provided kits to lock the crib side in the upright position due to safety hazards.

(H) ~~(G)~~ Pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products are not permitted in the infant's crib, port-a-crib, ~~bassinet~~, or playpen.

(I) ~~(H)~~ To reduce the risk of Sudden Infant Death Syndrome (SIDS), the infant younger than 12 months of age is placed on his or her back for sleeping, unless there is a medical reason, as documented by a health professional, that the infant must not sleep in this position. § 3

(J) ~~(I)~~ The infant who is able to turn himself or herself over is placed initially on his or her back for sleeping but allowed to sleep in the position he or she prefers;

(9) water safety.

(A) ~~Any activity that involves a child in OKDHS custody wading or swimming is supervised at all times.~~ Form 04MP061E, Water Safety Checklist and Agreement for Bridge Resource Applicant or Parent, is completed for all Bridge resource applicants.

~~(B) When there is a water structure or water mass on the Bridge resource applicant's property, Form 04MP061E, Water Safety Checklist and Agreement for Bridge Resource Applicant or Parent, is completed. A The definition of a water structure or water mass includes, but is not limited to:~~

- ~~(i) swimming pools;~~
- ~~(ii) decorative ponds;~~
- ~~(iii) farm ponds or streams;~~
- ~~(iv) fountains;~~
- ~~(v) wading pools;~~
- ~~(vi) hot tubs or spas; and~~
- ~~(vii) waterfalls.~~

~~(C) Any activity that involves a child in DHS custody wading or swimming is supervised at all times.~~

~~(C)(D)~~ All applicable laws, ordinances, rules and regulations, and insurance requirements for pools are followed.

~~(D)(E)~~ The hot tub must be equipped with a hard cover designed for a hot tub.

~~(E)(F)~~ The use of portable wading pools is monitored at all times. The wading pool is emptied at the end of each use.

~~(F)(G)~~ A water safety plan is developed, as applicable, and signed by each Bridge resource applicant or parent. ~~§ 4~~ The water safety plan includes appropriate measures to ensure the safety of the child and may include, but is not limited to:

(i) fencing. A pool, or water structure, or water mass is fenced to prevent unsupervised access. There is a:

(I) a sturdy fence at least four feet high that cannot be easily climbed; or

(II) a fence that connects to the top of an above-ground pool and extends two feet above the pool or follows other specified safety guidelines;

(ii) pool covers. A child safety pool cover may be placed over the water area each time the pool is not in use. Pool covers are completely removed prior to pool use;

(iii) locked doors. All doors and gates leading to the pool, or water structure, or water mass are locked;

(iv) pool alarms. Pool alarms are installed and operating when the pool is not in use;

(v) removable ladders. Removable ladders are removed from the water structure;

(vi) safety ~~devises~~ devices, such as lifejackets or rings;

(vii) swimming lessons; and

(viii) training, such as cardio-pulmonary resuscitation (CPR) and first aid;

(10) animal and household pet safety. ~~§ 5~~

(A) Animals are in good health, do not show evidence of carrying disease, and do not present a threat to the health, safety, or welfare of children.

(B) Documentation of current rabies vaccinations administered by a licensed veterinarian for dogs, cats, and other applicable pets is provided by the Bridge resource applicant or parent.

(C) When an animal bites a child, the Bridge resource applicant or parent contacts the assigned child welfare (CW) specialist immediately;

(11) weapon safety. Form 04AF040E, Weapon Safety Agreement for Bridge Resource Family, is completed on any home that has a weapon as described below. Any activity the child in ~~OKDHS~~ DHS custody participates in that involves a weapon must have supervision at all times. The Bridge applicant or parent obtains pre-approval for the child's participation in a weapons activity from the CW specialist or supervisor assigned to the child. ~~Weapon~~ A weapon includes, but is not limited to, a:

(A) gun, such as a pistol, revolver, shotgun or rifle from which a projectile is fired by gunpowder;

(B) BB gun;

(C) bow and arrow; ~~and~~

(D) ~~knife~~, with the exception of cooking and eating utensils, any knife, such as a dagger, Bowie knife, dirk knife, switchblade knife, sword cane, knife with a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife; and

(E) any other offensive weapon, such as a blackjack, loaded cane, truncheon or baton also known as a billy club, nightstick, or sap, hand chain, or metal knuckles; and ~~c 6~~

(12) disaster plans. The Bridge resource applicant or parent must have a disaster plan that includes:

(A) a list of emergency phone numbers posted in an accessible and conspicuous place. The list includes:

(i) 911;

(ii) doctor's names and phone numbers;

(iii) health professionals or clinics;

(iv) fire and police departments;

(v) an ambulance service; and

(vi) the name and phone numbers of the alternate caregiver;

(B) access to a phone at all times when a child in ~~OKDHS~~ DHS custody is present;

(C) an evacuation plan in the event of a fire, tornado, earthquake, flood, ice storm, or other natural or national disaster;

(D) first aid procedures and supplies readily available;

(E) planned source of medical care available, such as a hospital emergency room, clinic, or health professional;

(F) a plan of whom to contact if there is an accident, an incident involving the child in ~~OKDHS~~ DHS custody, or the child in ~~OKDHS~~ DHS custody runs away or is abducted; and

(G) a plan of whom to contact and community resources to access if the child in ~~OKDHS~~ DHS custody has behavioral problems.

(d) **Maximum number of children allowed to reside in the Bridge resource placement.** The total number of children in ~~OKDHS~~ DHS custody placed in a Bridge resource home may not exceed five. The total number of children in the home that

includes biological, adoptive, foster, and other children not in ~~OKDHS~~ DHS custody and may not exceed six.

(e) **Maximum number of children younger than two years of age allowed in a Bridge resource home.** No more than two children younger than ~~two~~ 2 years of age that includes the Bridge resource parent's own children may reside or be placed in the Bridge resource home.

(f) **Authorization to check ~~OKDHS~~ DHS applicant's references.** The applicant grants ~~OKDHS~~ DHS permission to contact the applicant's references by signing Form 04AF001E, Bridge Resource Family Assessment Application. Information obtained from the references is confidential. ~~¢ 67~~

(g) **Assessment of applicant's marital and relationship history.** The Bridge resource applicant and parent must have healthy relationships whether married, single, separated, or divorced. The applicant's ability to develop and sustain healthy relationships is assessed and documented. ~~¢ 78~~

(h) **Household income.** The Bridge resource applicant completes Form 04AF010E, Resource Family Financial Assessment, and provides documentation of employment, income, and expenditures as a component of the assessment. The applicant provides verification that he or she can manage personal and household financial needs without relying on the foster care maintenance payment. The applicant must have sufficient income to meet the needs of an additional child placed in his or her home until the foster care maintenance payment for the child in ~~OKDHS~~ DHS custody is received.

(i) **Disposition of Bridge resource family assessment.** ~~¢ 910~~ Upon completion of the Bridge resource family assessment, a decision regarding approval or denial is made after assessing the information gathered. ~~OKDHS~~ DHS may approve or deny a Bridge resource applicant as a Bridge resource foster care provider when the applicant or the home meets or does not meet the foster home requirements per Oklahoma Administrative Code (OAC) 340:75-7. The assessment process is completed and the determination regarding approval or denial is made no later than ~~40~~ 60 calendar days after receipt of Form 04AF001E, Bridge Resource Family Assessment Application.

(j) **Exceptions to assessment guidelines.** ~~¢ 89~~ ~~OKDHS~~ DHS may, at its discretion, grant an exception of specific rules or standards upon the applicant's request. Exceptions may be granted upon a showing by the applicant that adequate standards affording protection for the health, safety, and welfare of the child exists and will be met in lieu of the exact requirements of the rule or standard in question.

(k) **Denial of the Bridge resource family assessment.** When a decision is made to deny an applicant approval as a Bridge resource parent, the applicant is provided an explanation regarding the reasons the assessment ~~is~~ was denied. If When a Bridge kinship home is denied, the child in ~~OKDHS~~ DHS custody in the home is moved immediately. Reasons for denying an assessment may include, but are not limited to:

- (1) a lack of stable, adequate income to meet the applicant's own or total family needs or poor management of available income;
- (2) a physical facility ~~that is~~ inadequate to accommodate the addition of the child in ~~OKDHS~~ DHS custody to the home or presents health or safety concerns;
- (3) the applicant or any person residing in the home has a history of alleged or confirmed child abuse, neglect, or both, per OAC 340:75-7-15;

- (4) the applicant or any person residing in the home has a history of arrests or convictions per OAC 340:75-7-15;
- (5) the health, or any other condition of the applicant or other family or household member impedes the applicant's ability to provide appropriate care for a child;
- (6) relationships in the household are unstable and unsatisfactory;
- (7) the mental health of the applicant or other family or household member impedes the applicant's ability to provide appropriate care for a child;
- (8) references are guarded or have reservations in recommending the applicant;
- (9) the applicant fails to complete the application, required training, or verifications in a timely manner as requested or provides information that is incomplete, inconsistent, or untruthful;
- (10) the home is determined unsuitable for the child requiring placement;
- (11) the applicant ~~has~~ applied for a child that ~~OKDHS~~ DHS reasonably believes may not be available for placement; or
- (12) one or more factors concerning the applicant, a family or household member, or conditions in the home as described in the denial letter, renders the applicant or home environment inappropriate as a resource home.

(l) **Re-application to provide foster care.** The person who desires to re-open his or her foster home must re-apply. § 10

(m) **Previous ~~non-OKDHS~~ non-DHS foster care experience.** The Bridge resource applicant who ~~has~~ previously served as a foster parent in another state or with a private agency provides or authorizes release of all previous foster home assessments, reports, and training records from the state or agency for consideration as a Bridge resource parent. § 11

(n) **Contract and supported Bridge resource home and Interstate Compact on the Placement of Children (ICPC) assessments.** ~~OKDHS~~ DHS determines the final disposition of each Bridge resource and ICPC assessment completed by ~~OKDHS~~ DHS contractors. § 12

(o) **Changes in the household.** § 13 The Bridge resource applicant or parent must notify the resource specialist within 24 hours of any change in the household including, but not limited to:

- (1) income;
- (2) address or the home's location;
- (3) health;
- (4) new or removed residents; ~~or~~
- (5) new or terminated relationship.
- (6) charges or arrests of any foster parent or household member and any illegal activity committed by a foster parent or household member; or
- (7) any proceeding for a protective order filed by or against any member of the household.

INSTRUCTIONS TO STAFF 340:75-7-18

Revised ~~7-1-13~~ 9-15-15

1. **Bridge resource family assessment.** The Bridge resource family assessment is completed by the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) or an ~~OKDHS~~ a DHS contractor. The written assessment depicts the family

based on complete, consistent, and truthful information gathered by the resource specialist or contractor in conjunction with the family.

(1) Initial family assessment. The resource specialist or contractor conducts the initial consultation with the family in the family's home to answer questions, explain the mutual assessment process and training requirements, and assess the safety of the home. Observations are documented on Form 04AF004E, House Assessment.

(2) Resource family assessment. The resource specialist or contractor uses Form 04AF002E, Guidelines for Resource Family Assessment – Bridge Family Profile, to obtain information regarding the family. When the resource specialist is completing the resource family assessment, the information is written on Form 04AF003E, Resource Family Assessment – Bridge Family Profile.

(3) Fingerprint addendum. The resource specialist completes Form 04AF033E, National Criminal History Records Search Results – Bridge Resource Family Assessment Addendum, for each adult household member when the results of the national criminal history record check are received.

(A) When there is no record found or the results are the same as the Oklahoma State Bureau of Investigation (OSBI) name search, the addendum is completed and filed in a manila envelope with the national criminal history record check results based on fingerprints.

(B) When the results are different from the OSBI name search, the resource specialist:

(i) discusses the results with the applicant or adult household member;

(ii) completes Form 04AF033E;

(iii) obtains the applicant or adult household member's signature on the addendum; and

(iv) files the addendum in a manila envelope with the appropriate national criminal history record check results based on fingerprints.

(4) Review of resource assessment forms. During the initial consultation, the resource specialist provides dates for pre-service training and reviews Forms:

(A) 04AF010E, Resource Family Financial Assessment;

(B) 04AF001E, Bridge Resource Family Assessment Application;

(C) 04AF008E, Medical Examination Report, that is received by the resource specialist as soon as possible or prior to the final consultation visit and includes, when applicable, a statement from the family physician for each child in the home to verify that each child is healthy, free from communicable diseases, and current on immunizations;

(D) 04AF017E, Family Health History;

(E) 04AF018E, Child Needs Information List;

(F) 04AF005E, Notice to Bridge Resource Applicants, signed by the applicant;

(G) 04MP001E, Consent for Release of Information, signed by the applicant; and

(H) 08HI003E, Authorization to Disclose Medical Records.

(5) Tribal membership. The resource specialist verifies the applicant's tribal membership or tribal affiliation to identify valid placement resources for the Indian child pursuant to the Indian Child Welfare Acts, per Oklahoma Administrative Code (OAC) 340:75-19.

2. House assessment. The resource specialist or ~~OKDHS~~ DHS contractor conducts an evaluation of the applicant's residence to assess the location, condition, and capacity to accommodate the child requiring foster care per OAC 340:75-7-18(c).
3. Sleeping arrangements for infants. When there is a medical reason, documented by a health professional, that the infant cannot or should not sleep on his or her back, the documentation is maintained by the foster parent and a copy is filed in the GWS Child Welfare Services (CWS) case record.
4. Water safety. The resource specialist observes all water structure and water mass within sight of or accessible to the living structure or yard. The water safety plan is:
 - (1) developed with each Bridge resource applicant;
 - (2) documented and signed by the resource specialist, each Bridge resource applicant, and the resource supervisor;
 - (3) filed in the resource file;
 - (4) provided to the Bridge resource applicant;
 - (5) updated when a change or an addition of a water structure or water mass occurs to the resource home or property;
 - (6) reviewed at each Bridge resource re-assessment; and
 - (7) developed or modified as needed.
5. Animal and household pet safety.
 - (1) Documentation of current rabies vaccinations administered by a licensed veterinarian for dogs, cats, and other applicable pets is maintained in the resource file.
 - (2) Inquiry is made regarding whether:
 - (A) any of the pets have displayed aggressive behavior, bitten anyone, or required restraint due to the animal's nature; or
 - (B) the dog is of a breed known for aggression or for use as a guard dog, such as an American Pit Bull Terrier, German Shepherd, Doberman Pinscher, or Rottweiler.
 - (3) When behaviors or characteristics listed in ~~subparagraphs (2)(A) and (B) of paragraph (2)~~ this Instruction are present, the animal's veterinarian is consulted as to whether a child can safely reside with the animal.
 - (4) The resource specialist contacts the Wildlife Department or the veterinarian of record when the applicant has an exotic animal to determine the safety issues for children related to the animal and documents the information in the KIDS resource case.

6. **Weapon Safety.** To ensure the safety of a child in DHS custody who is residing in the home of a Bridge applicant or parent, the safety measures for weapons in (1) through (3) of this Instruction are required.

(1) Weapons are maintained in locked storage while in the home or when not in use. Ammunition is maintained in locked storage separate from weapons.

(2) Weapons are not carried on a person's body while the child is present unless the employment of the Bridge applicant or parent requires it when on-duty.

(3) Weapons are unloaded or disabled and stored in a locked container while in an automobile.

7. **Checking the applicant's references.** The resource specialist solicits and reviews the comments of personal, employer, and school references identified by the applicant regarding the applicant's parenting strategies and skills. The resource specialist:

(1) documents all information provided by voluntary and applicant-specified references. The resource specialist explains program expectations and the needs of children who come into ~~OKDHS~~ **DHS** care to each person contacted as a reference.

(A) Three personal references are interviewed by phone or in person.

(B) The applicant's current or most recent employer is contacted by letter, phone, or in person. When the applicant is self-employed, a reference is obtained from a customer.

(C) When applicable, school teachers, counselors, or administrators who have recently served the applicant's child are contacted by letter, phone, or in person to assess the applicant's involvement in educational issues.

(D) When the applicant's child is home-schooled by the applicant, a person that has knowledge of the applicant's home-schooling experience is contacted by letter, phone, or in person.

(E) When applicable, each of the applicant's adult children are interviewed by letter, phone, or in person.

(F) The behavioral health professional is contacted by letter when the applicant or applicant's child receives counseling or has received counseling in the past.

(G) The resource specialist obtains additional personal references when the required references do not total at least six;

(2) documents all information provided by voluntary and unsolicited applicant-specified references regarding the applicant. The resource specialist utilizes Forms:

(A) 04AF015E, Resource Family Reference Letter for Adult Children, to document contact by mail, phone, or face-to-face with each of the applicant's adult children, when applicable. The resource specialist requests consultation with the resource supervisor and the field manager to determine the significance of the information provided by an adult child who:

- (i) has a history of abuse and neglect;
 - (ii) disagrees with his or her parent's desire to foster; or
 - (iii) has other concerns about his or her parent;
- (B) 04AF014E, Resource Family Reference for School Personnel, when the applicant has a school-age child, to contact by letter the school principal, counselor, or teacher for each applicant's child;
- (C) 04AF025E, Resource Family Reference Letter for Home Schooling, when the applicant's child is home-schooled by the applicant;
- (D) 04AF011E, Resource Family Reference Letter for an Employer, to document contact by mail, phone, or face-to-face with the applicant's employer or direct supervisor. The resource specialist assesses the information given by the applicant and the present employer or supervisor and decides whether contact with past employers or supervisors is necessary. When the applicant is self-employed, contact with a customer suffices;
- (E) 04AF016E, Resource Family Personal Reference Letter, as a guide to conduct interviews and document phone interviews of personal references. When a reference is not well acquainted with the applicant and cannot provide pertinent information or when the person declines to serve as a reference, the information is documented in the assessment, and the applicant is asked for another reference;
- (F) 04AF013E, Resource Family Assessment Reference Letter for Behavioral Health Professionals, when the applicant has received behavioral health services, currently or in the past, to contact the behavioral health professional by letter. The resource specialist uses Form 08HI003E, Authorization to Disclose Medical Records, to obtain the information; and
- (G) 04AF012E, Child's Mental Health Reference Letter, when the applicant's child has received behavioral health services, currently or in the past, to contact the behavioral health professional by letter. The resource specialist uses Form 08HI003E to obtain the information-;
- (3) obtains a copy of DD Form 214, Certificate of Release of Discharge from Active Duty, to determine the type of discharge, when the applicant has been discharged from the armed forces.
 - (A) Any discharge other than honorable is specifically addressed in the assessment as a consideration in the applicant's ability to attend to the safety and well-being of a child requiring foster care services.
 - (B) Unless the resource specialist and supervisor have denied the application based on the applicant or adult household member's military history the process as outlined in Instructions to Staff # 9 and # 10 of this Instruction is followed; and
- (4) does not deny the continuation of the foster application process based solely on information provided by a reference. When a reference provides information requiring further explanation from the applicant, the resource specialist discusses the nature of the information without revealing the source.

78. Marital and significant relationship history. A copy of the current marriage license, each divorce decree, legal separation, and annulment document, when applicable, is obtained.

(1) When there is a child from a previous marriage, the child's role in the family is discussed and financial and emotional child support, when applicable, is documented.

(2) The ability of the applicant to develop and sustain healthy relationships is assessed and documented in the assessment.

89. Exceptions to assessment guidelines.

(1) The resource specialist submits a written request to the resource supervisor for an exception to the requirements in OAC 340:75-7.

(2) When in agreement with an exception, the supervisor sends the request to the field manager for review.

(3) When in agreement with the exception request, the field manager forwards the request to the Bridge Foster Care program field administrator who responds in writing with a decision. A copy of the response to the request is retained in the resource and child's record.

(4) The resource specialist documents the request and response in KIDS Resource Contacts screen.

910. (a) Disposition of the Bridge resource family assessment. The Bridge resource family assessment is approved or denied within ~~40~~ 60 calendar days after receipt of Form 04AF001E, Bridge Resource Family Assessment Application. The resource specialist:

(1) reviews Forms 04AF002E, Guidelines for Resource Family Assessment – Bridge Family Profile, and 04A003E, Resource Family Assessment – Bridge Family Profile, for content;

(2) shares the resource family assessment with the applicant for the applicant's input prior to the applicant's decision to select in or out of the foster care program;

(3) consults with the resource supervisor, and field manager when needed to determine the assessment disposition; and

(4) provides each decision made concerning the assessment and application in writing to the applicant;

(b) Disposition results. Disposition of the assessment may result in:

(1) voluntary withdrawal of the application. During the assessment, the applicant is advised of any condition that does not conform to the foster home requirements, per OAC 340:75-7. When the applicant and the resource specialist mutually decide to postpone the Bridge resource family assessment process to afford the applicant the opportunity to resolve issues of concern, the applicant withdraws from the foster care program. When the applicant withdraws the application, the resource specialist sends a letter of confirmation documenting the withdrawal;

(2) approval of the Bridge resource family assessment.

(A) The resource specialist reviews and discusses the assessment, except for the verification and reference sections, with the applicant for clarification of content;

(B) The resource specialist, resource supervisor, and applicant sign Form 04AF003E, ~~Resource Family Assessment – Bridge Family Profile~~, and a copy is provided to the applicant. The home is not considered approved until the:

- (i) the resource supervisor approves the family assessment in KIDS and signs Form 04AF003E, ~~Resource Family Assessment – Bridge Family Profile~~;
- (ii) the applicant has ~~completed the pre-service~~ met training requirements; and
- (iii) national criminal history records check results based on fingerprints have been received and reviewed.

(C) Prior to initiation of foster care maintenance payments, the applicant, with the exception of the kinship placement provider, per OAC 340:75-7-24, signs the foster care contract.

(D) The resource specialist provides the family the Resource Parent Handbook.

(E) Each Bridge resource foster parent signs Forms:

- (i) 04AF021E, Verification of Receipt of ~~OKDHS~~ DHS Rules; and
- (ii) 15GR008E, Notice of Grievance Rights – Foster Parents.

(F) The resource specialist:

- (i) copies the KIDS Pre-Resource to a Resource for each approved assessment except when the child in ~~OKDHS~~ DHS custody is in a kinship placement;
- (ii) end dates the KIDS Pre-Resource after conversion to a Resource;
- (iii) reviews the completed assessment and requests supervisory approval, changing the pending date to the date the approval is requested in KIDS Resource Status screen;
- (iv) sends Form 04AF003E, ~~Resource Family Assessment – Bridge Family Profile~~, to the resource supervisor for approval. The resource supervisor:
 - (I) approves the Bridge resource family assessment in KIDS Resource Status screen; and
 - (II) signs Form 04AF003E no more than eight five business days from the requested approval date;
- (v) scans and files the signed assessment and documentation into the KIDS Resource ~~file cabinet~~ File Cabinet;
- (vi) completes the Bridge resource screens in KIDS Resource/Other/Bridge;
- (vii) files Form 04AF021E, ~~Verification of Receipt of OKDHS Rules~~, in the resource Resource record and documents receipt of the Resource Parent Handbook in KIDS Resource Contacts screen;
- (viii) provides a signed copy of Form 15GR008E, Notice of Grievance Rights – Foster Parents, to the Bridge resource parent and files the original in the resource Resource record with documentation of the signature in KIDS Resource Contacts screen; and

(ix) sends a copy of the approved family assessment to the Adoption Services Program Unit when the family applicant selects into the Adoption program; or

(3) denial of the Bridge resource family assessment.

(A) When denying the Bridge resource family assessment, the resource specialist:

- (i) staffs the information with the resource supervisor;
- (ii) consults with the field manager when determining whether to deny an application, when needed;
- (iv) documents all information obtained in the resource record and KIDS Pre-Resource Contacts screens;
- (v) documents the denial of the application in KIDS Pre-Resource or Resource Contacts screen; and
- (vi) files a copy of the written summary in the resource record and scans to the KIDS Resource File Cabinet.

(B) When possible, the resource specialist makes face-to-face contact with the Bridge resource applicant to clarify the reason for denying the assessment.

(C) A letter is sent to the Bridge resource applicant stating the reason for denial of the assessment in clear, concise language. Relevant ~~OKDHS~~ DHS rules or procedures are cited in and attached to the letter.

(D) ~~denial of a relative's placement.~~ The resource specialist denying the relative placement:

- (i) completes Form 04MP056E, Notice to the Court of Relative Denied Placement;
- (ii) submits provides original Form 04MP056E to the child welfare (CW) specialist who requested the assessment of the relative placement for submission to the court of jurisdiction;
- ~~(iii) files and filing~~ a copy in the child's CWS record; and
- ~~(iv)~~(iii) files a copy in the resource file, when applicable.

4011. (a) Re-opening a foster home. A person who desires to re-open his or her foster home must re-apply.

(1) The resource specialist reviews the resource record to determine the former Bridge resource parent's ~~OKDHS~~ DHS performance history. The performance review includes assessing:

- (A) each ~~OKDHS~~ DHS policy or foster care contract ~~violations~~ violation or ~~concerns~~ concern;
- (B) the outcome of any written plan of compliance and recommendations regarding continued use of the home; and
- (C) the training record, ensuring that pre-service and in-service training was completed as required and documented per OAC 340:75-7-14.

(2) After the review, the resource specialist and supervisor determine the disposition of the re-application within 30 calendar days of the current application date. The field manager is consulted as needed.

(3) When the foster home has been closed more than five years, a new Bridge resource family assessment is completed, processed, and a disposition determined within 40 60 calendar days of the application date.

(4) When the Bridge resource home has been closed five years or less, was in good standing at the time of closure, the re-assessments were up-to-date, the home may be opened with an approved re-assessment within 30 calendar days of the re-application date.

(5) Re-opening a foster home requires:

(A) completion of:

(i) Form 04AF001E, Bridge Resource Family Assessment Application. When closed six months or less, the previous application is updated, dated, and re-signed;

(ii) Form 04AF004E, House Assessment;

(iii) Forms 04AF008E, Medical Examination Report, and 04AF010E, Resource Family Financial Assessment, unless completed within the last 12 months;

(iv) review the ~~OSCI~~ OSBI RapBack information, when applicable, per OAC 340:75-7-15;

(v) Form 04AD003E, Request for Background Check, to conduct a national criminal history record check based on fingerprints for each adult household member, unless completed within the last five years;

(vi) ~~an OKDHS~~ a DHS records search utilizing Form 04AF007E, Records Check Documentation Form; and

(vii) Form 04AF003E, Resource Family Assessment - Bridge Family Profile, including an updated recommendation when the home was closed for five years or more;

(B) contact with three current references when the home was closed more than 12 months;

(C) additional references when new reference information is not consistent with previous references or with the requirements per OAC 340:75-7-18;

(D) re-opening the closed resource as pending in KIDS Resource Status screen and entering a new family assessment line for the new assessment or the re-assessment; and

(E) a new contract. Upon approval, the resource specialist:

(i) obtains each applicant's signature on a new contract;

(ii) discusses payment options per OAC 340:75-7-52. When the Bridge resource parent was previously issued a Mastercard debit card, the same card number is used for the new episode; and

(iii) submits the contract to obtain a new contract number.

4412. Previous foster care experience. The applicant who has previously served as a foster parent in another state or with a private agency provides or authorizes release of all previous foster home assessments, reports, and training records from the state or agency. The resource specialist:

- (1) uses Form 04MP001E, Consent for Release of Information, to request and secure a copy of the applicant's foster home assessment, related information, and training record from other states or agencies, when applicable;
- (2) provides the information to the ~~OKDHS~~ DHS contractor, when applicable;
- (3) sends the training record via mail or fax to the field manager who determines and documents whether further training requirements are necessary;
- (4) obtains verbal verification from the other state when a copy of an out-of-state assessment and training record is presented by the Bridge resource applicant during the application and assessment process in Oklahoma;
- (5) documents the verbal verification of the applicant's out-of-state training record in KIDS Pre-Resource or Resource Contacts screens, when applicable; and
- (6) utilizes Form 04AF002E, Guidelines for Resource Family Assessment – Bridge Family Profile, and the information obtained from the other state to complete 04AF003E, Resource Family Assessment – Bridge Family Profile, with the supporting documentation.

4213. Contract Bridge resource family assessments.

- (1) ~~OKDHS~~ DHS may contract with licensed ~~child-placing~~ child placing agencies or qualified persons to provide a range of CW services that include conducting:
 - (A) Bridge resource family assessments; and
 - (B) Interstate Compact on the Placement of Children (ICPC) assessments.
- (2) ~~OKDHS~~ DHS determines the final disposition of each Bridge resource assessment completed by ~~OKDHS~~ DHS contractors.
- (3) The resource specialist obtains a completed Form 04AF001E, Bridge Resource Family Assessment Applicant, from the kinship family and refers the family or ICPC assessment to the ~~OKDHS~~ DHS contractor:
 - (A) no later than seven calendar days after the child is placed in the kinship Bridge resource home; or
 - (B) within three calendar days of receipt of the ICPC paperwork.
- (4) A complete application packet is provided for each Bridge family assessment referred to the contractor by the adoption or foster care regional designee.
- (5) At a minimum, the contractor meets with the foster or kinship applicant twice in the home during the assessment process and at the conclusion of the resource assessment for review and signatures by the applicant. When the contractor identifies issues or concerns during the assessment process, the contractor consults with the resource specialist. Additional meetings with the family may be required.

4314. Changes in the Bridge resource household.

- (1) The Bridge resource parent notifies the resource specialist within 24 hours of any change in the household, including, but not limited to:

- (A) income;
- (B) location of the home;
- (C) health;
- (D) residents; ~~or~~
- (E) relationships;

(i) When Bridge resource parents divorce, separate, or the relationship is dissolved or has otherwise ended, the person who continues to foster retains the existing resource number and information.

(ii) An addendum is completed and documented in KIDS Resource Contacts screen to reflect the changes in the household.

(iii) A new Form 04AF010E, Resource Family Financial Assessment, is completed to address any change to the financial status of the household.

(iv) The Out-of-House Date and Reason is entered in KIDS Resource Homes screens to reflect the financial assessment information.

(v) When both foster parents ~~wish~~ want to continue to foster, the primary foster parent maintains the original KIDS resource number and another resource is opened cross-referencing the original resource number.

(vi) When the primary foster parent does not ~~wish~~ want to continue fostering and the designated head of household 2 elects to foster, he or she becomes head of household 1 in the existing KIDS resource. The person wishing to continue to foster signs a new foster care contract, per OAC 340:75-7-52 and a new contract number is assigned.

(vii) When neither foster parent ~~wishes~~ wants to foster, the KIDS resource is closed;

(F) charges or arrests of any foster parent or household member and any illegal activity committed by a foster parent or household member; or

(G) proceeding for a protective order filed by or against any member of the household.

(2) The resource specialist addresses any household changes with the Bridge resource parent within seven business days and documents the information. An assessment is completed and conducted in the home regarding the foster parent's ability to continue providing care for a child in ~~OKDHS~~ DHS custody.

340:75-7-19. Joint approval of resource homes ~~§~~ 1 through 87

Revised ~~7-1-13~~ 9-15-15

(a) **Joint approval of Bridge resource home.** ~~§~~ 1 through 4, 6 & 7 The Oklahoma Department of Human Services (~~OKDHS~~) (DHS) Bridge resource parent may be jointly approved to provide foster care services to the child in ~~OKDHS~~ DHS custody while approved by another agency. Joint approval occurs after each agency has conducted an assessment and determines the child's needs can be met in a jointly approved

home. While the home is jointly approved, any changes or concerns are shared between each agency involved with the jointly-approved home. Joint approval is child specific and occurs when the:

- (1) child's need for specialized services, treatment, or placement changes;
- (2) child re-enters the child welfare (CW) system and has a previous relationship with the placement provider;
- (3) placement provider is kin to the child;
- (4) siblings need to be placed together;
- (5) infant of a youth in ~~OKDHS~~ DHS custody requires placement; and
- (6) child in ~~OKDHS~~ DHS custody requires specialized services or treatment in a kinship placement.

(b) **Joint use of ~~OKDHS~~ DHS Developmental Disabilities Services Division (DDSD) (DDS) § 4 home.** Joint approval of a ~~DDSD~~ DDS home as a Child Welfare Services (CWS) Bridge foster home occurs after a ~~case-by-case~~ an assessment of the child's case and approval of the CWS ~~DDSD~~ DDS Program Unit liaison and the ~~Foster Care Program Unit~~ Bridge Foster Care.

(c) **Joint use of CWS Bridge foster home by Office of Juvenile Affairs (OJA).** Joint use of the CWS Bridge resource home occurs after a ~~case-by-case~~ an assessment of the child's case and approval of the ~~Foster Care Program Unit~~ Bridge Foster Care.

(d) **Joint use of CWS kinship Bridge kinship home.** § 5 Use of the kinship Bridge resource home as a traditional Bridge resource home requires that the kinship family continue to meet all the requirements of a CWS foster home.

(e) **Joint use of CWS adoptive home.** § 5 Joint use of the adoptive Bridge resource ~~adoptive~~ home as a traditional Bridge resource foster home occurs after a ~~case-by-case~~ an assessment of the child's case and approval of the resource and adoption supervisors.

(f) **Joint use of licensed family child care home.** § 76 The ~~kinship~~ A Bridge resource foster home is the ~~only type of resource home~~ considered for joint approval as a licensed family child care home after a ~~case-by-case~~ an assessment of the child's case and joint approval by ~~Oklahoma~~ Bridge Foster Care and Child Care Services.

(g) **Joint approval of foster home by ~~OKDHS~~ DHS and tribes.** § 87 The ~~OKDHS~~ DHS or tribal foster home may be jointly approved by both the tribe and ~~OKDHS~~ DHS if DHS when the home meets ~~OKDHS~~ DHS standards; however, the total number of children placed in the jointly approved home cannot exceed the total number of children approved for the home.

INSTRUCTIONS TO STAFF 340:75-7-19

Revised 7-1-139-15-15

1. (a) **Joint approval of the Bridge resource foster home.** During the time the Bridge resource home is jointly approved, changes or concerns are shared between each entity supervising the jointly approved home.
2. **Joint approval of the therapeutic foster care (TFC) home as an ~~OKDHS~~ Oklahoma Department of Human Services (DHS) Bridge resource home.**
 - (1) The child welfare (CW) specialist assigned to the child contacts the prospective district of placement resource specialist and resource supervisor by email before the child is placed for approval to place the child.

- (2) The resource specialist contacts the therapeutic foster care (TFC) programs manager and verifies the TFC agency agreement to share the resource.
- (3) Following verification by the TFC agency that the resource may be shared, the TFC programs manager or designee notifies the resource specialist, supervisor, and field manager that the home assessment may proceed.
- (4) The resource specialist obtains a release of information from the resource parent requesting TFC agency documentation.
- (5) The resource specialist contacts the TFC agency and requests:
 - (A) a copy of the family assessment;
 - (B) a copy of the most recent re-evaluation;
 - (C) training records; and
 - (D) a recommendation from the TFC agency regarding joint use of the home as a Bridge resource foster home.
- (6) After review of the documentation and recommendation from the TFC agency, the resource specialist:
 - (A) asks the applicant to complete and sign Forms 04AF001E, Resource Family Assessment Application, and 04AD003E, Request for Background Check, authorizing ~~OKDHS~~ DHS to conduct an investigation into the applicant and each adult household member's criminal and ~~OKDHS~~ DHS records, including CW records per Oklahoma Administrative Code (OAC) 340:75-7-15;
 - (B) assesses the home using Form 04AF004E, House Assessment;
 - (C) asks the applicant to send a letter to the ~~Background Checks Program Unit~~ Child Welfare Services (CWS) Fingerprint Processing Section requesting release of the national criminal history records check results based on fingerprints to the resource specialist, including the applicant's:
 - (i) name;
 - (ii) date of birth;
 - (iii) Social Security number; and
 - (iv) signature;
 - (D) completes Form ~~04AF044E~~ 04AF033E, National Criminal History Record Search Results – Bridge Resource Family Assessment Addendum;
 - (E) explains Form ~~04AF033E~~ 04AF005E, Notice to Bridge Resource Applicant(s), and obtains the applicant's signature on the form;
 - (F) obtains copies of each required verification, such as a driver license and liability insurance;
 - (G) completes an addendum;
 - (H) submits the training information to the ~~Foster Care Program Unit~~ Bridge Foster Care via fax or email; and
 - (I) submits all assessment information to the resource supervisor for disposition.

(6) The resource specialist completes and attaches the addendum to the TFC agency's home assessment documenting updated information and the recommendation regarding the disposition of the TFC home as a Bridge resource foster home.

(7) Upon approval, the resource specialist:

(A) obtains the Bridge resource parent's signature on the:

(i) foster care contract;

(ii) Form 04AF021E, Verification of Receipt of ~~OKDHS~~ DHS Rules; and

(iii) Form 15GR008E, Notice of Grievance Rights – Foster Parent;

(B) creates a KIDS resource; and

(C) notifies the CW specialist assigned to the child that placement may be made and payments may begin.

(8) Additional placements of a child in ~~OKDHS~~ DHS custody is are not permitted without written approval from TFC program and ~~Foster Care Program Unit~~ Bridge Foster Care field managers.

3. Joint approval of the Bridge resource foster home as a TFC home.

(1) The CW specialist assigned to the child, following consultation and approval from the CW supervisor, contacts the district of placement resource specialist to:

(A) request consideration of the Bridge resource foster home as a TFC home; and

(B) provide documentation of the child's previous behavioral health services; or

(C) explain why behavioral health services were not provided to the child prior to the child's placement in the Bridge resource foster home.

(2) The resource specialist contacts the field manager via email providing:

(A) information received from the CW specialist assigned to the child and any other related information;

(B) verification that the Bridge resource foster parent has adequately met the needs of the child placed; and

(C) a recommendation to approve or deny the joint approval request.

(3) The field manager provides written approval or denial via email to the resource specialist and the TFC programs manager. The disposition email is forwarded to the TFC agency and the CW specialist assigned to the child.

(4) When ~~OKDHS~~ DHS authorizes the joint approval, the TFC agency requests a reference letter from the ~~OKDHS~~ DHS TFC Program Unit with the approval email attached.

(5) Upon receipt of a written release from the TFC agency signed by each resource parent, the resource specialist provides:

(A) a copy of Form 04AF003E, Resource Family Assessment – Bridge Family Profile, excluding the Reference and Verification sections;

(B) a copy of the most recent Form 04AF030E, Bridge Resource Family Re-assessment, the Reference and Verification sections; and

(C) each resource parent's training records.

- (6) Upon request, the resource specialist provides copies to the resource parent of documents previously submitted by the resource parent.
- (7) Additional children in ~~OKDHS~~ DHS custody are not placed in the jointly approved home without written approval of the ~~OKDHS~~ DHS TFC program manager and the field manager.
4. Process for joint approval of the Developmental Disabilities Services Division (~~DDSD~~) (DDS) home as a Bridge resource home. The ~~OKDHS~~ DHS resource specialist contacts the ~~DDSD~~ DDS liaison and the ~~Foster Care Program Unit Bridge Foster Care~~ field manager to request joint approval consideration. Approval for joint use of the home is:
- (1) granted on a case-by-case basis;
 - (2) child-specific; and
 - (3) limited to placement of the specific child only.
5. Process for joint approval or conversion of the a kinship home as or adoptive home to a traditional Bridge resource home. ~~The resource specialist creates a separate KIDS resource with the resource type as CW Foster Family Care prior to the child's placement in the home. A new contract number is not required.~~
- (1) The resource specialist initiates a resource home conversion assessment consisting of, but not limited to:
 - (A) discussing with the kinship family, the children coming into care and the family's willingness to accept a child who is not related to them or with whom they have not had a previous relationship;
 - (B) re-exploring the Bridge philosophy with the family and the expectation of working with the birth family toward reunification or with DHS toward permanency;
 - (C) updating Form 04AF001E, Bridge Resource Family Assessment Application, indicating changes since the original application. The family provides three, new, unrelated references per OAC 340:75-7-18;
 - (D) completing a new Form 04AF004E, House Assessment, and addressing sleeping accommodations;
 - (E) reviewing a copy of the kinship/foster/adoptive home assessment and reviewing and updating, if not current, DHS records checks, fingerprints, and medical information;
 - (F) addressing any DHS concerns, policy violations, written plans of compliance, or investigations, and corrections made by the family;
 - (G) completing a new Form 04AF018, Child Needs Information List;
 - (H) reviewing Form 04AF005E; and
 - (I) completing the Our Family Profile Section of Form 04AF003E.
 - (2) The resource specialist summarizes and attaches the addendum to the resource home assessment documenting updated information and making a recommendation regarding the approval as a traditional Bridge resource home or adoptive home. The recommendation includes the number of children, age preferences, races, genders, and any special needs children the family is willing to accept as placement.
 - (3) The conversion assessment is signed by the resource parent, resource specialist, and supervisor with an approval effective date. A copy of the

completed addendum is stored in kinship, new traditional, or adoptive home resource home files.

(4) The resource specialist creates a separate KIDS Resource with the resource type as CW Foster Family Care or Adoptive Home prior to the child's placement in the home. A new contract number is not required for a foster home conversion.

(5) The resource specialist documents on the Bridge icon in the resource home file the family's Bridge participation level.

(6) When an adoptive home is converted to a traditional Bridge resource home, prior to approval, the foster care and adoptive worker meet with the family to discuss the process.

(7) The meeting with the adoptive family includes a discussion about the impact the conversion of their adoptive home to a CW foster family care home will have on their availability for placement of a child in their home for adoption.

(8) When a kinship foster home currently providing care for a kinship child is converted to a traditional Bridge resource home or adoptive home, the resource worker consults with the kinship child's worker prior to making a non-kinship placement.

6. ~~Process for joint approval of the Bridge adoptive home as a traditional Bridge resource home. The resource specialist:~~

~~(1) initiates a foster home assessment update consisting of, but not limited to:~~

~~(A) updating Form 04AF001E, Bridge Resource Family Assessment Application, indicating changes since the original application. The family provides references, per OAC 340:75-7-18;~~

~~(B) completing Form 04AF004E, House Assessment;~~

~~(C) obtaining a copy of the adoptive home assessment and reviewing and updating the information;~~

~~(D) completing a Juvenile Justice Information System (JOLTS) review of each child older than 13 years of age residing in the home;~~

~~(E) conducting an FBI national criminal history records search of each adult residing in the home, including submission of fingerprints, when not previously completed in the last five years;~~

~~(F) documenting pre-service training;~~

~~(G) explaining Form 04FC003E, Notice to Foster Parent Applicant(s); and~~

~~(H) obtaining a copy of each required verifications such as driver license and liability insurance;~~

~~(2) completes and attaches the addendum to the adoptive home assessment documenting updated information and making a recommendation regarding the approval as a foster home; and~~

~~(3) obtains the Bridge resource parent's signature on the foster care contract after completion of the entire foster home update.~~

7. Process for joint approval of the child care home as a kinship Bridge resource home.

(1) When the licensed family child care home requests joint approval as a kinship Bridge resource home, the ~~district of~~ placement resource specialist and Oklahoma Child Care Services (OCCS) (CCS) worker assigned to the child care home gather data that includes:

- (A) information regarding the ~~child~~ number of children considered for kinship foster care placement in the child care home;
- (B) the number and ages of children approved for care in the child care home;
- (C) the number of children that reside in the child care home;
- (D) the ~~OCCS~~ CCS licensing compliance history including a description of each violation;
- (E) information regarding the child care home from the ~~OCCS~~ CCS worker assigned to the child care home; and
- (F) an assessment of the child care provider's ability to meet each child's needs.

(2) ~~OCCS CCS reviews and approves or denies the child care home's request for alternative certification and the Foster Care Program Unit Bridge Foster Care field manager approve or deny~~ approves or denies the request. Approval of the CCS and Bridge Foster Care field managers is required for joint approval of the home.

(3) Refer to OAC 340:40-7-8 for information regarding child care benefits for the child in ~~OKDHS~~ DHS custody placed in the child care provider's home.

(4) The child care home is monitored by ~~OCCS~~ CCS for licensing purposes and by ~~CWS~~ Child Welfare Services as a kinship Bridge resource home and all relevant information is shared between the ~~OKDHS~~ DHS divisions.

87. Joint approval of foster homes by ~~OKDHS~~ DHS and Indian Tribes. ~~OKDHS~~ DHS cooperates and communicates with tribes in the joint approval of foster homes process and during the ~~OKDHS~~ DHS child's placement in the jointly-approved home.

(1) When a tribal foster home requests joint approval as an ~~OKDHS~~ a DHS Bridge resource home, the ~~OKDHS~~ DHS resource specialist contacts the ~~OKDHS~~ CWS tribal coordinator.

(2) The ~~OKDHS~~ CWS tribal coordinator contacts the tribe and requests permission to assess the tribal home as an ~~OKDHS~~ a DHS resource.

(3) The ~~OKDHS~~ CWS tribal coordinator notifies the resource specialist of the tribal decision.

(4) When the tribe is in agreement with joint approval assessment, the resource specialist:

- (A) contacts the tribe and requests the tribal resource record and the tribe's recommendation regarding use of the tribal resource as an ~~OKDHS~~ a DHS resource;
- (B) reviews the resource record and recommendation;
- (C) updates all required information, including training;
- (D) completes Form 04AF004E, House Assessment;
- (E) completes an addendum; and
- (F) submits the information to the CW supervisor for disposition.

(5) When the home is approved as an ~~OKDHS~~ a DHS Bridge resource home, the resource specialist creates a KIDS resource.

(6) When the tribe is in the process of assessing the prospective resource and the prospective resource is needed as an ~~OKDHS~~ a DHS kinship home for a specific child in ~~OKDHS~~ DHS custody, the ~~OKDHS~~ DHS resource specialist completes the:

(A) initial kinship process per OAC 340:75-7-24; and

(B) approval process per OAC 340:75-7-18.

(7) When the tribe requests joint approval of an ~~OKDHS~~ a DHS Bridge resource as a tribal resource, the request is forwarded to the ~~OKDHS~~ CWS tribal coordinator.

(8) The ~~OKDHS~~ CWS tribal coordinator contacts the ~~OKDHS~~ DHS resource specialist and requests permission for the tribe to assess the home for use as a tribal foster home.

(9) The ~~OKDHS~~ CWS tribal coordinator notifies the tribe of the ~~OKDHS~~ DHS decision.

(10) When ~~OKDHS~~ DHS is in agreement with the joint approval, the tribe contacts the ~~OKDHS~~ DHS resource specialist and requests the resource record and the ~~OKDHS~~ DHS recommendation regarding use of the ~~OKDHS~~ DHS resource as a tribal resource.

(11) When concerns or disagreements arise during the joint approval process, the ~~OKDHS~~ CWS regional tribal coordinator and the ~~Foster Care Program Unit~~ Bridge Foster Care field manager facilitate the discussion with the tribe to resolve the concerns.

(12) ~~OKDHS~~ DHS coordinates with the tribe to place the child in ~~OKDHS~~ DHS custody in the jointly approved foster home.

340:75-7-24. Kinship placement for the child in ~~OKDHS~~ Oklahoma Department of Human Services (DHS) custody custody § 1 through 5

Revised 7-1-139-15-15

(a) Kinship care.

(1) Per Section 1-9-106 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-106), ~~Oklahoma Department of Human Services (OKDHS)~~ DHS establishes standards for kinship foster care.

(A) A person related by blood, marriage, adoption, by tie or bond to a child, and to ~~who~~ whom has been ascribed a family relationship role with the child's parents or the child may be eligible for approval as a kinship foster parent.

(B) When the child is in protective or ~~OKDHS~~ DHS emergency custody, priority is given by ~~OKDHS~~ DHS to the child's noncustodial parent for placement, unless the placement is not in the best interest of the child.

(C) When the child cannot be placed with the noncustodial parent, the child's placement is made ~~in accord with~~ per 10A O.S. § 1-4-204.

(2) Per 10A O.S. § 1-4-204, when determining the placement of a child in ~~OKDHS~~ DHS custody, a preference is given to relatives and persons who have a kinship relationship with the child. ~~OKDHS~~ DHS makes diligent efforts to place the child accordingly and reports to the court the efforts made to secure the placement.

When the Indian Child Welfare Act (ICWA) applies, ICWA placement preferences are followed. The Indian child in foster care is placed:

- (A) in the least restrictive, most family-like setting;
- (B) in reasonable proximity to the child's home;
- (C) where the child's special needs if any, may be met; and
- (D) in the following order of preference, absent good cause to the contrary, with:
 - (i) a member of the Indian child's extended family;
 - (ii) a foster resource home licensed, approved, or specified by the Indian child's tribe;
 - (iii) an Indian foster resource home licensed or approved by an authorized non-Indian licensing authority; or
 - (iv) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

(3) When the child is not placed with a relative who was considered for placement, OKDHS DHS notifies the court in writing of the reasons the relative was denied placement and the notice is made a part of the court record per 10A O.S. § 1-4-204.

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(b) **Kinship relationships.** Kinship relationships are identified in paragraphs (1) through (4).

(1) **Related by blood.** Maternal and paternal blood relatives considered as kinship, including half-blood, are:

- (A) siblings;
- (B) grandparents, including those denoted by prefixes of great and great-great;
- (C) aunts and uncles, including those denoted by prefixes of great and great-great;
- (D) nieces and nephews, including those denoted by prefixes of grand and great-grand; and
- (E) cousins.

(2) **Related by marriage.** Relationships created by marriage, as described in paragraph (1) of this subsection, whether by common-law or ceremony include:

- (A) step-relations; and
- (B) the previous relationship designation prior to the termination of the marriage by death or divorce.

(3) **Related by adoption.** Relatives by adoption as described in paragraphs (1) and (2) of this subsection are considered kinship.

(4) **Related by emotional tie or bond.** An emotional tie or bond exists when a child or the child's parent acknowledges and accepts a person as part of the extended family or in the family's close network of friends and relationships. The family or child relationship role must exist prior to the necessity for the child's initial out-of-home placement. Children or youth in DHS custody that establish relationships after the child's out-of-home placement may be approved after an assessment of the child's case. ¢ 2

(c) **Parent not considered kinship.** A kinship placement does not include:

(1) the child's custodial or noncustodial parent with whom the child is placed or to whom the child is returned; or

(2) a parent whose parental rights are terminated.

(d) **Parent or placement not eligible for foster care maintenance payment.** A biological parent, regardless of whether parental rights are intact or terminated, cannot be a kinship resource and is not eligible for a foster care maintenance payment when the child is in ~~OKDHS~~ DHS custody, and placed in the parent's home, or when the biological parent is living in the home with an approved placement. ¶ 3

(e) **Initial kinship placement.** Per 10A O.S. § 1-7-111, a child may be placed in the kinship foster home prior to completion of the resource family assessment, criminal history records search, child abuse and neglect checks, and pre-service training ~~when the foster parent applicant and each adult residing in the home of the applicant have resided in the State of Oklahoma for at least five years immediately preceding placement,~~ provided:

(1) Form 04FC001E, Initial Kinship Placement Agreement, is completed and signed;

(2) Forms 04AF001E, Bridge Resource Family Assessment Application, and 04AD003E, Request for Background Check, are completed and signed, per Oklahoma Administrative Code (OAC) 340:75-7-15 and 340:75-7-18;

(3) ~~an OKDHS~~ a DHS records search, including Child Welfare Services (CWS) records, is completed and documented on Form 04AF007E, Records Check Documentation Form. When an applicant or adult residing in the home has not resided in the State of Oklahoma for the past five years, Form 04AF039E, Provisional Placement Protocol, is completed that includes gathering CW history and criminal history from any other state where the family resided within the last five years;

(4) Form 04AF004E, House Assessment, is completed and approved; and

(5) three personal references, only one of whom is a family member, are interviewed. ¶ 4

(f) **Kinship maintenance payment option.** The kinship applicant may opt for:

(1) a DHS foster care maintenance payment ~~from OKDHS;~~ or

(2) a money payment for which the child is eligible instead of the foster care maintenance payment.

(A) The foster care maintenance payment is reduced by the amount of the money payment when the money payment is less than the foster care maintenance payment. Refer to OAC 340:75-7-52.1 for Supplemental Security Income (SSI) or Social Security Administration (SSA) benefits received for a parent who is deceased or disabled.

(B) Payment may include:

(i) other financial resources, per OAC 340:75-13-28; or

(ii) Temporary Assistance for Needy Families ~~(TANF)~~ benefits, per OAC 340:10-9. ¶ 5

(g) **Kinship and traditional foster home requirements the same.** Each kinship foster home, whether paid or non-paid, must meet the same requirements as the traditional non-related foster home.

(h) **Kinship start-up and training stipend.** The kinship foster family that has not been approved within the preceding five years, is entitled to receive, as set out in ~~OKDHS~~ DHS Appendix C-20, ~~Children and Family Services Division~~ Child Welfare Services Rates Schedule:

(1) a one-time kinship start-up stipend to assist with initial expenditures for each child placed in the home for 14 calendar days; and

(2) a training stipend. Half of the total stipend is paid to the kinship foster family after the kinship foster parent(s) enrolls in the pre-service training and the second half of the total stipend is paid to the kinship foster parent(s) after the kinship foster parent(s) completes the pre-service training when:

(A) a child is placed and residing in the home at the time the kinship foster parent enrolls in training; and

(B) the child remains in the home until the kinship foster parent completes training.

(i) **Foster care maintenance payments begin when requirements satisfied.** Per 10A O.S. § 1-9-106, the kinship foster parent is not entitled to any payments for providing foster care until the foster parent receives final approval from ~~OKDHS~~ DHS. Foster care maintenance payments for paid kinship foster homes begin at the time requirements are met per OAC 340:75-7-18 and are not retroactive. ~~¢~~ 5

INSTRUCTIONS TO STAFF 340:75-7-24

Revised ~~7-1-139~~ 15-15

1. **Notification to court of relative denied placement.** When the relative considered for placement is denied placement, Form 04MP056E, Notice to the Court of Relative Denied Placement, is submitted to the court per Oklahoma Administrative Code (OAC) 340:75-7-18.
2. **Exception to kinship relationship requirements.** An exception to the requirement for emotional tie or bond for a kinship relationship may be requested from, and approved on a case-by-case basis by, the field manager when:
 - (1) a diligent search for kinship has been completed per OAC 340:75-6-85.2 and documented in the child's KIDS case;
 - (2) an appropriate kinship provider ~~as defined in~~ per OAC 340:75-7-24 is not located; and
 - (3) a specialized skill is needed to care for the child;
 - (4) a teenager ~~has~~ found placement through a connection in the community; ~~or~~
 - (5) a child in permanent custody or long-term placement has a connection in the community; or
 - (6) other similar circumstance exists.
3. **Kinship.** Diligent efforts, per Section 1-4-204 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-204), are made to place a child in a kinship placement. The resource specialist carefully considers the child's physical and emotional health and safety when identifying potential kin providers.
4. **Initial kinship placement.** An Oklahoma Department of Human Services (~~OKDHS~~) (DHS) records search, including Child Welfare Services (CWS) records, is completed first on potential kinship providers and documented on Form 04AF007E, Records Check Documentation Form. When the CW specialist completes the initial kinship placement, the CW specialist provides

the necessary paperwork to the resource specialist within two business days.
The resource specialist:

- (1) copies the KIDS Pre-Resource to a Resource after the child is placed in the kinship foster home and the initial placement requirements are completed, per OAC 340:75-7-24;
- (2) documents the kinship provider's relationship in KIDS Resource General Information screen. When requesting an out-of-district kinship placement, a KIDS Pre-Resource is assigned to the district where the kinship provider resides;
- (3) end dates the KIDS Pre-Resource after the conversion to a Resource; and
- (4) completes:
 - (A) Form 04FC001E, Initial Kinship Placement Agreement;
 - (B) the criminal records search, ~~OKDHS~~ DHS records review, background checks, and Juvenile Justice Information System (JOLTS) review for any child older than 13 years of age residing in the home, per OAC 340:75-7-15;
 - (C) Form 04AF004E, House Assessment, and submits Form 04AF004E to the resource supervisor for review; and
 - (D) an interview by phone with three personal references, only one of whom is a family member. When all other requirements are satisfied and the placement is occurring after 10:00 p.m., the child may be placed and the references contacted the next day.

5. Kinship stipend and maintenance payment.

- (1) The kinship start-up stipend (KSUS) and the training stipend is entered automatically by the KIDS system.
 - (A) The KIDS system automatically generates the KSUS on the 15th day of the child's placement when the child is in the placement for 14 consecutive days.
 - (B) The KIDS system allows a date range for automatic payment of the training stipend that includes the kinship provider:
 - (i) enrolling in the pre-service training up to seven calendar days prior to the child's placement; and
 - (ii) completing the pre-service training up to seven calendar days after the child leaves the placement.
- (2) The resource specialist:
 - (A) refers the relative kinship provider to the local ~~OKDHS~~ DHS office to apply for Temporary Assistance for Needy Families (TANF) benefits pending completion of the assessment process to become a paid foster family;
 - (B) to avoid an overpayment, informs the Family Support Services worker no later than the next business day after the foster care home requirements are satisfied for foster care;
 - (C) at the initial consultation:
 - (i) obtains each kinship provider's signature on a foster care contract, per OAC 340:75-7-52 Instructions to Staff, or when the

provider is a non-paid kinship provider, on Form 04FC002E, Nonpaid Agreement; and

(ii) ~~provides~~ assists each adult applicant in the home with fingerprint cards ~~to be completed and returned to the resource specialist in completing the process to obtain fingerprints~~ within five calendar days; and

(D) consults with the resource supervisor and determines whether an exception is necessary.

(i) Exceptions for payments made before requirements are completed are considered on a case-by-case basis.

(ii) A request for a one-time 60-calendar day training or home study waiver is requested only after all efforts ~~by the district~~ to expedite training or the home study assessment are exhausted, and the efforts are documented in KIDS Resource Contacts screens.

(iii) A written request and a waiver request on KIDS is submitted by the resource supervisor to the field manager who, ~~when in agreement with the request, forwards the request via KIDS to the program administrator who~~ approves or denies the request in KIDS.

(iv) The types of training waivers include a:

(I) temporary waiver when pre-service training is not available, delays occurred in obtaining the home assessments or fingerprints in a timely manner, and all other requirements are satisfied; and

(II) permanent training waiver for an incapacitated spouse that is available only after the primary kinship provider completes the pre-service training.

~~(v) A home assessment waiver is requested when:~~

~~(I) the resource specialist has not completed the home assessment timely; or~~

~~(II) required documentation is not received.~~

PART 4. ROLES AND RESPONSIBILITIES

340:75-7-41. Placement considerations and requirements for the child in Oklahoma Department of Human Services (DHS) custody ~~§ 1 & 2~~

~~Revised 7-4-13~~ 7-15-15

(a) **Bridge resource family homes provide out-of-home placements.** Bridge resource family homes serve as out-of-home placements for children in ~~Oklahoma Department of Human Services (OKDHS)~~ (DHS) custody. ~~§ 1~~

(b) **Sibling placement.** Per Section 1-7-107 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-107), when two or more children in foster care are siblings, every reasonable attempt is made to place the siblings in the same home.

(c) **Placement preferences for the child in ~~OKDHS~~ DHS custody.**

~~(d)~~ Refer to Oklahoma Administrative Code (OAC) 340:75-6-85 for additional statutory and ~~OKDHS~~ DHS requirements regarding sibling placement and placement preferences for the child in ~~OKDHS~~ DHS custody.

(d) Identification of appropriate placement. Per 10A O.S. § 1-4-204, when selecting an appropriate placement for the child in OKDHS DHS custody, OKDHS DHS considers the:

- (1) ~~the~~ child's best interests;
- (2) ~~the~~ wishes of the parent, relative, and child, when appropriate; and
- (3) ~~the~~ considered person's ability and willingness to:
 - (A) provide safety for the child;
 - (B) cooperate with any restrictions placed on contact between the child and others;
 - (C) support ~~the~~ OKDHS DHS efforts to implement the child's permanent permanency plan;
 - (D) meet the child's physical, emotional, and educational needs, including the child's need to continue in the same school or educational placement;
 - (E) provide a placement for the child's sibling; and
 - (F) care for the child as long as necessary and provide a permanent home when necessary.

(e) Indian Child Welfare acts and placement. OKDHS DHS complies with the federal and state Indian Child Welfare acts when considering placement for the child in OKDHS DHS custody. The federal Indian Child Welfare Act (~~FIGWA~~), 25 United States Code § 1915, Oklahoma Indian Child Welfare Act (~~OICWA~~), 10 O.S. § 40.6, and OAC 340:75-19-14 define placement preferences for Indian children.

(f) Religious consideration in placement decision. Consideration is given to the parent's ~~wishes regarding~~ religious preference when OKDHS DHS selects a placement provider for the child in OKDHS DHS custody, per 10A O.S. § 1-4-705. Refer to OAC ~~340:75-5-49~~ 340:75-6-49.

(f)(g) Placement stability. To promote stability and healthy growth of the child in OKDHS DHS custody, it is the intent of OKDHS DHS to limit the number of times a child is moved in out-of-home placement.

- (1) The placement made is the best available placement to provide permanency for the child.
- (2) A request by a placement provider for immediate removal of a child is examined and assessed to determine whether the situation can be resolved to prevent placement disruption of the placement.

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

(h)(i) Number and ages of children placed in OKDHS DHS and Tribal tribal foster home homes. OKDHS DHS determines the number and ages of children placed in each Bridge resource home. Each tribe determines the number of children in OKDHS DHS and tribal custody allowed placement in a tribal foster home. OKDHS DHS places the Indian child in OKDHS DHS custody in compliance with the placement preferences of the Indian Child Welfare Act, per OAC 340:75-19. ~~ç~~ 2

INSTRUCTIONS TO STAFF 340:75-7-41
Revised 7-1-13 9-15-15

1. (a) Placement in nearest proximity to parent or legal guardian, or school. When a kinship placement is not identified, the resource specialist and child welfare (CW) specialist make diligent efforts to place the child with siblings, when applicable, in a Bridge resource family ~~who resides~~ residing in the closest geographic proximity as possible to the child's family or school that can best meet the child's needs.
 - (1) Cooperation between CW specialists and Bridge resource families is required to ensure the effective and appropriate use of Bridge resources to serve the best interests of the children in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) custody.
 - (2) The resource specialist assesses each placement decision with consideration of the skills and abilities of the Bridge resource family.
 - (3) ~~The Bridge resource family's willingness to accept placement of the child is not the major criterion for the placement decision.~~
 - (4) When a Bridge resource home is not available for the child in the child's county of jurisdiction, a search for a Bridge resource home in the adjoining contiguous counties is initiated, followed by a statewide search, when necessary.
 - ~~(5)~~(4) The child's transportation to the out-of-district placement is coordinated between the county of jurisdiction and the district of placement. When the child is placed:
 - (A) the child has an adequate supply of clothing;
 - (B) the child has a sufficient amount of a prescribed medication to allow for uninterrupted treatment;
 - (C) Form 04MP012E, Receipt and Release of Prescription and Over-the-Counter Medication(s), is provided to the placement provider; and
 - (D) Form 04KI004E, Placement Provider Information, is provided to the placement provider. Form 04KI004E that contains information required by Section 1-7-104 of Title 10A of the Oklahoma Statutes and Oklahoma Administrative Code (OAC) 340:75-6-40.2, including the child's:
 - (i) ~~daily routine~~ schedule;
 - (ii) available medical history, including immunization records; and
 - (iii) educational information.
 - ~~(6)~~(5) When a disruption occurs in the out-of-district placement, the district of placement and county of jurisdiction share information regarding the best alternative placement for the child. Placement planning decisions are made by the county of jurisdiction. Factors considered in determining the placement include the child's:
 - (A) length of stay in the current placement;
 - (B) connection to the community;
 - (C) connection to the school; and
 - (D) extracurricular activities.
- (b) Resource specialist primary responsibility. The primary responsibility of the resource specialist is to locate placements for the child in ~~OKDHS~~ DHS custody and to coordinate and cooperate with other CW workers and specialists to meet the goals for timely, safe, and informed placements.

(c) Pro-rated payments when child attends Oklahoma Schools for the Deaf or Blind. The Bridge resource parent may receive a pro-rated payment for days the child, who attends ~~the Oklahoma School for the Deaf or the Oklahoma School for the Blind~~ Oklahoma Schools for the Deaf and Blind, is actually in the resource home. These days are entered into the KIDS system for payment. Coordination with the counties of placement for Oklahoma Schools for the Deaf and Blind procedures are listed in (1) through (5) of this Instruction subsection.

(1) Murray County is the liaison county for the Oklahoma School for the Deaf.

(2) Muskogee County is the liaison county for the Oklahoma School for the Blind.

(3) The county of jurisdiction notifies Murray or Muskogee County of the child's placement in either school.

(4) ~~Murray and Muskogee County~~ The supervisor for the county of jurisdiction assigns a secondary responsibility to Murray or Muskogee County with the description of County of Service to the case on KIDS.

(5) Inquiries or replies to inquiries regarding the child in OKDHS DHS custody are sent to Murray or Muskogee County and not directly to the individual schools.

(d) Pre-approval required before the child moves out-of-district with the Bridge resource parent. Prior approval of the CW and resource supervisors is required before the child in OKDHS DHS custody moves out-of-district with the Bridge resource parent.

(1) The ~~(CW)~~ specialist prepares a written request stating the reasons why remaining in the current resource home is in the child's best interests.

(2) The resource specialist files copies of the request and approval or denial in the resource and child's record and documents the date and general content of the determination in the KIDS Resource Contacts screen.

(3) The resource specialist sends a copy, of the authorization for the child to move to the receiving district, ~~of the authorization for the child to move~~.

(e) Assignment of Bridge resource when the resource relocates. When a Bridge resource parent moves to a contiguous county and the recommendation is made to not transfer assignment of the resource to the new county of residence, the resource supervisor submits a recommendation to the applicable field managers. The request and assignment determination is documented in the KIDS Resource Contacts screen by the field manager to whom the resource is assigned.

(f) Pre-approval required before the child moves out-of-state with the Bridge resource parent. The CW specialist consults with the resource specialist to ensure the Bridge resource is in good standing prior to recommending approval for the child to move out of state with the Bridge resource parent.

2. (a) Number and ages of children placed in a Bridge resource home. To determine the number and ages of children placed in the Bridge resource home, consideration is given to:

- (1) each Bridge resource parent's capabilities and skills;**
- (2) the number and ages of the Bridge resource parent's own children;**
- (3) whether the home can physically accommodate the children;**
- (4) the known behavioral patterns of the foster parent's own children and the children in foster care; and**
- (5) the anticipated effect of the placements upon the Bridge resource family as a unit. The needs of the child placed in the home may restrict the capacity of the home regardless of the approved number of foster care beds in the home.**

(b) Exception to the number or age limit of children placed in a Bridge resource home. The placement of a child in a Bridge resource home that causes the home to exceed the number or age limit, per OAC 340:75-7-41, requires an exception request and approval prior to placement.

(1) The CW specialist consults with the resource specialist concerning the feasibility of an exception for a foster or kinship family to exceed the number or age limit for placements.

(2) The resource specialist submits an exception request to the CW specialist and CW and resource supervisor that includes:

(A) the search results for an alternate, appropriate placement for the child;

(B) the name and resource number of the Bridge resource family considered for the exception;

(C) the number, gender, and ages of children:

(i) for which the Bridge resource home is currently approved;

(ii) currently placed in the home;

(iii) for whom the request is made; and

(iv) of the Bridge resource family;

(D) the date and overall results of the last assessment;

(E) the number of in-service training hours completed by the Bridge resource family in the last contract year;

(F) a summary of the behaviors, treatment needs, and placement and permanency plans of each child currently placed, and each child included in the exception request;

(G) the specified time requirements for the exception;

(H) the effect of the exception on sibling placement, if any;

(I) a summary of previous placements and exception requests for each child included in the request;

(J) a plan for the transportation needs of each child placed in accordance with state automobile child safety restraint requirements;

(K) the sleeping arrangements for each child in the Bridge resource home;

(L) the effect the exception may have on the placement of each child currently in the home; and

(M) the resource specialist's recommendation regarding the exception request.

- (3) The CW specialist documents the exception request and the date of the request in the child's case KIDS Contacts screen.
- (4) The resource specialist documents the exception request and the date of the request in the KIDS Resource Contacts screen.
- (5) The resource specialist submits the request and documentation to the resource supervisor for an exception decision and documents the date of submission in the child's case KIDS Contacts screen.
- (6) The resource supervisor forwards the request for the field manager's approval or denial of the request. The field manager notifies the resource and CW supervisor of the decision.
- (7) The specific needs of each child included in the exception request and the specific needs of each child currently in the placement are the basis for consideration of the exception.
- (8) The CW and resource supervisor ~~notifies~~ notify the CW and resource specialist of the field manager's decision.
- (9) The decision is documented in the child's and resource case KIDS Contacts screens by the CW and resource specialists.

PART 5. ELIGIBILITY AND PAYMENTS

340:75-7-52. Foster care contracts and maintenance payments

Revised 7-4-139-15-15

(a) **Foster care contracts.** The rules in Oklahoma Administrative Code (OAC) 340:75-7-52 and the provisions of the foster care contract for services define the Bridge resource parent and Oklahoma Department of Human Services (~~OKDHS~~) (DHS) responsibilities regarding the care of the child in a Bridge resource home. The foster care contract is signed when each condition for approval as a Bridge resource parent is satisfied, per OAC 340:75-7-18, except for kinship, per OAC 340:75-7-24.

(1) Foster care contracts are perpetually renewed and considered in effect unless a specific action by one of the parties to the contract terminates the contract. The Bridge resource parent is eligible for foster care maintenance payments effective the date the home is approved. The kinship Bridge resource parent is not paid retroactively to the date of the child's placement.

(2) Foster care maintenance payments are authorized for intervals of care provided to a child in foster care:

(A) placed by ~~OKDHS~~ DHS; or

(B) by a tribe with an approved Tribal/State Agreement with ~~OKDHS~~ DHS.

(3) The kinship Bridge resource parent may be approved for expedited maintenance payments, per OAC 340:75-7-24, on a case-by-case basis.

(4) The kinship Bridge resource parent who meets the degree of relationship, per OAC 340:10-9-1, may apply for assistance through Temporary Assistance for Needy Families (TANF) at the local ~~OKDHS~~ DHS office pending foster home approval and entry into a foster care contract, per OAC 340:75-7-52(a)(1) through (3).

(b) **Foster care maintenance payments.** The foster care contract authorizes foster care maintenance payments to offset the ~~cost of each child's care and a difficulty of care~~

~~(DOC) maintenance payment to address the additional expense of caring for a child in OKDHS DHS custody who has extraordinary needs.~~

(1) The foster care maintenance payment is issued the month after the service is rendered.

(2) The ~~OKDHS Committee on Rates and Standards~~ DHS Director of Human Services authorizes the amount of the foster care maintenance payment and DOC payment rate.

(3) Foster care maintenance payments correspond to the child's age set out in ~~OKDHS DHS~~ Appendix C-20, Child Welfare Services Rates Schedule, ~~amended from time to time, as approved by the Commission for Human Services.~~

(4) The foster care maintenance payment is provided to the Bridge resource parent to address the costs of room, board, clothing, and incidentals for the child in ~~OKDHS DHS~~ custody.

(5) The Bridge resource parent ~~receives~~ parent's monthly maintenance payment includes a clothing allowance for each child in ~~OKDHS DHS~~ custody, per OAC 340:75-13-45.

(6) The medical expense of the child in foster care is covered through Medicaid when private insurance is not available to the child, per OAC 340:75-13.

(7) The foster care maintenance payment received through the foster care contract is not considered income pursuant to Section 131 of Title 26 of the United States Code Annotated and the foster family does not receive Form 1099 from ~~OKDHS DHS~~ at year's end. The Bridge resource parent consults a tax advisor for advice, when needed.

(8) ~~Foster~~ The foster care maintenance payment and ~~DOC maintenance payment rates are~~ is a fixed monthly amount ~~as set out in OKDHS per DHS~~ Appendix C-20.

(9) When a partial month of foster care service is provided, the maintenance payment begins on the child's date of entry to the Bridge resource home and concludes on the day before the child's departure from the home. A prorated sum is paid:

(A) based on the number of days of service provided multiplied by the daily rate, per ~~OKDHS DHS~~ Appendix C-20; and

(B) automatically by the KIDS system.

(10) When a change in the child's age qualifies for a new rate, the new rate becomes effective on the first day of the month following the child's birthday.

(11) When a child is out of the Bridge resource home for family reunification purposes, pre-placement visits, or is a runaway for up to seven, ~~consecutive~~ calendar days, the Bridge resource parent receives a maintenance payment when the child is expected to return to the Bridge resource home by the end of seven ~~business~~ calendar days.

(12) The Bridge resource parent is eligible for prorated foster care and ~~DOC~~ maintenance payments when the child attends an Indian boarding school, Oklahoma School for the Deaf, Oklahoma School for the Blind, or a similar residential program and returns to the Bridge resource home for weekends or school vacations.

(A) When the child returns to the Bridge resource home for a summer vacation, the monthly rate is used.

(B) The days the child spends in the Bridge resource home are documented in the KIDS system, and the foster care maintenance payment is automatically generated.

(13) The Bridge resource parent is eligible for the foster care ~~and DOC~~ maintenance payment for up to 10 calendar days during each of the child's health or behavioral health hospitalization events when the child is expected to return to the Bridge resource home.

(14) The foster care maintenance payment is generated by an automatic electronic filing system based on the child's placement episode in the KIDS system.

(15) ~~An OKDHS~~ A DHS foster care contract is signed by the foster parent residing in another state providing care for the child in ~~OKDHS~~ DHS custody when an Interstate Compact on the Placement of Children (ICPC) placement is approved for payment, per OAC 340:75-1-86. ~~An OKDHS~~ A DHS contract is not signed when the ICPC foster parent resides in Oklahoma and provides care for the child in the custody of another state. ¶ 1

(16) No foster care maintenance payment is paid after the effective date of the cancellation or termination of the contract.

(17) A foster care maintenance payment, ~~including a clothing voucher~~ is not paid until the home ~~has been~~ is granted final approval.

(c) **Maintenance payments option.** The Bridge resource family may opt for a DHS foster care maintenance payment ~~by OKDHS~~ or a money payment for which the child is eligible, in lieu of receiving a foster care maintenance payment per OAC 340:75-7-52.1.

(d) **Cancellation of the foster care contract.** Cancellation of the foster care contract occurs when:

(1) the Bridge resource parent fails to meet the terms and conditions of the contract. Cancellation of the contract results from:

(A) the foster parent or adult household member's felony conviction, per OAC 340:75-7-15(h)(1);

(B) concerning criminal history results pertaining to the Bridge resource parent or household member received from the Oklahoma State Bureau of Investigation (OSBI) records search and Federal Bureau of Investigation (FBI) national criminal history records search while a child is in the kinship home pending final approval; and

(C) a serious and significant violation of the foster care contract, ~~OKDHS~~ DHS rule, or law by the Bridge resource parent or household member. Serious and significant violations include, but are not limited to, behaviors by the Bridge resource parent or other person in the Bridge resource home that place the child at significant risk of harm;

(2) ~~OKDHS~~ DHS closes a Bridge resource home that no longer meets ~~OKDHS~~ DHS requirements, per OAC 340:75-7-12;

(3) ~~OKDHS~~ DHS closes the Bridge resource home, approved for a specific child, when the child is no longer in the home per OAC 340:75-7-94; or

(4) the Bridge resource parent fails to implement provisions of Form 04AF023E, Written Plan of Compliance, per OAC 340:75-7-94, designed to resolve conditions that present a risk to the child and do not conform to the requirements of the foster care contract or rules, per OAC 340:75-7-52. ¶ 2

(e) **Termination of the foster care contract.** A Bridge resource parent requests termination of the foster care contract verbally or in writing. Verbal requests are witnessed whenever possible.

(1) Contract termination occurs after a request by the Bridge resource parent only when there are no pending issues of concern.

(2) When the relationship between the Bridge resource parents in the Bridge resource home ends due to a break-up, separation, divorce, or dissolution of the relationship, and the person who chooses to continue providing foster care services, per OAC 340:75-7-18, is not the primary Bridge resource parent, that Bridge resource parent signs a new foster care contract. ¶ 2

INSTRUCTIONS TO STAFF 340:75-7-52

Revised ~~7-1-13~~ 9-15-15

1. Foster care maintenance payment.

(1) **Foster care contract.** When the Bridge resource family assessment is approved, the resource specialist:

(A) explains the contract to the Bridge resource family;

(B) obtains each Bridge resource parent's signature on two original contracts with each Bridge resource parent's name listed on the contract;

(C) ensures both contracts have original signatures and attaches a legible copy of the primary contractor's Social Security card and driver license or state-issued identification to each contract. The name on the contract must be the same as the name listed on the Social Security card;

(D) ensures both contracts have the most recent Certification for Competitive Bid or Contract, found at www.dcs.ok.gov, attached with original signatures. A separate certification is needed for each person signing the contract;

(E) faxes a vendor update request with a legible copy of the Social Security card to Finance-claims;

(F) verifies the vendor is added to the Finance screens before the contracts are submitted to ~~the Foster Care Program Unit~~ Bridge Foster Care;

(G) submits two contracts with original signatures no later than within three business days of receipt to the field manager for Oklahoma Department of Human Services (~~OKDHS~~) (DHS) signature and assignment of the contract number.

(H) ~~The Foster Care Program Unit~~ Bridge Foster Care returns one contract to the district within 15 business days; and

(I) files one contract in the resource record and provides a copy of the signed contract to the Bridge resource parent.

(2) **Foster care claims.** Foster care claims are generated automatically through KIDS when the child's placement is updated. Child Welfare Services staff approves the monthly claims for the Bridge resource and

tribal foster parent by 5:00 p.m. on the seventh calendar day of the month. It is imperative that placements are entered and updated timely to ensure Bridge resource families are paid accurately and timely. The unapproved claims are monitored daily. The claim includes:

(A) the payee's Social Security number;

(B) the payee's name and address matching the signed foster care contract; and

(C) a vendor update, with the Social Security card, sent to the ~~Finance Division~~ Financial Services for any name change changes.

(i) Address changes made in KIDS automatically update in Finance Financial Services.

(ii) A vendor update is not sent to Finance Financial Services for an address change.

2. Cancellation or termination of the foster care contract. When a Bridge resource parent verbally requests closure of the Bridge resource home, or ~~OKDHS~~ DHS cancels the Bridge resource home contract, the resource specialist:

(1) confirms the request by sending Form 04FC008E, Notice of Closure to ~~OKDHS~~ DHS Foster Parents, to the Bridge resource parent; and

(2) closes the KIDS resource within 30 calendar days of the contract cancellation or termination.

340:75-7-53. Difficulty of care (DOC) payments for the eligible child

Revised ~~7-1-13~~ 9-15-15

- (a) ~~Difficulty of care~~ DOC payments available for the eligible child placed in certain type of foster care placement.

(1) ~~Difficulty of care (DOC)~~ rates are available to reimburse the Oklahoma Department of Human Services (~~OKDHS~~) (DHS), tribal, and contracted ~~emergency~~ foster care (~~EFC~~) (CFC) foster parent for the additional care and supervision required due to the child's extraordinary physical, mental, or emotional needs.

(2) DOC reimbursement is not available to the child in a specialized community home, specialized foster care through Developmental Disabilities Services ~~Division~~, a therapeutic community, or a therapeutic foster care home.

(3) The Bridge resource parent is eligible for prorated DOC payments when the child attends an Indian boarding school, Oklahoma School for the Deaf, Oklahoma School for the Blind, or a similar residential program and returns to the Bridge resource home for weekends or school vacations.

(A) When the child returns to the Bridge resource home for a summer vacation, the monthly rate is used.

(B) The days the child spends in the Bridge resource home are documented in the KIDS system, and the DOC payment is automatically generated.

(4) The Bridge resource parent is eligible for the DOC payment for up to 10 calendar days during each of the child's health or behavioral health hospitalization events when the child is expected to return to the Bridge resource home.

- (b) **DOC rates and descriptions.** DOC reimbursements are provided for the eligible child in addition to the foster care reimbursement or adoption assistance payment set

~~out in OKDHS per DHS Appendix C-20, Child Welfare Services Rates Schedule, as amended from time to time, as approved by the Commission for Human Services.~~

(1) The descriptions ~~set out in OKDHS DHS Appendix C-20~~ are ~~viewed~~ used as guidelines from which ~~OKDHS DHS~~ makes the most appropriate increase recommendation.

(2) Not every situation clearly fits in one rate category.

(3) The child's age is considered when determining the appropriate rate category.

(4) When approved, DOC payments are:

(A) not retroactive; and

(B) available the first day of the month the DOC rate is requested.

(c) **DOC request.** The foster parent or ~~OKDHS DHS~~ may initiate the request for DOC payments.

(1) Requests are entered into the child's KIDS record.

(2) The applicable ~~OKDHS DHS~~ supervisor reviews and may authorize DOC Rates I through IV based on the criteria ~~set out in OKDHS per DHS Appendix C-20~~.

(3) The DOC Rate V request is forwarded to the ~~Foster Care Program Unit~~ Bridge Foster Care.

(4) ~~An OKDHS committee~~ The Bridge Foster Care field administrator reviews the request and approves or denies the request for the DOC Rate V. Contracted foster care DOC Rate V requests are approved or denied by the Therapeutic Foster Care program supervisor.

(5) The DOC review process is completed within 10 calendar days after receipt of all information necessary to make a determination.

(6) Each DOC authorization is limited to six months. ¢ 1

INSTRUCTIONS TO STAFF 340:75-7-53

Revised 7-1-139-15-15

1. (a) Requesting difficulty of care (DOC) payments for the child in ~~OKDHS Oklahoma Department of Human Services~~ custody.

(1) When to request a DOC rate payment. The child welfare (CW) specialist requests a DOC payment rate immediately in the child's KIDS case when:

(A) the child's special needs are determined appropriate for a DOC payment utilizing the rate descriptions to justify the payment rate; or

(B) a request is made by a foster parent after a discussion about the rate descriptions to determine the payment rate.

(2) Documentation required for DOC rate payment request. The CW specialist includes statements from medical or psychological reports that describe the child's condition and diagnosis with the request.

(3) DOC rates I through IV. The ~~CW supervisor~~ resource supervisor approves or denies the DOC Rates I through IV request in KIDS based on the documentation provided within 10 business days from the date of the request.

(4) DOC rate V. The CW specialist requests DOC rate V in the child's KIDS case and faxes supporting documentation to ~~Foster Care Program Unit~~ the Bridge Foster Care field administrator for approval or denial.

(5) Requesting DOC rate payments in KIDS. To request the DOC rate payment in the child's KIDS case, the CW specialist:

- (A) selects the Placement screen and placement client;
- (B) selects a new or continued request;
- (C) enters specific details in the recommendation text box that justify the need and appropriate DOC level;
- (D) documents the information and clicks on Add to electronically send the request to the designated person; and
- (E) receives a KIDS generated tickler ~~that is KIDS generated~~ to notify the CW specialist of a status change when the designated person approves or denies the DOC request.

(b) DOC review. KIDS generates a tickler for the DOC rate payment review date one month before the DOC approval end date. Termination of the approval occurs when the child's placement status changes to an above foster care placement or when the child returns to own home or other non-paid placement. The CW specialist:

- (1) requests termination of the DOC rate payment when the determination is made that the child no longer requires DOC payments; or
- (2) determines on the review date the child's special needs status and whether the child's special needs:
 - (A) meet the criteria. Based on the determination, the CW specialist either requests continuation or termination of the DOC payments; or
 - (B) have changed, requiring a DOC rate change. When a DOC rate change is required, the CW specialist submits a request with detailed information.

PART 6. FOSTER HOME CARE SUPPORT SERVICES

340:75-7-65. Foster care child care and supportive services for the Bridge resource ~~¶ 1 through 44~~13

Revised ~~7-1-13~~9-15-15

(a) **Child care subsidy benefits for the child in Oklahoma Department of Human Services (~~OKDHS~~) and (DHS) or tribal custody.** ~~¶ 1 through 4~~ Child care subsidy benefits paid by ~~OKDHS~~ DHS for a child in ~~OKDHS~~ DHS or tribal custody are available when:

- (1) the resource is a:
 - (A) paid or non-paid Bridge resource parent authorized for child care subsidy benefits by Child Welfare Services (CWS);
 - (B) tribal resource family providing care for the child in tribal custody in a paid placement when child care subsidy is authorized by the ~~tribal liaison~~ CWS regional tribal coordinator;
 - (C) contract resource parent when child care subsidy is authorized by the district of service; or
 - (D) shelter host home when child care subsidy is authorized by the district of service; ~~or~~

~~(E) contracted emergency resource care home approved on a case-by-case basis by the OKDHS Foster Care Program Unit;~~

(2) the need for child care is met.

(A) The need is met ~~when: the~~ for a single Bridge resource parent when he or she is:

(i) employed 20 hours a week or more;

(ii) enrolled and attending a formal education program for at least six credit hours per semester. A formal education program is defined as a course of study that leads to the attainment of an associate, bachelor's, or post-graduate degree;

(iii) enrolled and attending a training program. A training program is defined as a course of study that when completed qualifies a person to meet requirements for a job the individual could not have obtained without the certificate of completion, accreditation, or licensure resulting from completion of training; or

(iv) approved for child care by the Bridge deputy director for reasons other than those listed in this subparagraph. These decisions are made on a case-by-case basis;

(B) The need is met for ~~in~~ a two-parent Bridge resource home when:

(i) both Bridge resource parents are employed 20 hours a week or more and have the same working hours; or

(ii) one Bridge resource parent works and the other resource parent has a significant disability that precludes providing care for the child;

(iii) one Bridge resource parent works during the same hours the other resource parent is enrolled and attending a formal education or training program as defined in (2)(A) of this subsection; or

(iv) one Bridge resource parent works during the same hours the other resource parent needs child care for a reason other than those listed in this subparagraph. In this situation, the need for subsidized child care must be approved by the Bridge deputy director on a case-by-case basis;

(C) ~~the~~ The need is met when a Bridge resource parent works night hours, a feasible alternative is used at no cost to ~~OKDHS~~ DHS during the night working hours, and the Bridge resource parent needs child care to allow the other Bridge resource parent to sleep during the day. Night working hours are defined as the hours between 11:00 p.m. and 7:00 a.m.

(i) The maximum amount of child care time approved by the specialist allows the Bridge resource parent eight hours of sleep plus travel time to and from the child care provider.

(ii) In a two parent Bridge resource home, child care subsidy is only approved for this reason when both Bridge resource parents work nights or when one Bridge resource parent works nights and the other Bridge resource parent works during the day while the other Bridge resource parent is sleeping; or when one Bridge resource parent works nights and the other Bridge resource parent needs child care during the day for a reason that requires approval of the Bridge deputy director while the Bridge resource parent is sleeping; and

(3) child care is provided:

(A) in a licensed and contracted child care center with a one star plus or higher star status, unless there are no centers with a one star plus or higher star status in the community or special exception criteria are met. Special exception criteria are:

(i) the child was already approved for care at this one star center prior to January 1, 2003, or prior to the provider's star status being reduced to one star. The child can remain at this facility, unless the child stops attending there for more than 30 calendar days. The child may be approved at this same facility again if when the only reason the child did not attend for more than 30 calendar days was because of a school break or due to circumstances beyond the control of the resource home, such as the child's illness;

(ii) care is requested for a child living in the same home as a child already approved for care as described in (3)(A)(i) of this subsection for the same one star child care provider; or

(iii) the Bridge resource parent demonstrates there is no other child care option that meets the family's needs; ~~ø~~ 4

(B) in a licensed and contracted child care home regardless of star level; ~~or~~

(C) by an approved in-home provider who cares for the child at the resource parent's home, per Oklahoma Administrative Code (OAC) 340:40-13-2; or

(D) a foster child attends an Early Head Start (EHS) program.

(b) **Child care subsidy benefits available through Adult and Family Services (AFS).** Child care subsidy benefits may be available through local ~~OKDHS~~ DHS AFS for child care, per OAC 340:40 to:

(1) Bridge resource parents who have finalized an adoption of a foster child;

(2) a child in tribal custody placed by the tribe in a home that has no resource case in KIDS; and

(3) children in the custody of another state placed in a kinship home in Oklahoma through the Interstate Compact on the Placement of Children (ICPC).

(c) **Foster care child care subsidy benefits not paid by ~~OKDHS~~ DHS.** Foster care child care subsidy benefits are not paid by ~~OKDHS~~ DHS when the:

(1) child is placed in therapeutic foster care;

(2) Bridge resource parent has an ownership interest in the chosen child care center;

(3) foster child attends a family child care home where the child lives, unless:

(A) the child care home provided child care to the child immediately prior to the foster care placement; and

(B) it is in the child's best interests to remain in the kinship provider's child care home;

(4) Bridge resource parent works in the child care home during the same hours the child attends child care;

(5) ~~Bridge resource parent attends school or participates in training;~~ ~~ø~~ 5

~~(6)~~ Bridge resource parent chooses more than one child care provider to provide service to a child on the same day;

~~(7)~~ (6) Bridge resource parent's hours of employment interfere with the provision of suitable family life;

~~(8)~~ (7) Bridge resource parent makes informal arrangements for child care;

~~(9)~~(8) provider is receiving state or federal funds, such as Head Start, ~~Early Head Start~~, or public schools, and is not charging all parents for the hours the subsidy payment is requested. EHS programs are exempt from this rule; c 65 or

~~(10)~~(9) provider caring for a school age child during the regular school day when such student could be attending a public or private school during those hours. c 76

(d) **Child care subsidy benefits for a child with disabilities.** A child with disabilities is potentially eligible for the higher special needs rate for child care subsidy benefits. Each child with disabilities requires a separate and specific certification of the child care provider. c 87

(1) A child with disabilities is defined as a child:

(A) receiving Supplemental Security Income (SSI). This includes those whose SSI payment stops because of financial reasons, but who still meet the medical definition of disability as determined by the Social Security Administration;

(B) receiving SoonerStart early intervention services; or

(C) receiving special education services provided in accordance with an Individualized Education Plan (IEP) by the local school district.

(2) When the child with disabilities is 13 years of age or older, the Bridge resource parent must provide a statement from a licensed health care professional verifying the child is physically or mentally incapable of self-care as age appropriate before care is approved and annually at review. When the licensed health care professional states ~~that~~ the child is capable of self-care as age appropriate, subsidized child care benefits are not approved.

(e) **Bridge resource parent's responsibility for electronic benefit transfer (EBT).** Refer to OAC 340:40-10 for information regarding the EBT system that includes the manual claim process. Bridge resource parent responsibilities for EBT include:

(1) watching the EBT training video;

(2) signing Form 04MP042E, Application for Child Welfare Child Care Benefits;

(3) swiping the EBT card every day the child attends child care;

(4) not swiping the EBT card for any day the child does not attend child care;

(5) checking the message on the point of service (POS) machine for correct times of attendance and approval;

(6) not giving the EBT card or personal identification number (PIN) to anyone, including the child care provider; and

(7) paying for care that ~~OKDHS~~ DHS does not pay because the:

(A) ~~the~~ EBT card was not swiped for the correct days and times the child attended child care;

(B) swipes were denied and not corrected within ~~ten~~ 10 days; or

(C) ~~the~~ provider loses the weekly rate payment for absent days because the correct attendance for every day the child attended that month was not swiped.

(f) **Therapeutic child care services.** c 98 Therapeutic child care services are paid by ~~OKDHS~~ DHS when recommended by a mental health professional and supporting documentation is provided. Prior authorization from the Operations and Business Processes Section (OBPS) is required. ~~The Operations and Business Processes Section~~ OBPS makes the determination of the availability of funds.

(g) **Overpayment of child care.** c 109 ~~OKDHS~~ DHS seeks repayment for any child care subsidy benefit paid in error to a licensed child care center, home, or professional

in the foster parent's own home. The foster parent is responsible for reimbursing these costs to the child care provider when overpayment occurs due to the foster parent's ineligibility for child care paid through ~~OKDHS~~ DHS.

(h) **Informal arrangements or babysitting.** Bridge resource parents may make informal care arrangements with friends, neighbors, or relatives for the occasional care of a child for less than 12 hours at a time on an irregular basis, including before and after school hours.

(1) The Bridge resource parent ensures informal care providers possess the maturity and skills to address the needs of the child in foster care.

(2) Prior authorization by the resource specialist may apply to multiple events using the same informal provider.

(3) A person younger than 18 years of age living outside of the home may not be an informal provider.

(4) An informal provider living in the home must be at least 16 years of age. The CW specialist and the Bridge resource parent discuss the situation in-depth before a person, particularly a teen, babysits the child in ~~OKDHS~~ DHS custody. The discussion assists in assessing the appropriateness of the person assuming responsibility for the child and ensures the child's needs and well-being are considered.

(5) Informal providers must be notified on how to reach the Bridge resource parent and other emergency contacts.

(6) The Bridge resource parent may allow the child in ~~OKDHS~~ DHS custody overnight stays with friends of the child when the Bridge Resource Parent:

(A) knows the family;

(B) reasonably believes the family and all people in the household are safe for the child to have a relationship and would provide a safe environment for the child;

(C) exchanges contact information, including ~~name, address~~ names, addresses, and phone ~~number~~ numbers; and

(D) uses the same discretion as to the safety and well-being of the child as the foster parent would with his or her own child.

(i) **Alternate caregiver selected by the Bridge resource parent.** ~~§ 4410~~ The Bridge resource parent is required to identify ~~an~~ at least one alternate caregiver, but no more than three, who can care for the child in ~~OKDHS~~ DHS custody placed in the Bridge resource home in case of family emergencies, family vacations, or when the family needs a break.

(1) The alternate caregiver may be used for periods of time over 12 hours at a time on an irregular basis.

(2) The Bridge resource parent is responsible for identifying and reimbursing the alternate caregiver. When funding is available, respite vouchers may be used for reimbursement.

(3) The alternate caregiver must be at least 21 years of age.

(4) The alternate caregiver and each adult household member must be willing to:

(A) submit to a background assessment by the Oklahoma State Bureau of Investigation (~~OSBI~~), per OAC 340:75-7-15;

- (B) submit to a Child Abuse and Neglect Information System records search for Child Welfare Services history, per OAC 340:75-7-15;
- (C) submit to a search of Juvenile Justice Information System (JOLTS) records for each child 13 years of age or older living in the house, per OAC 340:75-7-15;
- (D) engage in an evaluation of the home to assess the location, condition, and capacity to accommodate the child in foster care;
- (E) provide one reference on Form 04AF026E, Alternate Caregiver Reference Letter;
- (F) comply with discipline policy, per OAC 340:75-7-38 and confidentiality policy, per OAC 340:75-1-42; and
- (G) participate in a yearly re-assessment.

(j) **Insurance for the Bridge resource home.** ~~§ 4211~~ Liability insurance is provided for Bridge resource families for damages incurred by the child in ~~OKDHS~~ DHS custody pursuant to the terms of the policy. Bridge resource families have the right to receive a copy of the liability insurance policy per Section 1-9-119 of Title 10A of the Oklahoma Statutes (10A O.S. §1-9-119). ~~Questions related to Bridge resource parent liability insurance are referred to the designated insurance company.~~ Bridge resource parents are responsible for the deductible any deductibles.

(k) **Foster care associations.** ~~§ 4312~~ ~~OKDHS~~ DHS cooperates with and promotes the development of foster care associations for Bridge resource parents in each district. ~~OKDHS DHS provides names and addresses of to Bridge resource families, who have provided written authorization for the release of this information, to persons developing a~~ about local foster care association associations.

(l) **Foster parent helpline.** The foster parent helpline, 1-800-376-9729, is maintained by the Bridge Unit and assists with problem resolution, policy clarification, and grievance information.

(m) **Foster parents' rights.** Foster parents' rights are found in ~~Section 1-9-119 of Title 10A of the Oklahoma Statutes~~ 10A O.S. § 1-9-119 and a copy is given to every foster parent annually.

(n) **Shared information.** Information shared between ~~Child Welfare Services~~ CWS employees, foster parents, and parents includes, but is not limited to:

- (1) the child's legal status;
- (2) upcoming court hearings;
- (3) the reason for the child's foster care placement;
- (4) the child's and parent's prior and present living experiences; and
- (5) the child's medical, psychological, and behavioral information, current photographs, and educational records.

(o) **Foster care grievance procedures.** The Bridge resource parent and child in foster care have access to ~~OKDHS~~ DHS grievance procedures through the Office of Client Advocacy, per OAC 340:2-3.

(p) **Foster care mediation program.** The Bridge resource parent may access the foster care mediation program through the Oklahoma Commission on Children and Youth (~~OCCY~~), per OAC 340:75-7-291.

(q) **Foster parent complaints about DHS employees.** Foster parents may file a complaint with OCCY Office of Juvenile System Oversight about an action of a DHS

employee involving retaliation or discrimination against a foster parent per OAC 340:75-7-292.

~~(q)(r)~~ **Information relevant to fostering.** Pre-service and in-service training is provided to enhance the Bridge resource parent's foster parenting skills. ~~An informative quarterly newsletter is sent to each OKDHS foster family.~~

~~(r)(s)~~ **Travel reimbursement for the Bridge resource parent.** ¢ 1413

(1) The Bridge resource parent may be reimbursed for ~~three~~ up to eight trips per child per month for mileage incurred when providing transportation for the child in OKDHS DHS custody placed in the Bridge resource home. When multiple children are included on a trip, the trip is counted as one trip for the group. Reimbursement Travel reimbursement may occur when the:

~~(1)(A)~~ CW specialist is required to provide transportation for the child if not provided by the Bridge resource parent, including transports the child for travel associated with the child's permanency and well-being, limited to:

~~(A)(i)~~ visits with parents;

~~(B)(ii)~~ visits with the child's sibling;

~~(C)(iii)~~ court hearings; or

~~(D)(vi)~~ medical, behavioral health, dental, or vision appointments;

~~(2)(B)~~ round trip for the a single event is in excess of 25 miles; or and

~~(3)(C)~~ trip is documented trips are documented and filed monthly on Form 10AD006E, Travel Claim, provided by a CW specialist, and processed through the OKDHS DHS office in the district of service each month.

(2) Travel reimbursement may occur when transporting a child who is placed in either the Oklahoma School for the Blind or the Oklahoma School for the Deaf to and from the foster placement to the school on a bi-weekly basis.

(3) Tribal foster parents may be reimbursed for children in DHS custody.

INSTRUCTIONS TO STAFF 340:75-7-65

Revised 11-17-149-15-15

1. (a) **Addressing Bridge resource parent's needs.** Child Welfare Services employees arrange services that address the Bridge resource parent and foster child's needs.

(1) Bridge resource parent needs are assessed as a component of treatment planning for each foster care child and appropriate services are recorded on Form 04KI005E, Child's Individualized Service Plan (ISP).

(2) Service delivery and results are monitored monthly to ensure the intended effects.

(3) Form 04KI005E is modified as necessary to address the foster parent's evolving needs.

(b) **Timely response to the Bridge resource parent's questions or needs.** The Oklahoma Department of Human Services (DHS) commits to respond to the Bridge resource parent's questions and inquiries within one business day. The resource specialist is the key person providing necessary information to the Bridge resource parent.

2. **Bridge resource parent with a significant disability.** Medical information from the primary physician regarding the Bridge resource parent's disability is

required and documented in the child's KIDS case and resource record. When child care subsidy benefits are provided for the disabled resource parent, the child welfare (CW) specialist and supervisor evaluate the need for child care every six months and document the need in the child's KIDS case and resource record.

3. Approval process for child care. The child care subsidy benefits application is not approved until the Bridge resource parent or the authorized representative completes the child care interview and provides the work schedule, class schedule, or medical disability documentation to the CW specialist. When the Bridge resource parent contacts the resource specialist to request child care, the:

- (1) resource specialist notifies the CW specialist and provides information about local resources; and

- (2) CW specialist:

- (A) assesses the child to determine whether the child's needs can be met in a child care setting;

- (B) completes Form 04MP042E, Application for Child Welfare Child Care Benefits, and reviews Form 04MP042E with the Bridge resource parent, securing his or her signature on the form;

- (C) verifies the Bridge resource parent's employment, educational enrollment, or disability and documents the child care need in the KIDS and resource record;

- (D) refers to the Child Care and Child Care EBTU How To's in KIDS/Help/How To's;

- (E) enters the request for child care in KIDS Child Care screens within two business days with no time exceptions allowed, after receipt of verification necessary to certify or deny the application;

- (F) determines the appropriate number of days child care is needed based on the Bridge resource parent's schedule including travel time or disability need. The appropriate authorization is entered in KIDS Child Care screens.

- (i) Monthly child care is authorized when care is needed for fewer than 15 calendar days per month or more than 23 calendar days per month.

- (I) Full-time child care is authorized when care is needed for more than four hours each day.

- (II) Part-time child care is authorized when care is needed for four hours or less each day.

- (ii) Weekly child care is authorized when care is needed for more than four hours each day and at least 15 calendar days, but no more than 23 calendar days per month.

- (iii) Weekly child care is authorized when a foster child attends an Early Head Start program regardless of the Bridge resource parent's need for child care.

- (iv) Blended child care is authorized for the child four years of age and older when care is needed Monday through Friday part-time the

days school is in session and full-time for school holidays. The CW specialist determines the appropriate blended unit type.

(I) The traditional school year blended unit type is authorized when the child attends a school with a traditional nine-month school calendar. The child care facility must be open on school holidays except for summer break for traditional blended unit type approval.

(II) The extended school year blended unit type is authorized when the child attends a school with a year-round or a continuous learning calendar. The child care facility must be open during school holidays including Christmas, fall, spring, and summer breaks;

(G) files the signed form in the resource record; and

(H) evaluates the need for child care during the yearly re-assessment and documents the child care need in the KIDS and resource records.

4. Exceptions for the use of a one star child care center.

(1) Exceptions for use of a one star child care center may be granted by the CW supervisor. Prior to granting an exception, the procedures in this paragraph are completed. The CW specialist:

(A) provides the Bridge resource parent a list of each contracted one plus or higher star centers and all contracted child care homes that meet the Bridge resource parent's search criteria.

(i) The Bridge resource parent is not required to use a one plus or higher star child care home before considering a one star child care center.

(ii) When there are no one star plus or higher star child care centers in the community, the Bridge resource parent is provided a list of one star child care centers.

(iii) An exception is not required when a one star child care center is the only available child care center in the community;

(B) uses the Child Care Locator, on the OKDHS Infonet Tools to generate the list; and

(C) instructs the Bridge resource parent to contact each Child Care Locator provider on the list to determine if care is available during the hours needed. When the Bridge resource parent is unable to find a provider that meets his or her needs, the CW supervisor reviews the Bridge resource parent's attempts to find a provider and determines whether to grant an exception.

(2) Reasons to grant an exception may include that no:

(A) openings are available during the hours child care is needed. For example, the Bridge resource parent works during the evening or overnight and no one provides child care during those hours;

(B) providers are willing to meet the child's special needs. For example, the provider is unable to meet the needs of the child with disabilities or provide transportation to and from the child's school; or

(C) providers are within a reasonable distance from the Bridge resource parent's home; or

(D) other options are available based upon the specific circumstances in the case.

(3) When the CW supervisor agrees an exception is warranted, the CW specialist documents in KIDS Child Care screen why an exception was granted.

5. Programs receiving state or federal grant funds. Programs receiving state or federal grant funds such as Head Start or pre-kindergarten typically do not charge all parents for the designated hours of the program. In these instances, the provider only qualifies for subsidy payments for times before and after designated program hours, also known as wraparound care. The CW specialist approves the appropriate unit type based on the Bridge resource parent's need and the required number of subsidy hours.
6. Exceptions for child care for the school-age child. The school-age child is defined as a child 5 years of age through the day before he or she turns 19 years of age. Child care is not approved during regular school day hours because school is a feasible alternative to child care. An exception may be granted when the school-age child:
 - (1) with disabilities receives shortened day services from the local school system; or
 - (2) is suspended or expelled from school and the school system verifies there is no other educational alternative available to the child.
7. Special needs certification. The Bridge resource parent, child care provider, Child Care Services (CCS) licensing staff, and Adult and Family Services (AFS) staff complete the appropriate sections of Form 08AD006E, Certification for Special Needs Rate for Licensed Child Care Homes and Centers, when the special needs rate, per Oklahoma Administrative Code (OAC) 340:40-7-3.1, is requested. The child care provider initiates the process by accessing Form 08AD006E on the provider web or by contacting AFS Child Care Subsidy.
 - (1) Determination of special needs certification requirements are made by the:
 - (A) CCS licensing specialist for the provider; and
 - (B) AFS Child Care Subsidy staff for the foster child.
 - (2) After a determination that the provider meets certification requirements, the licensing worker sends Form 08AD006E to AFS Child Care Subsidy to determine if the child meets certification requirements. AFS Child Care Subsidy staff completes Form 08AD007E, Scoring Sheet for Special Needs Rate Determination, and determines whether to approve the child for the severe or moderate special needs rate or to continue services at the applicable daily or weekly rate.
 - (3) When approved, AFS Child Care Subsidy staff emails a scanned copy of Form 08AD006E to the KIDS Helpdesk and requests the appropriate special needs rate be applied in KIDS.
 - (4) KIDS Helpdesk staff uploads a copy of the form to the KIDS case.
 - (5) AFS Child Care Subsidy staff sends a copy of the form to the:

- (A) child care provider;
- (B) Bridge resource parent; and
- (C) licensing specialist.

8. Therapeutic child care.

(1) The CW specialist requests approval for therapeutic child care when:

(A) a letter from a behavioral health professional provider documents the:

- (i) goal for the child;
- (ii) therapy needed to reach the goal; and
- (iii) expected time requirement for this treatment; and

(B) the CW specialist staffs the case with the CW supervisor and resource specialist and all agree therapeutic child care is required.

(2) The CW specialist provides a memo to Operations and Business Processes Section (OBPS) with the behavioral health professional's letter.

The memo includes the:

- (A) child and case name;
- (B) therapeutic child care facility name;
- (C) number of therapeutic child care hours needed per day;
- (D) number of therapeutic child care days needed per week;
- (E) name of the behavioral health professional recommending therapeutic child care;
- (F) Bridge resource parent's name; and
- (G) reason for therapeutic child care.

(3) OBPS sends a memo notifying the CW specialist of the determination with specific instructions regarding payment of services, when approved.

(4) The CW specialist documents the circumstances and actions in the KIDS Contacts screen. No service line is entered in the KIDS Child Care screen.

9. Repayment of child care services. DHS seeks repayment for any child care service paid in error. The CW specialist provides Financial Services information that includes:

- (1) the child's case name and number;
- (2) the child's name and date of birth;
- (3) a summary of the circumstances that led to the potential overpayment, including the original and new family share co-payment amounts, when applicable;
- (4) the period covered by the overpayment; and
- (5) whether the overpayment was caused by DHS, the client, or provider error, per OAC 340:40-15-1.

10. Alternate care. The resource specialist:

(1) obtains the name of the prospective alternate caregiver, the relationship or connection to the Bridge resource family, and length of time the alternate caregiver has known the Bridge resource family.

(A) The resource specialist makes personal contact with the prospective alternate caregiver to determine the person's ability and willingness to provide temporary short-term care for the child in DHS custody. If the

- prospective alternate caregiver is related to the Bridge resource family, then determines the person's ability to provide supports during mutual family emergencies.
- (B) The person or persons recommended to provide alternate care, such as a relative or close friend must be at least 21 years of age;
- (2) completes, regarding the prospective alternate caregiver and each adult residing in the prospective caregiver's home, the:
- (A) Oklahoma State Bureau of Investigation name search;
 - (B) Department of Public Safety check;
 - (C) Sex Offender Registry check;
 - (D) Mary Rippe Violent Offender Registry check; and
 - (E) DHS records review, including Child Welfare Services (CWS) records;
- (3) completes, regarding each child 13 years of age or older in the prospective alternative caregiver's home, a:
- (A) CWS history records check; and
 - (B) a check of the Juvenile On-Line Tracking System (JOLTS);
- (4) documents the results of each background check on Form 04AF007E, Records Check Documentation Form, and files the form in the resource record;
- (5) obtains a copy of the prospective alternate caregiver's driver license or state-issued identification and the required vehicle liability insurance verification, when applicable;
- (6) completes Form 04AF004E, House Assessment, and obtains sufficient information, including a recommendation from one reference for the alternate caregiver on Form 04AF026E, Alternate Caregiver Reference Letter;
- (7) makes a decision to approve or disapprove the prospective alternate caregiver after assessing the information obtained and after consultation with the resource supervisor;
- (8) informs the Bridge resource parent of the decision and records all related information in the KIDS Resource Alternate Caregiver screen and resource paper record; and
- (9) re-assesses the alternate caregiver yearly, when applicable. The resource specialist:
- (A) makes personal contact with the prospective alternate caregiver to determine the person's ability and willingness to provide temporary short-term care for the child in DHS custody. If the prospective alternate caregiver is related to the Bridge resource family, then determines the person's ability to provide supports during mutual family emergencies;
 - (B) obtains a copy of the prospective alternate caregiver's driver license and the required vehicle liability insurance, when applicable;
 - (C) obtains sufficient information to complete Form 04AF004E, House Assessment;

(D) makes the decision to approve or disapprove the alternate caregiver after assessing the information obtained and after consultation with the resource supervisor; and

(E) informs the Bridge resource parent of the decision and records related information in the KIDS Resource Alternate Caregiver screen and the resource record.

11. Bridge resource parent liability insurance. The resource specialist provides current liability insurance information to the Bridge resource parent. Questions regarding the liability insurance may be directed to the James Rivers Insurance Company at 804-289-2700.
12. Foster care associations. The Bridge resource parent's written permission to provide his or her name is filed in the resource paper record and documented in KIDS Resource Contacts.
13. Travel Reimbursement. When the resource parent is eligible for travel reimbursement, the CW specialist submits approved Form 10AD006E, Travel Claim, directly to claims in Financial Services.

PART 6. FOSTER HOME CARE SUPPORT SERVICES

PART 27. CONTRACTED OKLAHOMA DEPARTMENT OF HUMAN SERVICES (DHS) RESOURCE FAMILY PARTNER (RFP) FOSTER CARE PROGRAM

340:75-7-280. Contract RFP foster care

Revised ~~7-1-13~~9-15-15

(a) ~~Purpose for contract~~ **RFP foster care purpose.** ~~Contract foster care (CFC) is available to the child in the legal custody of, or voluntarily placed in, Oklahoma Department of Human Service (OKDHS) care. CFC RFP foster care services are provided by a contract private, licensed child placing agency that contracts with DHS to meet the child's foster care needs through service coordination and delivery in conjunction with OKDHS DHS.~~

(b) **Admissions to contract RFP foster care.**

(1) **Therapeutic foster care (TFC) agencies.** ~~Requests are initiated by the TFC agency to the Foster Care field manager for the region. To access CFC services, the child approved for TFC services must:~~

~~(A) no longer require TFC services and demonstrate readiness for placement in traditional foster care;~~

~~(B) have a sibling who needs traditional foster care; or~~

~~(C) be the minor parent of a child who needs traditional foster care. The therapeutic foster care agency considers the placement of the child stepping down or the placements of additional children into the home. When it is in the best interests of each child in the home, the therapeutic foster care agency submits a written request to the field manager for the region no less than three calendar days prior to the need of the placement. Placement does not occur until written approval is received from the field manager for the region. Traditional foster care in a TFC home dually certified as both therapeutic and traditional is governed by Oklahoma Administrative Code (OAC) 340:75-8-11.1. c 1~~

(2) **Other sources for CFC use RFP foster care.**

(A) The child under 6 years of age whose legal jurisdiction is in Oklahoma, Tulsa, or Comanche Counties, is considered for CFC when ready for discharge from:

~~(A) a hospital;~~

~~(B) an OKDHS operated shelter; or~~

~~(C) an Emergency Foster Care (EFC) home. The foster care liaison and the CFC agency make a joint decision after considering information about the child and the placement possibilities.~~

(B) Admission to RFP foster care is administered by the Bridge Resource Support Center. ¶ 2

(c) **Roles and responsibilities.**

(1) Child (CW) specialist. The CW specialist remains the primary connection between the child, each parent, ~~CFC RFP~~ agency, ~~CFC provider RFP home~~, ~~OKDHS DHS~~ liaison, other service providers, and the court while the child is in ~~CFC~~ RFP foster care. The CW specialist:

(A) visits the child placed in ~~CFC RFP foster care~~ per OAC 340:75-6-48; and

(B) provides Form 04KI004E, Placement Provider Information, to the ~~CFC provider RFP agency or home~~ at the time of admission or as soon as possible after placement, but no later than 30 calendar days after the initial placement in out-of-home care; or 14 calendar days after subsequent placements in out-of-home care. The form includes, but is not limited to, the most recent information available regarding the child's health and education records.

(2) Foster care liaison. The foster care liaison is the contact person for the contract agency regarding certification of homes, determining eligibility of placements, and monitors the ~~CFC~~ contract.

(3) Foster Care care liaison. The foster care liaison is the ~~OKDHS DHS~~ contact person for determining appropriate placements for the child admitted from a source other than the TFC agency.

(4) ~~CFC RFP~~ agency. The ~~CFC RFP~~ agency:

(A) ensures the availability of qualified and trained providers and staff;

(B) coordinates requests for placements with the ~~and~~ foster care liaisons;

(C) coordinates placement and discharges with the CW specialist;

(D) coordinates with the CW specialist to afford the child all services that promote the child's progress; and

(E) ensures the child's total needs are met while the child is in ~~a CFC~~ an RFP placement. ¶ 3

(e) **Discharge from CFC an RFP home.**

(1) **Notice.** When the child discharges from an RFP home, the CW specialist coordinates the discharge with the RFP agency and the home, and advance notice is provided ~~according to per OAC 340:75-6-86(d)~~ 340:75-6-86(c).

(2) **Information accompanies the child.** All forms completed by the ~~CFC provider RFP agency and home~~ while the child was in care are given to the new provider to:

(A) assist with the child's adjustment to the new placement;

(B) provide information needed for continuity of care; and

(C) alert the new provider of the child's special needs and strengths.

(3) Information and items given to the new provider include the:

- (A) the child's current medications with instructions for dosage and use;
- (B) equipment or supplies required for the child's special care;
- (C) dates of any follow-up appointments;
- (D) personal items or clothing purchased by ~~OKDHS~~ DHS, including disposable diapers; and
- (E) Women, Infants and Children vouchers, non-perishable food, or other items obtained for the child.

INSTRUCTIONS TO STAFF 340:75-7-280

Revised ~~7-1-13~~ 7-1-15

1. ~~(a) Admission to Contract Foster Care (CFC)~~ Resource Family Partner (RFP) foster care. The foster care liaison provides notification of the admission to CFC RFP agency decision in writing to the:
 - (1) CFC RFP agency;
 - (2) ~~Child~~ child welfare (CW) specialist;
 - (3) CW supervisor; and
 - (4) resource supervisor.~~(b) When placement is denied due to the lack of available beds, rules in OAC 340:75-7-19 are followed.~~
2. Placement decision. The foster care liaison notifies the CW specialist of the placement availability and the CW specialist coordinates the placement with the CFC RFP agency.
3. Notification. The RFP agency notifies the foster care liaison of each RFP placement and discharge.

PART 28. FOSTER PARENT HELPLINE, AND MEDIATION, AND COMPLAINTS ABOUT THE OKLAHOMA DEPARTMENT OF HUMAN SERVICES (DHS) OR CHILD PLACING AGENCY EMPLOYEES

340:75-7-292. Foster parent complaints about Oklahoma Department of Human Services (DHS) or child placing employees made to the Office of Juvenile System Oversight

Issued 11-17-14

(a) The Oklahoma Commission on Children and Youth, Office of Juvenile System Oversight (OJSO), receives any complaint alleging an employee of the Department of Human Services (DHS) or a child placing agency has threatened a foster parent with removal of a child from the foster parent, harassed a foster parent, refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination toward a foster parent who has:

- (1) filed a grievance pursuant to Section 1-9-120 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-120);
- (2) provided information to any state official or DHS employee; or

(3) testified, assisted, or otherwise participated in an investigation, proceeding, or hearing against the DHS or child placing agency.

(b) OJSO forwards complaints to the DHS Office of Client Advocacy (OCA) for investigation per 10A O.S. § 1-9-112. OJSO works with OCA to ensure the complaints are investigated and resolved in accordance with the grievance procedures per 10A O.S. § 1-9-120. This does not apply to any complaint by a foster parent regarding the result of a criminal, administrative, or civil proceeding for a violation of any law, rule, or contract provision by that foster parent, or the action taken by DHS or a child placing agency in conformity with the result of any such proceeding.

SUBCHAPTER 8. THERAPEUTIC FOSTER CARE AND DEVELOPMENTAL DISABILITIES SERVICES

PART 1. THERAPEUTIC FOSTER CARE

340:75-8-11.1 Contract foster care in therapeutic foster care homes § 1 through 6

Issued 9-15-15

(a) **Purpose.** A therapeutic foster care (TFC) contractor may utilize certified TFC homes to provide contract foster care (CFC) to children in the legal custody of, or who are voluntarily placed with, the Oklahoma Department of Human Services (DHS) or a child in the legal custody of an Indian tribe with a DHS tribal agreement. CFC placements by TFC contractors are submitted for approval to DHS TFC program staff prior to admission to CFC placement in a specified home. Approval may be contingent upon availability of funds.

(b) **Population served.** Children matching one of the following criteria may be considered for CFC placement in a TFC home, when a child:

(1) placed in TFC, no longer requires TFC level of care and steps down to a traditional foster care level in the current placement;

(2) needs traditional foster care placement in the same home with a sibling, is placed in the home on TFC level of care;

(3) needs placement in traditional foster care in the same home with his or her parent, who is in DHS or tribal custody, and is placed on a TFC level of care; or

(4) needs to return to a home where he or she was previously placed, following an unsuccessful permanency effort, such as trial adoption or trial reunification.

(c) **CFC admission procedure.** All admissions to CFC must have prior approval from TFC program staff and are subject to availability of funds.

(1) Step down from TFC level of care: The contractor notifies the child's Child Welfare Services (CWS) specialist and supervisor when the child is determined to no longer meet TFC level of care criteria and is appropriate to step down to traditional foster care. The TFC contractor and CWS staff determine the most appropriate placement option for the child, including possible CFC placement in the current TFC placement. When the child's team determines that remaining in the child's current TFC home as a CFC level placement is the best placement option for the child, the contractor submits the request to TFC program staff for approval, prior to placement.

(2) DHS may request the TFC contractor consider a CFC placement for the child meeting criteria as sibling to a TFC child, a child of a parent placed in TFC, or a child returning to placement after failed permanency placement. When in agreement with the request for CFC placement, the TFC contractor submits the request to TFC program staff for approval prior to placement.

(3) The request for CFC placement is submitted by the TFC contractor to TFC program staff and includes, but is not limited to, the:

(A) child's name, date of birth, and KK number;

(B) county of jurisdiction and the CWS specialist's name and phone number;

(C) identification of the criteria for CFC placement for a:

(i) child stepping down from TFC, include the date of anticipated step down;

(ii) child whose parent is in TFC or sibling placements, include the name and date of placement of the TFC sibling or parent; and

(iii) return to previous placement, include the child's previous placement and discharge dates from the home of proposed placement;

(D) description of any special care or behavioral health needs for the child considered for CFC placement, and the proposed foster parent's training or skills to meet those needs;

(E) name of each proposed foster parent and Form 04FT006E, Contracted Placement Resource Report, needed to create the family resource in KIDS;

(F) work schedule of each proposed foster parent and planned use of child care while the proposed foster parent is working; ¶ 1

(G) names, ages, and genders of all children currently living in the home and their relationships to the proposed foster parents;

(H) number of bedrooms in the home and how the bedrooms will be allocated with an additional child or children in the home; and

(I) summary of previous abuse and neglect referrals and all plans of compliance or corrective action plans.

(4) TFC program staff provides a written response for the approval or denial of the request. The response is maintained in the child's file and in the foster home file when placement is completed.

(5) At the time of CFC placement, the TFC contractor provides written notification of the placement date to DHS TFC program staff and the CWS specialist by submitting Form 04FT004E, Notice of Child's Location.

(6) The CWS specialist documents the child's CFC placement in KIDS. ¶ 2

(d) The CFC discharge procedure.

(1) Discharge planning is coordinated between TFC contractor staff and the child's CWS specialist.

(2) Discharges from CFC are reported to DHS program staff and the child's CWS specialist within five business days from the date of discharge by submitting Form 04FT004E, Notice of Child's Location.

(3) The contractor averts disruption when possible through the use of additional services, respite, disruption prevention meetings, and other identified methods to stabilize placement. When a placement disruption results in plans to transfer the child to a different CFC resource home, a new request and DHS program staff approval is required.

(4) The CWS specialist is notified immediately of all changes in the child's location, including respite, within one business day of the date of the change in location by submitting Form 04FT004E, Notice of Child's Location.

(e) **CFC respite.** The TFC contractor ensures resource homes have access to both planned and unplanned respite care providers for children placed in CFC. Respite care may be utilized for the same reasons and time periods specified per OAC 340:75-8-11 for respite care for a child in TFC placement. Any respite provider must be fully informed of a child's special needs and have skills or training to meet those needs prior to assuming care of the child while ensuring the safety and well-being of all children in the home. Respite for children placed in CFC may be provided by accessing one of the following options:

(1) a TFC home in compliance with all certification requirements;

(2) identification and approval of an alternate caregiver per OAC 340:75-7-65(i); or

(3) a traditional foster care resource, when available, by coordinating with the child's CWS resource staff. When utilizing a traditional foster care resource for respite, the contractor is responsible for payment of the daily board rate directly to the Bridge resource family providing care for the child. The payment rate is the same daily rate as a traditional foster care payment per Appendix C-20, including any difficulty of care rate in effect for the child. ¶ 3

(f) **CFC contractor requirements.**

(1) The CFC contractor must:

(A) provide 24-hour support services to homes providing CFC placements including crisis intervention, consultation, training, and referral to services as needed;

(B) comply with policies and procedures established for TFC placements regarding management of a CFC placement child's property, allowance, funds, and life books;

(C) ensure the contractor or subcontractor staff, CFC foster parents, respite providers, and alternate care givers comply with DHS policy regarding discipline, behavior management, and corporal punishment per OAC 340:75-7-38;

(D) provide written reports to the child's CWS specialist on a quarterly basis, or more frequently when requested by DHS or the Court. The report includes:

(i) a summary of progress and overall adjustment made in the placement, during or following visitation with the child's parents/siblings, and important connections;

(ii) the child's strengths and behavioral concerns;

(iii) medical or psychological appointments and outcomes; and

(iv) the child's identified need for additional services;

(E) coordinate with the child's CWS specialist to make referrals and obtain needed services for the child; and

(F) participate in all DHS initiated staffings, meetings, or both regarding the child and may choose to attend court proceedings for the child. The court may mandate contractor attendance to some court proceedings.

(2) The contractor staff must:

(A) immediately report to the Oklahoma Child Abuse and Neglect Hotline at 1-800-522-3511, any allegations or suspicions of abuse or neglect of a child as provided by state law and DHS policy and must ensure CFC foster parents understand and acknowledge that failure to report is a misdemeanor offense and upon conviction, is punishable as prescribed by law and may result in discontinued use of the home to provide placement for children in DHS custody;

(B) cooperate with DHS on any referral regarding alleged abuse or neglect assessed or investigated per DHS policy and state law. No new placements are assigned to the home until the assessment or investigation is completed and a finding is made regarding the allegations. The contractor is notified by DHS program staff or a CFC liaison of the assessment conclusion or investigation finding and jointly determines if a written plan of compliance, training, or assessment is needed prior to continued use of the home; and

(C) establish a procedure to address and document a response to concerns in a CFC foster home that do not warrant a referral for an abuse or neglect assessment or investigation. Examples of this type of concern include, but are not limited to, a foster parent's judgment or supervision, disciplinary practices, non-compliance with policy or contract, unacceptable housing standards, inadequate clothing provisions for the child, or a lack of involvement in the child's education or independent living skills. When documented efforts to address these issues do not remove the concerns, DHS has the right to decline the use of the home.

(3) TFC contractor makes the child's records and resource file available for review by CWS specialists or TFC program staff.

(g) **Foster parent supports.**

(1) **Child care.** OAC 340:75-7-65(a) and (c) provide for the availability of child care subsidy benefits for a child placed in a CFC foster home while the foster parent is employed outside of the home for at least 20 hours weekly. ¶ 1

(2) **Travel reimbursement.** OAC 340:75-7-65(s) provides for CFC parent reimbursement for a child's transportation that meets specific criteria. ¶ 4

(3) **Difficulty of care (DOC) reimbursement.** OAC 340:75-7-53 provides for the availability of DOC reimbursement for a child in CFC placement based on the child's extraordinary physical, mental, or emotional needs per Appendix C-20. ¶ 5

(h) **Child safety.**

(1) The CFC contractor ensures:

(A) the foster parent takes all necessary steps to provide for the safety of children in placement;

(B) the foster parent knows where the child is at all times. In the event a child is removed by anyone without authorization, taken into custody by law enforcement officials, leaves without authorization (runs away), or otherwise cannot be located, the contractor and foster parent agree that the CWS specialist, supervisor, or both and police are immediately notified by telephone and participate in any requests to assist in locating the child. The contractor places a written report in the child's case records with a copy to the CW specialist describing the circumstances surrounding the incident;

(C) DHS is notified of any changes in the contracted foster family circumstances that may affect the child's safety or stability in placement, including changes in finances, location, health, relationships, or household members;

(D) the CFC home does not move additional people into the home without prior DHS approval of the contractor and notice to DHS program staff; and

(E) the CFC home is not providing routine child care as a licensed or unlicensed child care provider.

(2) The CFC contractor, the foster parent, or both obtain DHS permission before taking a child in DHS custody out of state for an overnight stay.

(3) The CFC contractor immediately notifies DHS of any:

(A) charges or arrests of any foster parent or household member and any criminal investigation of a foster parent or household member; or

(B) proceeding for a protective order filed by or against any member of the household.

(4) CWS specialist reports all concerns for abuse or neglect in a CFC home to the Oklahoma Child Abuse and Neglect Hotline at 1-800-522-3511.

(5) The CWS specialist reports to the TFC contractor for evaluation and response, all contract and policy violations, and concerns for child safety and well-being that do not meet criteria for abuse or neglect referral. The TFC contractor reports resolution of the concerns to the CWS worker within 15 calendar days of the report of violations or concerns. ¶ 6

INSTRUCTIONS TO STAFF 340:75-8-11.1

Issued 9-15-15

- 1. The Child Welfare Services (CWS) specialist assists the contract foster care (CFC) parent access child care services in compliance with Oklahoma Administrative Code (OAC) 340:75-7-65 and Instructions to Staff.**
- 2. The CWS specialist ensures the child is approved for CFC by therapeutic foster care (TFC) program staff and documents the new CFC placement episode with the contracted agency and CFC home.**
- 3. The CWS specialist assists the TFC contractor to locate available respite in traditional foster homes. The CWS specialist:**

- (1) refers the child's respite request to the local foster care resource staff using established foster care protocol for placement and notifies the TFC contractor when respite is available;
- (2) assists the TFC contractor in utilizing the respite home by coordinating the respite schedule, transportation, and additional planning for the time the child will be in respite care; and
- (3) coordinates with resource staff and the TFC contractor to determine the amount of reimbursement paid to the respite provider by the CFC contractor in compliance with Appendix C-20, Child Welfare Services (CWS) Rates Schedule, including any difficulty of care (DOC) rate in effect for the child. Payment for respite care is paid to the respite provider by the 15th of the following month.
4. Travel reimbursement. When the resource parent is eligible for travel reimbursement, the CWS specialist submits approved Form 10AD006E, Travel Claim, directly to claims in Financial Services.
5. DOC funds are available to reimburse the CFC contractor for payments to a CFC foster parent for the additional care and supervision required due to the child's extraordinary physical, mental, or emotional needs.
- (1) Levels of DOC and rates descriptors are defined per OAC 340:75-7-53 and Appendix C-20.
- (2) The child's CWS specialist enters a recommendation for DOC payment in KIDS. The supervisor reviews the request. Upon agreement with the recommendation, the supervisor emails TFC program staff for approval and includes any supporting documentation.
- (3) TFC program staff denies or approves the recommendation in KIDS and notifies the specialist and supervisor of the action. When approved, TFC program staff issues a confirmation letter to the TFC contractor that includes the approved DOC level and payment rate as well as the beginning and ending approval dates.
- (4) DOC rates are approved from one-to-six months depending upon the anticipated duration of need. The CWS specialist must resubmit a request to continue the DOC rate beyond the approval period. New recommendations are submitted within 20 calendar days of the current approval's expiration.
- (5) The contractor adds the DOC payment to the monthly claim for the months the approved rate is in effect and includes a confirmation letter.
6. The CWS specialist reports all contract and policy violations, concerns for child safety and child well-being that do not meet the criteria for abuse or neglect referral to TFC program staff when the TFC contractor fails to satisfactorily resolve reported concerns.

SUBCHAPTER 13. OTHER CHILD WELFARE SERVICES AND MEDICAL SERVICES FOR CHILDREN IN OUT-OF-HOME CARE

PART 2. TITLE IV-E ELIGIBILITY AND REIMBURSABILITY

340:75-13-21. Title IV-E reimbursement Reimbursement for the child in custody of an Indian tribe

Revised ~~6-4-12~~ 9-15-15

(a) **Title IV-E eligibility and the Indian child.** Oklahoma Department of Human Services (~~OKDHS~~) (DHS) seeks Title IV-E reimbursement for any eligible Indian child when:

- ~~(1) a state or tribal court awards custody of the Indian child to a tribe;~~
- ~~(2) the tribe has a contractual agreement with OKDHS for payment of foster care services; and~~
- ~~(3) the child is placed in a tribally an approved foster home per Section 1356.67, of Title 45 of the United States Code of Federal Regulations, procedures for the transfer of placement and care responsibility of a child from a state to a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement.~~ Title IV-E eligibility is determined by the custody specialist utilizing the criteria set forth in Oklahoma Administrative Code (OAC) 340:75-13-13. ~~¶ 4~~

(b) **Tribal responsibilities related to Title IV-B and Title IV-E.** The tribe is responsible for:

- (1) developing and implementing policies and practices that ensure compliance with federal regulations related to Titles IV-B and Title IV-E of the Social Security Act. ~~Children and Family Services Division~~ Child Welfare Services (CWS) monitors tribal compliance with the regulations through annual on-site visits, per OAC 340:75-19-32; and
- (2) providing required information needed to determine Title IV-E eligibility to the assigned ~~Child Welfare (CW) tribal liaison~~ CWS regional tribal coordinator.
 - (A) The ~~CW tribal liaison~~ CWS regional tribal coordinator scans completed Form 04TB004E, Indian Child Welfare Program Referral, and all court orders into the KIDS file cabinet.
 - (B) The custody specialist contacts the ~~CW tribal liaison~~ CWS regional tribal coordinator to request any additional needed information for the initial eligibility determination or annual eligibility re-determination, per OAC 340:75-19-33.

INSTRUCTIONS TO STAFF 340:75-13-21 [REVOKED]

Revised ~~12-15-11~~

~~1. Application for Title IV-E for the Indian child. When Form 04TB004E, Indian Child Welfare Program Referral, is received from the tribe, the Oklahoma Department of Human Services (OKDHS) tribal liaison:~~

- ~~(1) completes a search of the child and family's OKDHS history through Information Management System (IMS);~~
- ~~(2) opens a KIDS case;~~
- ~~(3) enters the child's removal information via KIDS Removal screen;~~
- ~~(4) responds to email requests from the custody specialist for all known financial, employment, and medical insurance information regarding the specified relative from whom the child was removed;~~
- ~~(5) scans into the KIDS files cabinet:~~
 - ~~(A) the tribal court order removing the Indian child from the home or~~

~~Form 04FC007E, Voluntary Placement Agreement;~~
~~(B) Form 04TB004E; and~~
~~(C) when the child has no Social Security number, a completed and submitted Form SS-5, Application for Social Security Number, to verify that an application was submitted, per OAC 340:75-13-10;~~
~~(6) documents each activity regarding the Title IV-E application process in KIDS Contacts screen;~~
~~(7) reports to the custody specialist changes in the child's circumstances, such as county of placement, return home, income, and resources; and~~
~~(8) when the tribal court order contains errors, faxes or emails the order to the Children and Family Services Division tribal coordinator with a notation to include the case in the tribal IV-E monitoring process.~~

PART 3. INCOME AND RESOURCES OF THE CHILD

340:75-13-26. Child support

~~Revised 5-11-06~~ 9-15-15

(a) **Legal basis.** Federal regulations require the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) to pursue child support payments on Title IV-E foster care cases where federal funding is involved. Section 454 of Title IV-D of the Social Security Act requires a referral to the state's child support enforcement agency for child support services. Section ~~7003-8.8~~ 1-4-702 of Title 10A of the Oklahoma Statutes (~~10 O.S. § 7003-8.8~~) (10A O.S. § 1-4-702) requires the court to address paternity and child support issues for every child who is alleged or adjudicated deprived. ~~§ 1 OKDHS Child Support Enforcement Division~~ Child Support Services (CSS) carries out the provisions of these regulations based on information provided by Child Welfare Services (CW) (CWS) staff. Benefits to the child include:

- (1) locating an absent parent(s);
- (2) establishing paternity;
- (3) obtaining previously unavailable child support; and
- (4) exploring, on behalf of the child, eligibility for benefits through:
 - (A) the Social Security Administration;
 - (B) Veterans Affairs; or
 - (C) other government programs.

(b) **Use of child support monies.** Support monies collected while the child is in ~~OKDHS~~ DHS custody and out-of-home placement are used to reimburse:

- (1) the federal government for Title IV-E expenditures; and
- (2) ~~OKDHS~~ DHS for monies expended to meet the child's needs.

(c) **Paternity.** Within six months after the deprived petition is filed, CWS staff recommend that the court either:

- (1) establish paternity; or
- (2) defer the issue of paternity to the appropriate administrative or district court. ~~§ 4~~

(d) **Child support orders.** After paternity is established, CWS staff ~~recommend that~~ recommends the court address the issue of current child support. ~~Child support must be ordered in a deprived action, per 10 O.S. § 7003-8.8 Per 10A O.S. § 1-4-702. Within~~ within six months after the deprived petition is filed, the court must either:

(1) address the issue of child support; or
(2) defer the issue of establishment and enforcement of child support to the appropriate administrative or district court. ~~CSED~~ CSS proceeds with the establishment and enforcement of child support orders for any case deferred in this manner.

(A) Each parent must be individually ordered to pay his or her percentage of the total monthly child support obligation, including parents who reside together. ~~ç~~ 1

(B) 43 O.S. § 118 and 119 require the court to follow child support guidelines in determining each parent's support obligation.

(C) Deviation from the child support guidelines is permitted when it is determined necessary in order for the parent to meet the obligations of an individual treatment and service plan or for other reasons the court deems appropriate. ~~If~~ When the court deviates from the amount of support indicated by the guidelines, specific findings of fact supporting such action are required to be documented in the child support computation form.

(D) The child support order must:

(i) be filed on a standard child support order form, as prescribed by ~~CSED~~ CSS;

(ii) be filed as a separate document from the individual treatment and service plan or court minute and is therefore not confidential;

~~(iii) be provided by the court clerk, upon request, to a representative of CSED, without a court order;~~

~~(iv) direct the a parent to provide medical insurance when the parent has insurance available through employment or other group plan, regardless whether insurance is available at the time the order is entered for the child per 43 O.S. § 118F and Oklahoma Administrative Code 340:25-5-168:~~

~~(I) health care coverage insurance;~~

~~(II) an alternative health care coverage plan; or~~

~~(III) make application for health care coverage through a government medical assistance program, such as SoonerCare (Medicaid);~~

~~(iv) include each parent's contribution towards actual employment or education related child care expenses per 43 O.S. § 118G and Oklahoma Administrative Code 340:25-5-178;~~

~~(v) include an immediate income assignment provision pursuant to 43 O.S. § 115; and~~

~~(vi) include a reimbursement judgment for time periods when Title IV-E, non Title IV-E eligible foster care and Temporary Assistance to Needy Families benefits have been paid and a monthly judgment payment amount per Oklahoma Administrative Code 340:25-5-179.1;~~

~~(vii) include a provision for an address of record for service of process per 43 O.S. § 112A;~~

~~(viii) include a provision for payments to be paid to the Oklahoma Centralized Support Registry per 43 O.S. § 413; and~~

~~(ix) include, as an attachment, a child support computation form signed by the judge, per 43 O.S. § 120.~~

(E) The duty to pay child support continues after parental rights are terminated and until the child is adopted pursuant to 10A O.S. § 1-4-906 and 10 O.S. § 7503-2.3. Parents may be obligated to pay child support arrears even after adoption.

(F) After a deprived action is dismissed, the most recent child support order entered in the deprived action must remain in full force and effect, unless the judge presiding over the deprived action orders otherwise.

(G) All child support payments must be paid, per 43 O.S. § 413, through the Oklahoma Centralized Support Registry, P.O. PO Box 268849, Oklahoma City, ~~OK~~ Oklahoma 73126-8849. ¶ 2

(H) The ~~CWS worker~~ child welfare specialist verifies each parent's compliance with his or her child support obligation. ¶ 3

INSTRUCTIONS TO STAFF 340:75-13-26

Revised ~~7-1-089~~-15-15

1. **Child support establishment.** In many cases, ~~Child Support Enforcement Division (CSED)~~ Child Support Services (CSS) has established or recorded child support order information in the Oklahoma Support Information System (OSIS) prior to Child Welfare ~~Services (CW)~~ (CWS) involvement. In order to ensure the ~~CW~~ CWS and CSS case record accurately reflects all available Oklahoma Department of Human Services (~~OKDHS~~) (DHS) records regarding the child's parent(s), including child support orders and payments, the CW worker specialist:

(1) views ~~CSED~~ CSS Information and Referral Inquiry (~~CIRI~~) (CIRIA), ~~CSED Address Inquiry (ADA, ADI)~~, ~~CSED Case Log Inquiry (CSLOGI)~~ CSED CSS Child Support Member List (CSML) inquiry for KIDS (CSMLK), and ~~CSED CSS Child Support Receipt Inquiry (CFRR)~~ AFS PRWORA Receipt Inquiry by FGN (CFRRPA) on the OSIS screens no later than 30 calendar days after the child's removal from the home in order to determine:

- (A) the absent parent(s)' name, address, and other identifying information;
- (B) employer name, address, and income information;
- (C) child support court order information; and
- (D) whether paternity has been legally established for the child in ~~OKDHS~~ DHS custody;

- (2) if ~~CSED~~ when CSS has no records of a child support order:

- (A) searches for a decree of divorce or dissolution of marriage or other court order of child support on the Oklahoma States Court Network (OSCN) at <http://www.oscn.net/applications/oscn/start.asp?ViewType=DOCKET> S;
- (B) obtains a copy of the child support order; and
- (C) presents the child support order to the court at the earliest hearing possible, but no later than the dispositional hearing;

- (3) contacts the ~~CSE~~ CSS district office no later than 30 calendar days after the child's removal from the home in order to obtain copies of any court orders regarding paternity or child support ~~that are in the CSE district office's possession for any child in OKDHS DHS custody~~. Copies of Form 03PA209E, Acknowledgment of Paternity, may be obtained from ~~CSED~~ CSS State Office;
 - (4) if when neither ~~CSED~~ CSS or OSCN has a record of a child support order for the absent parent(s):
 - (A) prepares a child support order and a child support computation form; or
 - (B) contacts the ~~CSE~~ CSS district office to request assistance in preparing the order and computation form;
 - (5) includes the amount of the child support obligation on Form, 04KI012E, Individualized Service Plan (ISP);
 - (6) attaches a copy of the order and computation form, if when applicable, to Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report;
 - (7) presents the child support order and the computation form to the assistant district attorney and, when appropriate, to the court;
 - (8) sends a copy of the child support order and the computation form to the ~~CSED~~ CSS district office in the county of jurisdiction no later than 15 working business days following receipt of the order; and
 - (9) sends a copy of Form ~~04K1025E~~ 04KI026E, Change in Placement Notification, to the ~~CSED~~ CSS office in the county of jurisdiction whenever if the child's placement changes; and
 - (10) notifies the CSS district office in the county of jurisdiction when the child returns home.
2. Child support payment. In order to ensure payments are sent to the appropriate location, the CW ~~worker~~ specialist:
 - (1) includes the address of the Oklahoma Centralized Support Registry (OCSR) on Form 04KI012E; and
 - (2) instructs the parent to send the payment to OCSR only.
3. Verification of child support payment. In order to verify each parent's compliance with his or her child support obligation, the CW ~~worker~~ specialist:
 - (1) searches for the client's case number in the Information Management System (IMS);
 - (2) uses the case number found in IMS and searches ~~CSED~~ CSS OSIS for child support payment information;
 - (3) includes child support payment information found on ~~CSED~~ CSS ~~CFRR~~ CFRRPA OSIS screen on Form 04KI014E, Individualized Service Plan (ISP) Progress Report; and
 - (4) if when unable to find child support payment information on ~~CSED~~ CSS OSIS, contacts the ~~CSE~~ CSS district office for payment history.
4. Establishing paternity. If Genetic testing may be done, when paternity has not been established for a child through ~~CSED~~ by acknowledgment of

paternity or court order, genetic testing may be done or the child does not have a presumed father per Section 7700-204 of Title 10 of the Oklahoma Statutes.

(1) The CW ~~worker~~ specialist:

- (A) completes Form 04MP037E, LabCorp Scheduling Request; and
- (B) submits the form to the contracted vendor.

(2) The contracted vendor:

- (A) schedules the appointment for the person requiring the test; and
- (B) notifies the person to be tested of the appointment date, time, and place.

(3) Results of the test are sent to the CW ~~worker~~ specialist at the county address.

(4) The contracted vendor invoices ~~Children and Family Services Division Administrative Services Unit~~ the Child Welfare Services Operations and Business Processes Section for payment.

SUBCHAPTER 15. ADOPTIONS

PART 2. LEGAL BASE AND SCOPE OF THE ADOPTION PROGRAM

340:75-15-6. Adoption program services § 1 through 10

Revised 7-1-139-15-15

(a) **Adoption services for the child in Oklahoma Department of Human Services (OKDHS) (DHS) custody.** Adoption services are provided to the child in OKDHS DHS custody when reunification efforts with the parent or legal guardian have failed or are not in the child's best interests, and permanency may be achieved through an adoptive placement. Adoption is considered for each child in OKDHS DHS custody who cannot return home regardless of the child's age or special needs. § 1 through 8

(b) **Pre-adoption services.** OKDHS DHS pre-adoption services assist the prospective adoptive family incorporate the child into the adoptive family during the pre-adoption placement period prior to the legal finalization of the adoption, and include, but are not limited to:

- (1) pre-finalization adoption assistance;
- (2) individualized service planning;
- (3) disclosure of identifying or non-identifying background information;
- (4) medical services;
- (5) counseling; and
- (6) child care, when eligibility requirements are met.

(c) **Post adoption services.**

(1) OKDHS DHS services provided to the child and family after the adoption finalization assist with maintaining the child in the adoptive home, and include:

- (A) adoption assistance;
- (B) Medicaid;

- (C) counseling; and
- (D) family preservation services.

(2) The Mutual Consent Voluntary Registry and Confidential Intermediary Search Program may connect, in certain instances, biological family members. The programs provide assistance to:

- (A) an adult who as a child was placed for adoption in Oklahoma;
- (B) members of the adoptee's birth family; and
- (C) a person who was separated from birth family members through termination of parental rights.

(3) Counseling and assistance with reunions is provided.

(4) ~~OKDHS~~ DHS assists an adoptive parent utilize the:

- (A) Centralized Paternity Registry;
- (B) Oklahoma Children's Adoption Resource Exchange; and
- (C) Interstate Compact on Adoption and Medical Assistance.

(d) Interstate Compact on the Placement of Children (ICPC) adoption services.

ICPC is an agreement between states to provide protection and services to the child placed across state lines for adoption. ~~OKDHS contracts for the administration of adoption ICPC services.~~

(1) A \$400 fee is required for processing independent and private agency adoptions and is paid directly to the ~~contractor~~ DHS by the independent adoption attorney or the private adoption agency.

(2) The ~~contracted~~ deputy compact administrator (DCA) is authorized to conduct the necessary investigation of the proposed placement to assure that all statutorily mandated home assessment requirements are met.

(3) After the placement is approved by the ~~contracted~~ DCA, the ~~contracted~~ DCA is administratively responsible for overseeing the placement until the adoption is finalized, or when applicable, disrupts, and the child is moved from the placement.

This administrative oversight includes:

- (A) processing supervisory reports from the receiving state;
- (B) facilitating communication between the states or parties involved; and
- (C) notifying the agency or individual of an adoption disruption or finalization per Oklahoma Administrative Code (OAC) 340:75-1-86. ¶ 9

(e) Inter-country adoption. ~~OKDHS~~ DHS does not complete adoptive home assessments for persons requesting to adopt a foreign national child through inter-country adoption. Inquiries regarding inter-country adoption are referred by ~~OKDHS~~ DHS to licensed ~~child-placing~~ child placing agencies in Oklahoma who provide inter-country adoption services.

(f) Independent adoptive home investigation. Per Section 7505-5.4(D) of Title 10 of the Oklahoma Statutes, ~~states OKDHS~~ DHS is not required to make a home study and report to the court on adoptive placements made by private adoption agencies or persons providing private adoption services. ¶ 10

INSTRUCTIONS TO STAFF 340:75-15-6

Revised 7-1-139-15-15

1. General responsibilities of the adoption specialist and adoption transition specialist.

(1) The adoption process is a team effort that includes the adoption specialist and supervisor, adoption transition specialist and supervisor, and when applicable, the child welfare (CW) specialist, CW supervisor, and service providers. The adoption and adoption transition specialist:

(A) consults with permanency planning, foster care, and child protective services specialists and serve ~~serves~~ team members in addressing permanency issues for the child in out-of-home care.

(i) Consultation may be informal between specialists when preparing for the adoptive criteria staffing.

(ii) The adoption process is ongoing and begins with the adoption consultation and concludes when an adoptive placement for a child is finalized by the court; and

(B) recruits adoptive homes by engaging in activities designed to recruit families who reflect the diversity of the children in out-of-home care and are willing and able to parent the child with special needs.

(2) Additional responsibilities of the adoption specialist include:

(A) ongoing assessment of the prospective adoptive parent;

(B) preparing the adoptive parent to parent the child with special needs;

(C) offering the child for adoptive placement and documenting whether the resource family accepted or declined the offer in the KIDS Contact screen; or

(D) facilitating pre-adoption services when the child is placed in trial adoption and until the adoption is finalized, per Oklahoma Administrative Code (OAC) 340:75-15-103 through 340:75-15-109;

~~(D)~~(E) explaining post-adoption services that may be available, upon the adoptive parent's request after the adoption is finalized, per OAC 340:75-15-124 through 340:75-15-133;

~~(E)~~(F) completing a review of the KIDS case and the accompanying paper case record to verify the accuracy of the certain information;

~~(F)~~(G) coordinating permanency planning for the child;

~~(G)~~(H) assuming the lead in a partnership relationship between the child, placement provider, and service providers to develop an effective individualized service plan that assists with achieving safety, permanency, and well-being for the child. The adoption specialist addresses, at a minimum the:

(i) appropriateness of the child's care;

(ii) child's educational stability, per OAC 340:75-6-50; and

(iii) child's need for continued communication and contact with people the child identifies as important people in the child's life that connect the child with kin, culture, and community;

- ~~(H)~~(I) identifying the child's needs during the assessment process and arranging services to meet the needs to enhance the child's well-being while in out-of-home care.
 - ~~(I)~~(J) collaborating with the placement provider and service providers to ensure the child is emotionally and psychologically prepared and ready to accept a new family;
 - ~~(J)~~(K) preparing the child for adoptive placement through a series of intentional steps and activities;
 - ~~(K)~~(L) searching for an adoptive family that is in the child's best interests; and
 - ~~(L)~~(M) collaborating with the adoption transition specialist to plan the child's transition into adoptive placement.
- 2. Adoption consultation. The adoption and permanency planning specialists participate in the adoption consultation meeting no later than ~~30~~ 10 calendar days after:
 - (1) the child's name first appears on Report YI602, Adoption Permanency Plan Case Goal Report, listing the child with a permanency plan of adoption; or
 - (2) an in-person, email, or phone notification from the CW permanency planning specialist or supervisor is received. The adoption consultation is documented with the child's name, date of birth, and KK number, and addresses:
 - (A) the child's legal status;
 - (B) barriers to termination of parental rights and the anticipated date the child will be legally free for adoption, when applicable;
 - (C) sibling placements, when applicable, and whether there is a need to request a sibling placement review per OAC 340:75-6-85.3. The CW specialist brings the sibling placement review documents to the adoption consultation, when applicable;
 - (D) results of the diligent search and availability of relative placement;
 - (E) the prospective adoptive caregiver, when applicable;
 - (F) a date for the criteria staffing and persons to invite to the criteria staffing; and
 - (G) the plan for copying the biological case record;
 - (H) documenting in KIDS in the permanency planning case each adoption consultation in the Contacts screen;
 - (I) responsibilities and action steps needed in relation to the child's tribal membership, when applicable; and
 - (J) other relevant information.
- 3. (a) Adoption criteria staffing process. The adoption criteria staffing facilitates a determination of the type of adoptive placement that best meets the child's long-term needs and best interests.
 - (1) A prospective adoptive parent who has the ability to meet the child's needs may be identified during the adoption criteria staffing.
 - (2) Every effort is made to place the child with suitable relatives per Section 1-4-706 of Title 10A (10A O.S. § 1-4-706) of the Oklahoma Statutes.

(3) Within 14 calendar days of the filing of a petition or motion to terminate parental rights to the child, the CW specialist completes Form 04AN020E, Adoptive Placement Criteria Staffing Documentation Form, when the child's permanency plan is adoption.

(2) During the criteria staffing, the child's legal status and any legal barriers to adoption are discussed.

(3) The adoption criteria staffing does not constitute agency approval or authorization for an adoptive placement.

(4) ~~The child for whom no~~ When an adoptive resource is not identified during the criteria staffing, the child is referred for a statewide adoption staffing.

(5) Form 04AN020E, ~~Adoptive Placement Criteria Staffing~~, is completed by the CW specialist assigned to the child for each prospective adoptive family considered.

(6) Factors considered when identifying the placement that best meets the child's long term needs and best interests are described in subparagraph (A) through (J) of this paragraph.

(A) Siblings. Siblings are placed together when possible, unless a joint placement is contrary to the safety or well-being of any of the siblings. Siblings are separated for purposes of adoptive placement only in certain circumstances per OAC 340:75-6-85.3.

(B) Attachment. The nature and degree of the child's attachment to the siblings, foster family, and significant others is assessed and considered as an indicator of the child's ability to attach to an adoptive family.

(C) Age. Age is evaluated as a factor in relation to the applicant's ability to parent the child into the child's adult years, provided age is not used as the basis to deny an adoptive applicant.

(D) Health. The health records of the prospective adoptive applicant are evaluated to determine if the applicant has the health to participate with the child in normal developmental activities and the ability to parent the child beyond the child's age of majority.

(E) Culture. Oklahoma Department of Human Services (~~OKDHS~~) (DHS) does not rely on generalizations about the cultural identity needs of the child of a particular race or ethnicity. ~~OKDHS~~ DHS does not presume from the race or ethnicity of the prospective adoptive applicant that the applicant would be able or unable to maintain the child's ties to another racial, ethnic, or cultural community.

(F) Indian child. A child who is an Indian child as defined by the federal and state Indian Child Welfare Acts (ICWA), Section 1901 of Title 25 of the United States Code (25 U.S.C. § 1901, et seq.) and ~~Section 40 through 40.9 of Title 10 of the Oklahoma Statutes~~ 10 O.S. §§ 40 through 40.9, is placed according to the tribe's placement preferences per OAC 340:75-19-23.

(i) Prior to placing the Indian child outside the placement preferences of the ICWA, the CW specialist assigned to the child requests the

court conduct a hearing to determine if good cause exists to allow placement of the Indian child outside the ICWA specified placement preferences. The ICWA requires that:

~~(I)~~(i) a good cause hearing be held when a child's placement is outside the ICWA placement preferences;

~~(II)~~(ii) prior notice of the good cause hearing is given to all parties, including the tribe; and

~~(III)~~(iii) the court makes a finding as to whether good cause exists to not follow the placement preferences specified by the ICWA.

(G) Religion. The child in ~~OKDHS~~ DHS custody is provided an opportunity for spiritual and moral development. When the child has made a religious commitment or the parent has made a specific religious request, ~~OKDHS~~ DHS makes reasonable efforts to find an adoptive family of like religious faith.

(H) Language. When the child's primary language is not English or is sign language, special consideration is given to identifying an adoptive family fluent in the child's language.

(I) Education. The child is provided the opportunity to develop his or her potential and is not subjected to unrealistic academic expectations.

(J) Resources. The adoptive family must have adequate resources to meet the child's financial, medical, health, educational, shelter, and emotional needs. Adoption assistance is a resource for the child who meets eligibility criteria per OAC 340:75-15-128.

(b) Adoptive placement criteria staffing procedures.

(1) The adoption specialist in collaboration with the permanency planning specialist schedules the time and place for the criteria staffing during the initial adoption consultation.

(2) Prior to the criteria staffing, the CW specialist and supervisor complete Form 04AN020E, Adoptive Placement Criteria Staffing Documentation Form, to the extent possible.

(3) The assigned court-appointed special advocate (CASA), when applicable reviews Form 04AN020E.

(A) Additional information provided by CASA may be included on Form 04AN020E.

(B) The CW specialist requests that the CASA sign Form 04AN020E verifying the CASA reviewed the content and was provided notification of the date, time, and location of the upcoming criteria staffing.

(4) The CW specialist assigned to the child notifies certain participants of the criteria staffing, including, but not limited to, the:

(A) adoption specialist;

(B) CW supervisor;

(C) resource specialist; and

(D) Developmental Disabilities Services Division ~~(DDSD)~~ case manager, when applicable;

~~(E) therapeutic foster care (TFC) therapist, when applicable; and~~

~~(F) Indian Child Welfare tribal worker, when applicable.~~

(5) The adoption specialist invites certain participants to the adoptive criteria staffing including, but not limited to:

(A) other persons with information that may assist with planning for the child;

(B) the applicable district director;

(C) a SoonerStart representative, when applicable; and

(D) Office of Juvenile Affairs staff, when applicable;

(E) therapeutic foster care (TFC) director when applicable; and

(F) Indian Child Welfare tribal worker, when applicable.

(6) Each participant is required to review and sign Form 04AN020E, ~~Adoptive Placement Criteria Staffing Documentation Form~~;

(7) The CW specialist:

(A) attaches the most recently completed Form 04MP046E, Family Team Meeting Report, to Form 04AN020E;

(B) attaches a copy of the applicable court order or court minutes to Form 04AN020E when the court of jurisdiction has given specific direction or issued a court order regarding the adoptive placement of the child. When a court directive or order is applicable, but not attached, the directive or order is identified on Form 04AN020E as an action step to be completed with a due date;

(C) discusses concerns regarding sibling placement and separation with the designated Permanency Planning Program Unit representative prior to submitting a request for sibling separation.

(i) Refer to OAC 340:75-6-85.3 Instructions to Staff (ITS) for additional information regarding sibling separation and Permanency Planning Program Unit sibling placement reviews.

(ii) When a sibling placement and separation discussion is not completed prior to the criteria staffing, the need is identified on Form 04AN020E as an action step with a due date.

(iii) Requests sibling placement reviews per OAC 340:75-6-31.1 Instructions to Staff;

(D) attaches a copy of Form 04AF004E, House Assessment, when the form was previously completed for the child's relative to Form 04AN020E, ~~Adoptive Placement Criteria Staffing Documentation Form~~. When Form 04AF004E is not attached, the need to obtain the form is identified on Form 04AN020E as an action step with a due date; and

(E) conducts a Child Abuse and Neglect Information System (CANIS) or KIDS search of identified prospective resources.

(i) The results of each child protective services (CPS) investigation and assessment, including any policy violations and written plans of compliance, are included on Form 04AN020E.

(ii) When the results of the CANIS or KIDS search are not obtained prior to the criteria staffing, the need to obtain the results is identified on Form 04AN020E as an action step with a due date.

(8) The adoption and CW supervisor review completed Form 04AN020E, ~~Adoptive Placement Criteria Staffing~~ Documentation Form, including the

documented action steps and sign as mandatory reviewers of Form 04AN020E.

(A) When no areas of concern are identified, the adoption specialist proceeds with the child profile referral and referral for medical records from the Oklahoma Health Care Authority (OHCA).

(i) When the resource identified for the child is, the resource family with whom the child currently resides:

(I) Form 04AF030E, Bridge Family Resource Re-assessment, or an addendum to Form 04AF003E, Resource Family Assessment – Bridge Family Profile, is completed; or

(II) Form 04AF003E, ~~Resource Family Assessment – Bridge Family Profile~~, is completed when the family was never assessed using Form 04AF003E.

(ii) The CW specialist notifies the identified resource of the criteria staffing results.

(B) When an area of concern or placement dispute is identified, the adoption specialist or supervisor promptly notifies the field manager. When no resolution is reached after review by the field manager, the adoption field manager calls a grand staffing.

(c) Post-criteria staffing responsibilities. During the criteria staffing, specific responsibilities are assigned, including, but not limited to:

(1) documenting in KIDS in the permanency planning case:

(A) the adoptive placement criteria staffing in the Contacts screen; and

(B) each Swift services referral in the Adoption Efforts screen and completing the Quad screen within the Adoption Efforts screen;

(2) sending copying the child's biological KK paper case record at the office or by sending to the Departmental Services Unit ~~for copying~~ Copy Center;

(3) researching each ~~OKDHS~~ DHS record related to the child, including Adult and Family Services records and medical records within the database maintained by ~~Oklahoma Health Care Authority (OHCA)~~;

(4) completing Form 04AN023E, Child Profile Referral, for submission to the Swift profile contractor after the criteria staffing. The referral packet includes, at a minimum:

(A) a copy of the child's biological KK case;

(B) a copy of child's full-certified birth certificate;

(C) a copy of each legal order pertaining to child's custody status and disposition including, but not limited to, the:

(i) ~~the~~ affidavit and application for emergency custody and the initial order placing child in the emergency custody of ~~OKDHS~~ DHS;

(ii) initial deprived petition, any subsequent amended petitions, or post-adjudication petitions;

(iii) adjudication orders;

(iv) ~~the~~ order placing the child in the temporary ~~OKDHS~~ DHS custody;

(v) dispositional orders;

- (vi) the order terminating each parent's parental rights;
- (vii) any relinquishment of parental rights document, when any; and
- (viii) the order placing the child in the DHS permanent custody of ~~OKDHS~~;

(D) KIDS reports, including Forms:

- (i) 04KI028E, ~~Client Information Report~~ Family Functional Assessment, attached for each child and biological parent;
- (ii) ~~CWS-KIDS-6~~ Form 04KI036E, ~~Case Referral/Investigation/Assessment~~ Contacts Report;
- (iii) ~~CWS-KIDS-12~~ Form 04KI043E, Client Medical and Psychological Information; and
- (iv) 04KI010E, Placement Worksheet; and
- (v) 04KI027E, Child Placement History;

(E) signed Form 08HI003E, Authorization to Disclose Medical Records, for each medical, dental, and psychological record and signed Form 04MP001E, Consent for Release of Information, for each;

- (i) educational provider identified in the case records; and
- (ii) medical, dental, and psychological provider identified within the database maintained by OHCA;

(F) mailing Form 04AN012E, Perinatal Information, to the hospital where the child was born for completion by hospital personnel;

(G) Form 04AN347E, Medical and Social History Report for Adoption;

(H) Form 04AN026E, Caregiver's Assessment of Child;

(I) ~~OKDHS~~ DHS Publication No. 85-67, ~~revised 7/2005~~, My Feelings About Adoption, for children up to 12 years of age, and ~~OKDHS~~ DHS Publication No. 05-09, ~~revised 7/2005~~, Adoption Guidebook, for children age 13 years of age and older; and

(J) Form 04AN020E, Adoptive Placement Criteria Staffing Documentation Form;

(5) initiating completion of Forms 04AN347E, Medical and Social History Report for Adoption, and 04AN026E, Assessment of Child by Caregiver, and ~~OKDHS~~ DHS Publication No. 85-67, ~~revised 7/2005~~, and Publication No. 05-09, Adoption Guidelines, ~~revised 7/2005~~.

(A) When not previously completed by the CW specialist, the forms are completed by the adoption specialist, adoption transition specialist, or CW specialist as part of the preparation for adoption. When appropriate, former foster parents, other CW specialists, and relatives are contacted for additional information.

(B) The resource assessment contractor completes Form 04AN022E, Child Profile Assessment for Adoption, including attachments;

(6) arranging for the child to be staffed at the next statewide adoption staffing after completion of Form 04AN022E, ~~Child Profile Assessment for Adoption~~, when there is no identified adoptive family;

(7) scanning copies of each recommended resource family assessment by the Friday following statewide adoption staffing to the appropriate folder

found in Microsoft Outlook at Public Folders/All Public Folders/STO DCFS/Adoption/Staffing Lists for review by the CW specialist;

(8) assisting the CW specialist with the selection and recommendation process; and

(9) assisting the CW specialist with referrals for media recruitment, adoption parties, and adoption exchanges when there is no recommended resource family for the child. When no prospective adoptive parent is identified during the statewide adoption staffing, the CW specialist:

(A) refers the child for child-specific targeted recruitment no later than 10 business days after the statewide adoption staffing per OAC 340:75-15-82;

(B) works diligently to find a prospective adoptive parent for the child;

(C) presents the child's case again at the next statewide adoption staffing per ~~OAC 340:75-15-42~~; and

(D) initiates the authorization process for the selected prospective adoptive placement per ~~OAC 340:75-15-45~~ no later than five business days after selection of the prospective adoptive parent.

4. Recruitment. To facilitate the recruitment of Bridge resource families, the adoption and adoption transition specialists:

(1) develop an annual, local recruitment plan in coordination with regional adoption and foster resource staff;

(2) use a combination of child-specific and more general targeted recruitment strategies including:

(A) registering the child on www.AdoptUsKids.org and www.adoptex.org;

(B) ensuring the child's participation at adoption parties; and

(C) facilitating the child's participation in the Waiting Child television campaign and photograph exhibit project;

(3) coordinate recruitment activities with Adoption Services Program Unit; and

(4) jointly recruit Bridge resource families.

5. Bridge resource family assessment process. The adoption specialist assures a safe adoptive environment, per OAC 340:75-7-15 and OAC 340:75-7-18, for the child in ~~OKDHS~~ DHS custody by:

(1) completing the initial consultation with the family in the family's home;

(2) evaluating the prospective Bridge resource home to assess the location, condition, and ability to accommodate the child in ~~OKDHS~~ DHS custody who needs an adoptive home using Form 04AF004E, House Assessment;

(3) evaluating each prospective Bridge resource parent and adult household member's child welfare and criminal background history;

(4) enrolling the Bridge resource applicant in pre-service training that includes Behavior Crisis Management Training (BCMT);

(5) completing and submitting Form 04AF009E, Referral for Bridge Resource Family Assessment, to the resource assessment contractor within 14 calendar days of receipt of the completed application with:

- (A) Form 04AF004E, ~~House Assessment~~, completed at the initial home visit by the adoption specialist. The resource assessment contractor completes Form 04AF004E, when converting a foster home into an adoptive home;
- (B) Form 04AF001E, Bridge Resource Family Assessment Application;
- (C) Form 04AF007E, Records Check Documentation Form;
- (D) Form 04AD003E, Request for Background Check, for each application and adult household member;
- (E) a copy of each KIDS Pre-Resource and Resource contact;
- (F) other forms or documents the applicant provides to the adoption specialist;
- (G) Form 04AN020E, Adoptive Placement Criteria Staffing Documentation Form, when applicable;
- (H) Form 04AN022E, Child Profile Assessment for Adoption, for conversion assessments;
- (I) a copy of the entire resource record including re-evaluations for the Bridge resource parent applying to adopt; and
- (6) reviewing and assessing information received regarding the Bridge resource applicant during pre-service training;
- (7) assuring the Bridge resource applicant completes the pre-service training timely;
- (8) assisting the resource applicant with completing the self-study requirements, when applicable; and
- (9) determining the outcome of the Bridge resource family assessment by:
 - (A) confirming in writing all decisions made regarding the assessment and application process;
 - (B) providing the applicant with an explanation of the reasons the assessment is denied, when applicable; and
 - (C) providing the applicant with a copy of the resource family assessment without the reference and verification sections when the assessment is approved.
- 6. (a) Assigning secondary assignment of the permanency planning case to adoption transition. When the secondary assignment of a permanency planning case is transferred to an adoption transition specialist, the adoption transition specialist reviews the:
 - (1) permanency plan to ensure the permanency plan of adoption and the current 04KI012E, Individualized Service Plan (ISP), reflect services and activities appropriate to an adoption plan;
 - (2) court information in the KIDS Court Hearing, Report/Progress Report, Parental Rights, and Status screens to enter missing or correct inaccurate termination of parental rights and legal status information;
 - (3) placement history and current placement information;
 - (4) educational history and current educational information in the KIDS Client/Education screen to update or correct as needed the child's current school information, grade level, education status, school performance, and educational strengths and needs;

(5) medical history and current information in the KIDS Client/Medical screens to update or correct as needed the current medical treatment and child's needs including all medications, immunizations, and behavioral health information;

(6) adoption efforts ~~in~~ in the KIDS Adoption Efforts screen for history and to update contacts related to adoption efforts using the purposes of adoption consultation, adoption criteria staffing, adoption matching party, and adoption statewide staffing;

(7) KIDS contacts and information in the KIDS file cabinets to gain a better understanding of the child and case history including contacts and documents concerning relatives or other important persons in the child's life that ~~may~~ have expressed an interest in the child's placement; and

(8) CW paper case record that contains applicable reports and information ~~as referenced in~~ per OAC 340:75-1-26. Each section is checked and missing documents are obtained including a certified copy of the child's birth certificate and Social Security card, when applicable.

(b) Placement services. Placement services are provided by the permanency planning and adoption transition specialist per OAC 340:75-6-85.3 and 340:75-6-85.4. The adoption transition specialist:

(1) discusses with the child's current caregiver the:

(A) the adoption transition specialist's role; and

(B) ~~the~~ child's preparation for adoption and ~~OKDHS~~ DHS adoption efforts; and

(2) requests the caregiver complete a current Form 04AN026E, Caregiver's Assessment of Child.

(c) Child assessment and preparation. An indicator of a potentially, successful adoption is the child's ability to attach. The CW specialist assigned to the child solicits the cooperation and assistance of the foster family and other professionals when indicated to help the child accept adoption and transition into the adoptive placement.

(1) The adoption transition specialist begins the child assessment and preparation with the case review and continues with developing Form 04KI012E, Individualized Service Plan (ISP). The child who is old enough to participate in case planning is included in the process.

(2) Other child assessment and preparation activities include:

(A) initiating the child's Life Book;

(B) completion of ~~OKDHS~~ DHS Publication No. 85-67, ~~revised 7/2005~~, for the child 12 years of age and younger;

(C) completion of ~~OKDHS~~ DHS Publication No. 05-09, Adoption Guidelines, ~~revised 7/2005~~, for the child 13 years of age and older; and

(D) review of The Companion Book for Social Workers to assist adoption transition specialists with ~~OKDHS~~ DHS Publication No. 05-09, ~~revised 7/2005~~; and

(E) obtaining a signature on Form 04MP069E, Custody Youth's Consent to a Public Release of Information.

(d) Secondary case assignment to the adoption transition specialist. When the secondary assignment of a child's permanency planning case is assigned to an adoption transition specialist and the prospective adoptive resource parent is assigned to an adoption specialist, the CW adoption transition and adoption specialists:

(1) consult regarding:

(A) the offer of the child to the prospective adoptive parent; and

(B) preparation of the full disclosure. The adoption transition and CW ~~specialist is~~ specialists are asked to assist with full disclosure either by direct participation or availability to the prospective adoptive parent in case of questions; and

(2) collaborate to develop a pre-adoptive visitation plan ~~that is~~ in the child's best interests when the prospective adoptive resource parent accepts the offer of a child. At a minimum, the adoption transition specialist participates in the first pre-adoptive visit.

(e) Additional adoption transition specialist duties. Other adoption transition specialist responsibilities include:

(1) preparing the child's case for transfer to the adoption specialist. All KIDS information is current prior to transfer;

(2) maintaining an open assignment and reporting to the court as needed; and

~~(3) requesting consent for the adoption from the court of jurisdiction; and~~

~~(4) requesting dismissal of the deprived case when the adoption is finalized.~~

7. Coordination of placement process into a trial adoptive placement. The adoption specialist in consultation with the CW specialist assigned to the child determines how to best transition the child into the adoptive family.

(1) When there are disagreements or issues regarding how to proceed, the adoption supervisor in consultation with the CW supervisor assists with a resolution.

(2) The adoption specialist completes with the prospective adoptive parent Form 04AN021E, Pre-Adoptive Placement Visit Agreement, in duplicate prior to pre-placement visitation.

(3) Visits between the child and adoptive family occur prior to placement to assist in a smooth transition into the adoptive home.

(A) Each visit is evaluated to determine whether additional visits should occur or whether the child and family are ready for placement. The best indicator for a successful adoption is the child's ability to attach. When the child has attached to the foster family, there is good reason to believe the child can also attach to the adoptive family when the foster parent encourages, assists, and gives the child permission to do so.

(B) The child is assisted with grieving the loss of and separation from the foster family.

(C) Visits between the child and adoptive family may be of different duration depending on the child's age and readiness or upon the adoptive family's request. The adoption specialist and CW specialist

assigned to the child consider types of visitation arrangements including:

- (i) a daytime visit between the child and adoptive family. The CW specialist and in some cases, after careful consideration, the foster parent may be included in the visit. The adoptive family is afforded some time alone with the child at every visit;
- (ii) an overnight visit, with the child returning to the foster home before a decision is made for placement; or
- (iii) an open-ended visit. When there is any concern on the part of the child, especially an older child, or on the part of the adoptive family about placement, the child may be sent on a visit with the family for a planned period of time. A decision is made prior to the end of the visit about whether the child returns to the foster home or moves into the adoptive placement.

(4) When the adoptive family is interested, but uncertain about a particular child, a blind showing, where the child is not aware that he or she is meeting with a potential adoptive family may be arranged.

(A) The CW specialist assigned to the child takes the child to a neutral setting where he or she "accidentally" runs into the specialist's "friends," who are the adoptive family.

(B) A blind showing may also be arranged at a scheduled adoption party.

(5) Direct placement of a child into an adoptive home requires approval by the adoption field manager. Direct placement is only used when the child must be moved immediately from his or her present placement that does not allow for transitioning the child into the adoptive home. Direct placement occurs when the:

(A) child is moved due to abuse or neglect in his or her present placement;

(B) foster parent requests the child be moved and transitioning the child would result in an additional placement; or

(C) child is placed directly from the hospital into an adoptive home.

(6) When an out-of-state adoptive family is identified and placement is authorized by the field manager for a child in Oklahoma, pre-placement visits are arranged. The visits may include the child traveling to the adoptive family's home and visitation with the child in Oklahoma by the adoptive family.

8. Physical placement of the child into the trial adoptive home. The adoption specialist and CW specialist assigned to the child coordinate, determining when and where the placement occurs. At the time of placement, the items in paragraphs (1) through (3) of this subsection are completed and routed as indicated.

(1) The adoption specialist completes, with the prospective adoptive parent, Form 04AN015E, Adoptive Placement Agreement, in duplicate, Form 15GR004E, Notice of Grievance Rights - Minors in ~~OKDHS~~ DHS Custody, for each child placed, and Form 15GR008E, Notice of Grievance

Rights – Foster Parents. ~~One copy of each form is~~ Copies are routed to the adoptive parent and the resource file.

(2) ~~The CW specialist assigned to the child transfers a secondary assignment of the child's permanency planning case to the adoption supervisor, per OAC 340:75-15-103 Instructions to Staff~~ contacts the adoption specialist to obtain required information for progress reports and is notified by the adoption specialist when any concerns are identified with the placement and when the date for the adoption finalization is set by the court.

(3) The CW specialist assigned to the child, delivers to the adoption specialist, the child's:

- (A) medical card;**
- (B) immunization records;**
- (C) ~~education~~ educational records;**
- (D) shoes and at least five changes of seasonably appropriate clothes;**
- (E) the child's ~~other~~ personal belongings; and**
- (F) the child's Life Book.**

9. Interstate Compact on Placement of Children (ICPC) Procedures for Adoption.

(1) Processing out-of-state studies or assessments. ~~OKDHS~~ DHS does not process applications from out-of-state adoptive parents, but accepts certified resource family studies or assessments from a licensed agency or public agency in another state.

(A) In cooperation with a licensed adoption agency in another state, an adoptive family may be considered for an Oklahoma child.

(B) The Adoption Services Program Unit coordinates placement and supervision with an agency in the state where the adoptive family resides.

(C) Each provision of the ICPC is followed.

(D) Assessments for placement of the child without siblings 4 years of age or younger is accepted, as most young children requiring adoptive placement are part of a sibling group or placed for adoption with a relative or foster parent.

(E) The family that requests to adopt a child 4 years of age or younger is given information about the types of children available through ~~OKDHS~~ DHS and are encouraged to consider adopting Oklahoma children.

(2) Procedures when Oklahoma is the sending state. To initiate a request for an adoptive home study in another state, the CW specialist assigned to the child submits five copies of Form 04IC002E, Interstate Compact on the Placement of Children Request, and three copies of each document in the referral packet to the ~~contracted~~ deputy compact administrator (DCA). Only requests for a specific child are processed through ICPC.

(A) ICPC referral packet. The referral packet is a summary of the child's background that includes:

- (i) social information that presents a clear statement of the child's relationship to the proposed placement family;**
- (ii) psychological information;**

- (iii) educational information;
- (iv) Form 04MP347E 04AN347E, Medical and Social History Report for Adoption;
- (v) medical information;
- (vi) legal documents;
- (vii) Form 04AN020E, Adoptive Placement Criteria Staffing Documentation Form; and
- (viii) Form 04IC014E, Interstate Compact on the Placement of Children (ICPC) Regulation 2 Statement by Child Welfare Specialist Regarding Prospective Placement Resource.

(B) ICPC referral request.

- (i) The ~~contracted~~ DCA forwards the information to the ICPC office of in the receiving state.
- (ii) The DCA in the receiving state refers the request to the local office or to a private agency. When the adoptive home assessment is completed and sent to the ICPC office by the receiving state, the assessment is approved or denied and sent back to the ~~contracted~~ DCA in Oklahoma.
- (iii) The CW specialist assigned to the child opens an "~~Other Services Workload Request~~" Adoption Pre-Resource to document in KIDS that a home assessment was requested from another state. The Type of Service Request is documented as ICPC-Sending Out-of-State.
- (iv) When the adoptive home assessment from the receiving state is received in Oklahoma, the ~~contracted~~ Oklahoma DCA administratively processes the results. When necessary, the ~~contracted~~ DCA requests additional information prior to taking action and processes the decision when the requested information is received.
 - (I) Receipt of an approved adoptive home assessment and an approved Form 04IC002E, ~~Interstate Compact on the Placement of Children Request~~, does not constitute agency approval or authorization for an adoptive placement.
 - (II) The CW specialist assigned to the child determines whether the family with an approved adoptive home assessment is the best adoptive plan for the child.
- (v) The adoption specialist converts the "~~Other Services Workload Request~~" Pre-Resource to a Resource, once the completed approved home assessment is received. The Resource category is Adoption.
- (vi) Form 04AN024E, Placement Recommendation Worksheet, is completed for the recommended out-of-state family and submitted to the adoption field manager with a copy of:
 - (I) the home assessment;
 - (II) Form 04AN022E, Child Profile Assessment for Adoption;
 - (III) Form 04AN020E, Adoptive Placement Criteria Staffing Documentation Form; and

(IV) Form 04IC002E, Interstate Compact on the Placement of Children Request.

(vii) Prior to signing the placement affidavit, the prospective adoptive parent is given full disclosure.

(C) Travel for out-of-state adoption placement. ~~OKDHS~~ DHS does not assist with travel arrangements for independent or private agency adoptions. When travel is required during the ~~OKDHS~~ DHS adoption process, travel arrangements are coordinated between ~~OKDHS~~ DHS and the adoptive family.

(i) The payment for travel is negotiated between ~~OKDHS~~ DHS and the adoptive family.

(ii) When the adoptive family is not able to make or pay for travel arrangements, the Oklahoma DCA assists the local CW specialist with travel arrangements for the child in ~~OKDHS~~ DHS custody.

(iii) For each person traveling, the CW specialist submits a signed Form ~~23AD001E~~ 10AD002E, Request for Out-of-State Travel Authorization, and a travel itinerary. Form ~~23AD001E~~ 10AD002E includes the child's date of birth and KK number, with the most recent court order attached, verifying the child is in ~~OKDHS~~ DHS custody.

(D) Placement of the child out-of-state. When the child is placed in another state:

(i) Form 04IC003E, Interstate Compact on the Placement of Children Report on Child's Placement Status, is submitted by the CW specialist to the ~~contracted~~ DCA;

(ii) Form 04IC003E is sent to the ICPC office in the receiving state by the ~~contracted~~ DCA;

(iii) when a placement is approved, a copy of Form 04IC002E, Interstate Compact on the Placement of Children Request, signed by the sending state DCA is sent to the supervising county;

(iv) when the child is placed in the adoptive home:

(I) an adoption case is opened in KIDS with the case type of Adoption; and

(II) post placement supervision is provided by the receiving state upon that state's receipt of Form 04IC003E. Reports of monthly supervision are submitted quarterly by the receiving state to the Oklahoma ~~contracted~~ DCA; and

(III) documentation of the visits and services provided to the family by the receiving state is entered into the Contact Information screen of the Adoption case on KIDS.

(E) Medical expenses for the child placed out-of-state. A child in ~~OKDHS~~ DHS permanent custody is eligible for Oklahoma Medicaid that may be a resource when the adoptive family cannot provide medical care.

(i) The child who is Title IV-E eligible before placement is eligible to receive Medicaid in the receiving state. The majority of states cover children who are not Title IV-E eligible.

(ii) A referral is made to the Interstate Compact on Adoption and Medical Assistance Adoption Assistance Program Unit, per OAC 340:75-15-129, for assistance obtaining medical services in the receiving state.

(iii) When the receiving state does not provide Medicaid to the child who is not Title IV-E eligible, the adoptive parent is responsible for the child's medical expenses.

(F) ICPC directive authorizing consent to adoption when child is placed out-of-state. When the adoptive parent is ready to proceed with finalization of the adoption, the adoption specialist completes the ICPC Directive Authorizing Consent to Adoption found in the Outlook Public Folder STO DCFS/Adoption/ICPC Adoptions, and sends it as an attachment by email to the adoption field manager. The form is signed by the director's designee and is returned by mail to the adoption specialist. The completed form is sent to the receiving state through the ~~contracted~~ DCA.

(G) Adoption finalization when child placed out-of-state. After the adoption is finalized, all records pertaining to the adoption are submitted to the Post Adoption Services Program Unit in accordance with per OAC 340:75-15-103 and the Form 04IC003E, ~~Interstate Compact on the Placement of Children Report on Child's Placement Status~~, is sent to the ~~contracted~~ DCA to close the case.

(3) Procedures when Oklahoma is the receiving state for a child who is in the custody of a public agency. ~~OKDHS~~ DHS completes adoptive home assessments for ICPC requests made by a public agency in other states.

(A) When a public agency in another state requests an adoptive home assessment in Oklahoma, the adoption specialist or contractor completes an adoptive home assessment according to Form 04AF002E, Guidelines for Resource Family Assessment - Bridge Family Profile.

(B) The adoption specialist opens an ~~Other Services Workload Request~~ a Pre-Resource on KIDS. ~~The Type of Request is ICPC - Receiving into State.~~

(C) When the home assessment is completed and approved, the ~~Other Services Workload Request~~ Adoption Pre-Resource is converted to a Resource. The Resource Category is Other Services. The Resource Type is ICPC/Adoptive.

(D) When a foster care resource is approved, a conversion addendum is completed for the adoptive resource.

~~(D)~~(E) The completed assessment is submitted to the ICPC ~~contracted~~ DCA.

~~(E)~~(F) When the child is placed in the adoptive home, an ICPC-Adoption case is opened in KIDS.

(4) Procedures when Oklahoma is the receiving state for a child who is in the custody of a non-public agency. When a request for an adoptive home assessment is made by a person or private agency in the sending state, that person or agency arranges an assessment and supervision of the placement by a licensed ~~child-placing~~ child placing agency or a person qualified by training or experience. Exceptions must be approved by the DCA.

(5) Closure of ICPC adoption. Adoptive placements made through ICPC are closed when the adoption is finalized or the child is returned to the sending state and Form 04IC003E, Report on Child's Placement Status, is submitted to the contracted DCA. When the child placed through ICPC is in ~~OKDHS~~ DHS custody, the child's closed case and the ICPC placement case are forwarded to the Adoption Services Program Unit within 30 calendar days of the adoption finalization.

(6) Confidentiality of ICPC cases. Each adoption managed through the ICPC is treated confidentially.

10. Independent adoptive home investigation. ~~OKDHS~~ DHS advises the court that ~~OKDHS~~ DHS does not perform independent adoptive home investigations. Any exceptions are approved by the Adoption Services ~~Program~~ Unit program administrator.

PART 10. INTEGRATED FAMILY ASSESSMENT AND PREPARATION PROCESS

340:75-15-84. Adoption application process § 1 through 5

Revised ~~7-1-13~~ 9-15-15

(a) **Adoption eligibility.** Bridge resource applicants are required to reside in and remain in Oklahoma until the family's assessment and preparation process is completed. Section 7503-1.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 7503-1.1) states that persons eligible to adopt a child are:

- (1) a husband and wife jointly, if when both spouses are at least 21 years of age;
- (2) either the husband or wife if when the other spouse is the child's parent or relative;
- (3) an unmarried person who is at least 21 years of age; or
- (4) a married person who is at least 21 years of age, ~~who is~~ legally separated from his or her spouse.

(b) **Application to adopt.** Oklahoma Department of Human Services (~~OKDHS~~) (DHS) Form 04AF001E, Bridge Resource Family Assessment Application, is completed by the adoptive applicant ~~who wishes~~ for consideration as an adoptive parent for a child in ~~OKDHS~~ DHS custody.

- (1) "Application" means a completed Form 04AF001E, Bridge Resource Family Assessment Application.
- (2) The application is considered complete when required documents are provided and actions completed by the applicant as detailed on Form 04AF001E.
- (3) The applicant may provide the required documents to complete the application within 20 business days after the applicant's signature on Form 04AF001E. The

required documents and actions the applicant submits and fulfills to complete the application include:

- (A) Form 04AD003E, Request for Background Check, and fingerprint cards completed by each applicant and each adult household member. All names, including maiden names, used by each adult household member must be included on Form 04AD003E;
 - (B) Form 04AF010E, Resource Family Financial Assessment;
 - (C) ~~a copy~~ copies of paycheck stubs;
 - (D) Form 04AF008E, Medical Examination Report, completed for each adult household member, and a doctor's statement of health for each child residing in the home;
 - (E) Form 04AF017E, Family Health History;
 - (F) a copy of the Certificate of Degree of Indian Blood (CDIB) card and tribal membership card, when applicable;
 - (G) Forms 04AF020E, Family/Parent Questionnaire, and 04AF019E, Child's Questionnaire, ~~that are an optional component~~ components of the assessment process. The applicant is advised he or she has the option of completing these forms or sharing this information through interviews with the adoption specialist;
 - (H) a copy of the motor vehicle insurance verification;
 - (I) a copy of the Social Security card for each applicant;
 - (J) a copy of each applicant's driver license;
 - (K) a copy of the current marriage license, when applicable;
 - (L) a copy of all divorce decrees for each applicant, when applicable;
 - (M) a copy of the immunization record for each child in the household who is not in ~~OKDHS~~ DHS custody, when applicable;
 - (N) a copy of pet vaccination records, when applicable;
 - (O) alternate caregiver contact information;
 - (P) a copy of DD Form 214, Certificate of Release from Active Military Duty, for each applicant, when applicable;
 - (Q) verification of lawful residence when the applicant was not born in the United States; and
 - (R) other documents or actions requested by ~~OKDHS~~ DHS.
- (4) The ~~OKDHS~~ DHS adoption program is child-focused. An adoptive family is selected, for the child in ~~OKDHS~~ DHS custody, that will best meet the child's long-term best interests and individual needs.
- (5) An application requesting a child of a certain age, race, or other characteristic ~~OKDHS~~ DHS reasonably believes may not be available for adoption in the foreseeable future is not generally processed. ~~ç~~ 1
- (6) ~~OKDHS~~ DHS contracts with licensed ~~child-placing~~ child placing agencies to complete resource family assessments.
- (7) An application, including one by a foster parent or relative, does not guarantee placement of a child in the applicant's home.
- (8) There is no fee for services provided by ~~OKDHS~~ DHS to applicants who apply to adopt a child in ~~OKDHS~~ DHS legal custody.

(9) A criminal background records and Child Abuse and Neglect Information System (CANIS) or KIDS check is required for each applicant and adult household member 18 years of age and older, and includes, but is not limited to:

- (A) fingerprinting and a Federal Bureau of Investigation (FBI) national criminal history records check;
- (B) an Oklahoma State Bureau of Investigation (OSBI) check that includes Department of Public Safety ~~check~~ and Sex Offender Registry ~~check~~ checks;
- (C) a ~~Child Abuse and Neglect Information System (CANIS)~~ CANIS or KIDS check and ~~OKDHS DHS~~ records check;
- (D) a Mary Rippy Violent Offender Registry check;
- (E) a search of each applicable out-of-state child abuse and neglect registry when an applicant or adult household member has not lived continuously in Oklahoma for the past five years; ϕ 5
- (F) an Oklahoma State Courts Network check at www.oscn.net;
- (G) an Oklahoma District Court Records check (ODCR) at www.odcr.com;
- (H) an offender information and offender lookup through the Oklahoma Department of Corrections (DOC) at www.doc.state.ok.us;
- (I) a Juvenile Justice Information System (JOLTS) records check for each child in the household 13 years of age and older; and
- (J) a background check request from Family Advocacy for each active or retired military family.

(10) Applicants are required to complete ~~27 hours of~~ pre-service training according to licensing requirements for child placing agencies, including six hours of Behavior Crisis Management Training (BCMT), per Oklahoma Administrative Code (OAC) 340:75-7-14.

(11) Applicants are responsible for providing copies to ~~OKDHS DHS~~ of any non-~~OKDHS DHS~~ assessments or evaluations, including previous adoptive, foster home, relative, divorce child custody, or other custody assessments.

(12) ~~OKDHS DHS~~ inquires ~~whether if~~ the applicant ~~has~~ applied to be or ~~has been~~ was an approved foster or adoptive parent in another state. ~~OKDHS DHS~~ requests, from each applicable state, any history of child abuse or neglect or criminal history from the appropriate state agency.

(c) **Application to adopt by ~~OKDHS DHS~~ employees.** ~~OKDHS DHS~~ employees may apply to adopt from ~~OKDHS DHS~~.

(d) **Reapplication to adopt.** When an adoptive parent applies to adopt again through ~~OKDHS DHS~~, the Bridge resource application information is updated. ϕ 3

(e) **Denial or withdrawal of applications.** When it becomes apparent ~~that~~ the applicant does not meet the resource family requirements set out in Form 04AF002E, Guidelines for Resource Family Assessment-Bridge Family Profile, the resource family assessment process may be discontinued and the application withdrawn or denied.

(1) The reasons for discontinuing the assessment prior to completion, per OAC 340:75-15-88, are explained to the applicant in person when possible, and are stated in a letter to the applicant regardless ~~whether if~~ personal contact is was made. ϕ 4

(2) The applicant may voluntarily withdraw the application. When the applicant declines to withdraw the application, ~~OKDHS DHS~~ denies the application.

(3) The person desiring to adopt a child of a certain age, race, or other characteristic ~~OKDHS~~ DHS reasonably believes may not be available for adoption in the foreseeable future is referred to licensed ~~child-placing~~ child placing that are more likely to place children matching the request.

(f) **Out-of-state adoptive applicants.** ~~OKDHS~~ DHS does not process applications from adoptive applicants outside the state of Oklahoma, but does accept certified resource family studies or assessments from a licensed agency or the public agency in another state.

(1) In cooperation with a licensed private or public adoption agency in another state, an adoptive family may be considered for a child in Oklahoma.

(2) The Adoption Services Program Unit coordinates placement and supervision with an agency in the state where the adoptive family resides.

(3) Each provision of the Interstate Compact on the Placement of Children is followed, per OAC ~~340:75-15-61~~ and 340:75-15-82 and 340:75-1-86.

INSTRUCTIONS TO STAFF 340:75-15-84

Revised 7-1-139-15-15

1. (a) **Response to prospective Bridge resource applicants.** The adoptive applicant is referred to the adoption specialist for the district where the applicant lives. The adoption specialist responds promptly to the prospective applicant and invites the applicant to attend a group orientation meeting or at the applicant's request, an individual intake interview is scheduled ~~at the applicant's request~~. The adoption specialist:

(1) plans the intake interview for a location that best meets the applicant's needs, such as:

(A) the local Oklahoma Department of Human Services (~~OKDHS~~) (DHS) ~~human~~ office;

(B) the family's home. When the intake interview is done in the home, Form 04AF004E, House Assessment, is completed as a part of the interview process or when the intake is not done in the home, a separate appointment is scheduled for the house assessment to be completed in the home; or

(C) another site selected by the applicant;

(2) explains the adoption process;

(3) explains the types of children waiting for Bridge resource homes;

(4) answers the prospective applicant's questions during the intake interview; and

(5) shares non-identifying information about children for whom ~~OKDHS~~ DHS has adoptive planning responsibility.

(A) The information is general and does not reveal confidential information about the child or the child's biological family.

(B) The information sharing process assists the family ~~gain~~ in gaining realistic expectations about the children available for adoption and the applicant's ability to parent the children.

(b) Initial screening. When an applicant inquires about adopting a child of a certain age, race, or other characteristic ~~OKDHS~~ DHS reasonably believes may not be available for adoption in the foreseeable future, the adoption specialist:

(1) consults the adoption supervisor and the appropriate adoption field manager prior to making a decision to:

(A) not process the application; or

(B) refer the applicant to a licensed ~~child-placing~~ child placing agency;

(2) explains to the applicant the requested type of child is generally:

(A) part of a sibling group;

(B) placed with a relative; or

(C) placed with an existing, approved applicant awaiting adoptive placement of sibling groups;

(3) provides information about the types of children available through ~~OKDHS~~ DHS and encourages the applicant to consider these children; and

(4) refers the applicant, when indicated after consultation with the appropriate adoption field manager, to licensed ~~child-placing~~ child placing agencies that may be able to place children matching the applicant's request.

2. (a) Adoption application packet. When the applicant chooses to apply, the adoption specialist provides an adoption application packet and:

(1) reviews each form and activity required to complete the application process with the applicant; and

(2) explains that the applicant may provide the required documents to complete the application within 20 business days of the applicant's signature on Form 04AF001E, Bridge Resource Family Assessment Application.

(b) Assessment procedure. The applicant is advised that an area subcontractor will contact the family to begin the Bridge resource family assessment.

3. Adoption re-application procedures.

(1) When an applicant ~~has~~ previously adopted a child from ~~OKDHS~~ DHS, the adoptive home case record is requested via email from the Adoption Assistance Program Unit or printed from the adoptive resource case on KIDS;

(2) Form 04AF001E, Bridge Resource Family Assessment Application, is completed by the applicant. The top of Form 04AF001E is marked "Re-application";

(3) ~~current~~ Current Form 04AF008E, Medical Examination Report, or substitute medical statement, is completed for each family member;

(4) Form 04AF030E, Bridge Resource Family Re-assessment, that reflects changes in the family situation, is completed by the adoption specialist.

The update includes:

(A) changes in the family situation since the last home assessment;

(B) a home visit;

(C) at least one joint interview;

(D) information on each child added to the family; and

- (E) family experiences;
 - (5) ~~current~~ Current Form 04AF010E, Resource Family Financial Assessment, is completed;
 - (6) ~~at~~ At a minimum, three references are contacted. The appropriate references are selected from those identified in Oklahoma Administrative Code (OAC) 340:75-15-87 Instructions to Staff;
 - (7) ~~updated~~ Updated Forms 04AD003E, Request for Records Background Check, and 04AF030E, Bridge Resource Family Re-assessment, are completed;
 - (8) ~~when~~ When the family has moved or it has been more than one year since the adoption finalization, a new Form 04AF004E, House Assessment, is completed; ~~and~~.
 - (9) ~~when~~ When a re-application is made by an ~~OKDHS~~ a DHS employee who has a business or personal relationship with the adoption specialist in the district, the adoption supervisor makes arrangements for the adoptive family assessment to be completed by an adoption specialist:
 - (A) from another district; or
 - (B) who does not have a business or personal relationship with the applicant.
4. Notice of closure. When possible, the adoption specialist makes face-to-face contact with the adoptive parent to clarify the reason for the adoptive home closure.
- (1) A letter is sent to the adoptive parent stating in clear, concise language the reason for closure of the adoptive home. Relevant ~~OKDHS~~ DHS rules or procedures are cited and attached to the letter.
 - (2) The adoption specialist consults with the ~~program~~ field administrator of the Adoption Services ~~Program~~ Unit to determine whether to close an adoptive resource home.
5. Out-of-state child abuse and neglect information. When a state that maintains a child abuse and neglect registry does not respond appropriately to an information request, the adoption supervisor notifies the adoption field manager who contacts the Administration for Children and Families regional office for assistance.
- (1) When information cannot be obtained from the other state, the adoption specialist documents the state name and efforts made to obtain the information in the resource record.
 - (2) The prospective Bridge resource family is not approved without the results of the state-maintained child abuse and neglect registry checks.

340:75-15-87. Assessment of the prospective adoptive parent and preparation process for adoption ~~§ 1 through 2022~~

Revised ~~7-1-13~~ 7-1-15

(a) **Bridge resource family assessment.** ~~§ 1~~ Pursuant to Section 7505-5.4 of Title 10 of the Oklahoma Statutes (10 O.S. § 7505-5.4), the court does not require Oklahoma Department of Human Services (~~OKDHS~~) (DHS) to complete resource home assessments on adoption placements made by private adoption agencies or persons

providing private adoption services per 10 O.S. § 7505-5.3. ~~OKDHS~~ DHS conducts an appropriate inquiry into the Bridge resource adoptive applicant and each household member's background or other circumstances and conditions to determine if the home is suitable for the child available for adoption in ~~OKDHS~~ DHS custody. ~~OKDHS~~ DHS assesses the prospective Bridge resource applicant's ability to parent and provide a safe environment for a child with special needs. During the assessment process, the prospective Bridge resource family is provided:

- (1) information about the adoption process, adoption laws, and the types of parenting issues faced by parents who adopt children with special needs; and
- (2) services designed to enhance the family's ability to problem solve, access services, and cope with parenting a child with a unique history and special needs.

(b) **Interviews with ~~OKDHS~~ DHS adoptive applicants and household members.** § 2 The ~~OKDHS~~ DHS specialist or resource assessment contractor conducts a minimum of two home visits on different dates to conduct individual and joint interviews with each Bridge resource adoptive applicant and household member.

(c) **Authorization to check ~~OKDHS~~ DHS applicant's references.** § 3 The applicant grants ~~OKDHS~~ DHS permission to contact the applicant's references by signing Form 04AF001E, Bridge Resource Family Assessment Application.

(d) **Physical and behavioral health and ability of ~~OKDHS~~ DHS applicant to parent the child into adult years.** § 4 & 5 During the assessment process:

- (1) each ~~OKDHS~~ DHS Bridge resource applicant and household member submits a completed Form 04AF008E, Medical Examination Report, or other medical examination report prepared by a physician that verifies the applicant or household member's current physical health;
- (2) the adoptive applicant's ability to provide care for the child into the child's adult years is assessed; and
- (3) when applicable, the applicant or household member's behavioral health history is assessed.

(e) **Marriage history.** § 6 When applicable, the Bridge resource applicant verifies his or her marital history by providing copies of:

- (1) a current marriage license; and
- (2) any divorce decrees, legal separations, and annulment documents.

(f) **Financial statement.** The Bridge resource applicant completes Form 04AF010E, Resource Family Financial Assessment, and provides documentation of employment, income, and expenditures as a component of the assessment summary. Management of resources is more important than the family's income and is addressed in the assessment summary.

(g) **Photographs.** § 7 The Bridge resource applicant provides recent photographs of himself or herself as a component of the assessment summary.

(h) **Required pre-service training.** § 8 Pursuant to Oklahoma Administrative Code (OAC) 340:75-7-14, the Bridge resource applicant must complete ~~the Oklahoma's Parent Resource for Information, Development, and Education (OKPRIDE) prescribed course of pre-service training consisting of approximately 27 hours of instruction according to licensing requirements for child placing agencies~~ designed to assist the applicant in evaluating the strengths, needs, and challenges associated with parenting a child with special needs.

(i) **Background checks.** § 9 through 17

(1) **Mandate to conduct background checks.** Per 10 O.S. § 7505-5.3 ~~OKDHS~~ DHS is mandated to conduct a criminal background check and Child Abuse and Neglect Information System (CANIS) or KIDS check for each ~~OKDHS~~ DHS and private adoptive resource parent applicant and adult household member, 18 years of age and older. The background check for each ~~OKDHS~~ DHS applicant and adult household member includes a search of:

- (A) Oklahoma Department of Public Safety records;
- (B) Oklahoma State Bureau of Investigation (OSBI) name and criminal records history that includes the Oklahoma Sex Offender Registry;
- (C) Mary Rippey Violent Offender Registry;
- (D) Federal Bureau of Investigations (FBI) national criminal history records based on the applicant and each adult household member's fingerprints;
- (E) the applicant or adult household member's involvement as a party in any court action found on:

- (i) Oklahoma State Courts Network (OSCN); or

- (ii) Oklahoma District Court Records (ODCR);

- (F) ~~Child Abuse and Neglect Information System (CANIS)~~ CANIS or KIDS for history of child maltreatment involving the applicant or any adult household member;

- (G) a Family Advocacy background check for each active or retired military family; ~~and~~

- (H) each applicable out-of-state child abuse and neglect registry when the applicant or adult household member has not lived continuously in Oklahoma for the past five years.

- (i) When no child abuse and neglect registry is maintained in the applicable state, the adoption specialist requests any information that can be provided.

- (ii) The prospective adoptive parent is not approved without the results of the state-maintained child abuse and neglect registry check when a registry is maintained in the applicable state; ~~and~~

- (I) Juvenile Justice Information System (JOLTS) records for each child 13 years of age and older residing in the applicant's household.

(2) **CANIS or KIDS and the private adoptive applicant.** The private adoptive applicant, adoption agency, or other person authorized to conduct home study investigations:

- (A) completes a written request for a CANIS or KIDS search via Form 04AN028E, Request for Child Abuse and Neglect Information System Search; ~~and~~

- (B) submits the form, with verification of impending adoption, to the Child Protective Services ~~Program~~ Programs Unit at ~~P.O. PO~~ Box 25352, Oklahoma City, Oklahoma 73125-9975.

(3) **Fingerprint-based background search.** A national criminal history records search based upon ~~submission of fingerprints~~ on fingerprint submissions is required for the ~~OKDHS~~ DHS Bridge resource applicant and adult household member, 18 years of age and older.

(A) When a fingerprint-based search ~~has been~~ was conducted within the past five years and is reviewed by ~~OKDHS~~ DHS, only an OSBI criminal background check is required.

(B) A home study is not initiated when any applicant or adult household member refuses to sign or submit Form 04AD003E, Request for Background Check.

(i) Each adult household member, 18 years of age and older, completes and signs Form 04AD003E and submits fingerprint cards authorizing ~~OKDHS~~ DHS to conduct a records check.

(ii) Background information that reveals a risk to a child is a basis for denying the application, per OAC 340:75-15-88.

(4) **Exception to fingerprinting.** ~~§ 10~~ Pursuant to 10A O.S. § 1-7-111, the ~~OKDHS~~ DHS Director or designee may authorize an exception to the fingerprinting requirement for prospective ~~OKDHS~~ DHS and private adoptive applicants and adult household members, 18 years of age and older, and ~~authorize~~ use of an alternative procedure for obtaining a national criminal records check for any applicant or adult residing in the home who has a severe condition that precludes such person being fingerprinted. The alternative procedure may be used in limited, and case-specific, circumstances when ~~OKDHS~~ DHS may not be able to obtain:

(A) the individual's fingerprints as a result of the individual's disability; or

(B) legible fingerprints due to low quality fingerprints, as a result of age, occupation, or otherwise, thereby making it impossible for the ~~national crime information databases (NCID)~~ National Crime Information Center to provide the results.

(5) **Approval of Bridge resource applicant.** ~~OKDHS~~ DHS may approve the Bridge resource applicant for adoption when the applicant and the home meet the foster home and adoption program eligibility standards, per OAC 340:75-7-19. ~~§ 18~~

INSTRUCTIONS TO STAFF 340:75-15-87

Revised ~~7-1-13~~ 9-15-15

1. **Response to Bridge adoption inquiry.** When the Bridge adoption inquiry is received by the Bridge Resource Support Center, paragraphs (1) and (2) of this subsection are completed by the support center and the child welfare (CW) specialist proceeds to paragraph (3) of this Instruction. When the Bridge adoption inquiry is received by the local Oklahoma Department of Human Services (~~OKDHS~~) (DHS) office, the adoption specialist:

(1) responds within three business days of the inquiry by a mailing a Bridge information packet to the prospective applicant;

(2) documents each inquiry in the KIDS Pre-Resource screen by noting the referral source;

(3) makes face-to-face or telephone contact within five business days after mailing the Bridge information packet and at two week intervals until the applicant's interest is determined;

(4) discusses with each potential applicant the:

(A) basic responsibilities and requirements expected of an adoptive parent;

(B) children in ~~OKDHS~~ DHS custody available for adoption; and

- (C) elements of the application and training process;
 - (5) discusses with the applicant his or her ability to meet the day-to-day needs of a child, such as providing a stimulating environment and ensuring a child the opportunity to participate in extracurricular activities.
 - (A) When the applicant does not have the ability or willingness to meet the responsibilities and requirements, the adoption specialist explains the application may be denied.
 - (B) When the applicant wishes to make a formal application, the application is accepted and processed;
 - (6) carefully considers the responses of each potential applicant to the explanation of the focus and goals of OKDHS DHS programs;
 - (7) obtains information regarding the person's particular circumstances, motivation, and ability to care for and adopt a child in OKDHS DHS custody; and
 - (8) makes referrals to other program units, such as Oklahoma Child Care Services or the Office of Volunteerism Community and Faith Engagement when the applicant's needs or expectations may be better met through other sources.
2. Bridge resource assessment process. The adoption specialist ensures a safe environment, per Oklahoma Administrative Code (OAC) 340:75-7-15 and OAC 340:75-7-18 for a child in OKDHS DHS custody who requires an adoptive home by:
- (1) completing the initial consultation with the family in the family's home;
 - (2) evaluating the prospective Bridge adoptive resource home to assess the location, condition, and ability to accommodate children requiring adoption using Form 04AF004E, House Assessment;
 - (3) evaluating each prospective Bridge resource adoptive parent and adult household member's child welfare and criminal background history;
 - (4) enrolling the Bridge resource adoptive applicant in pre-service training ~~that includes Behavior Crisis Management Training (BCMT);~~
 - (5) completing and submitting Form 04AF009E, Referral for Bridge Resource Family Assessment, to the resource assessment contractor within 14 20 calendar days of receipt of the completed application, with:
 - (A) Form 04AF004E, House Assessment, completed at the initial home visit by the adoption specialist;
 - (B) Form 04AF001E, Bridge Resource Family Assessment Application;
 - (C) Form 04AF007E, Records Check Documentation Form;
 - (D) Form 04AD003E, Request for Background Check, for each application and adult household member;
 - (E) a copy of each KIDS Pre-Resource contact; and
 - (F) other forms or documents the applicant provides to the resource specialist; and
 - (6) reviewing and assessing information received regarding the Bridge resource adoptive applicant during pre-service training;
 - (7) assuring the Bridge resource adoptive applicant completes the pre-service training timely;

- (8) assisting the resource adoptive applicant with completing the self-study requirements, when applicable; and
 - (9) determining the outcome of the Bridge resource family assessment by:
 - (A) confirming in writing all decisions made regarding the assessment and application process;
 - (B) providing the adoptive applicant with an explanation of the reasons the assessment is denied, when applicable; and
 - (C) providing the adoptive applicant with a copy of the resource family assessment without the reference and verification sections when the assessment is approved.
- 3. Assessing the applicant through the interview process.
 - (1) The resource assessment contractor assists the adoptive applicant with:
 - (A) understanding the types of parenting issues faced by families who adopt children with special needs;
 - (B) gaining insight through feedback about the applicant's strengths, needs, and potential challenges associated with parenting the child with special needs;
 - (C) assessing the gender, age range, and race of child the applicant wishes prefers to adopt, and the special needs the applicant feels he or she is capable of parenting. Special needs may include the:
 - (i) ~~the~~ child being part of a sibling group;
 - (ii) ~~the~~ child's age;
 - (iii) ~~the~~ child's race;
 - (iv) ~~the~~ child's mental physical, or emotional disabilities; or
 - (v) the child being at high risk for developing a physical or mental disability; and
 - (D) completing Form 04AF018E, Child Needs Information Checklist, by explaining the conditions listed.
 - (2) When the applicant has applied to adopt a specific child, the assessment summary addresses:
 - (A) the applicant's relationship to the child;
 - (B) the child's needs; and
 - (C) whether the applicant can meet the child's special needs on a permanent basis and into the child's adulthood.
 - (3) When assessing an applicant, the most important criterion is the applicant's ability to parent a child not born to him or her. Factors considered in relation to the applicant's ability to parent an adopted child, include the applicant's:
 - (A) marital status;
 - (B) income level;
 - (C) education;
 - (D) age;
 - (E) health; and
 - (F) commitment to parent the child on a permanent, long term basis.

(4) The adoption specialist or resource assessment contractor uses tools to assess the applicant's strengths and challenges related to parenting a child with special needs. These tools are used in connection with the narrative obtained through the interviews, and include the:

- (A) Genogram;**
- (B) Family Network Diagram; and**
- (C) Eco-Map.**

(5) The adoption specialist allows the applicant to determine the pace at which the assessment proceeds. Some applicants are ready to quickly move through the assessment, while others need more time to process information.

4. References.

(1) The adoption specialist sends the applicant or provider, as appropriate, Forms:

- (A) 04AF015E, Resource Family Reference Letter for Adult Children;**
- (B) 04AF014E, Resource Family Reference Letter for School Personnel;**
- (C) 04AF011E, Resource Family Reference Letter for an Employer;**
- (D) 04AF013E, Resource Family Assessment Reference Letter for Behavioral Health Professionals; and**
- (E) 04AF012E, Child's Behavioral Health Reference Letter.**

(2) Personal references are contacted by the adoption specialist or resource assessment contractor in person or by telephone.

(3) References may be contacted for an interview when the reference fails to respond to the reference letter request or when information contained in the response requires clarification. No additional references are contacted without the specific written permission of the applicant.

(4) When voluntary references contact the adoption specialist to provide information, the information is included in the assessment summary.

(5) The reference information is not provided to the adoptive applicant as part of the completed assessment. When guarded reference information is received, the issues are fully explored with the applicant without revealing the source of the information.

5. Behavioral and physical health of the applicant and household members.

(1) When the applicant or household member has received treatment, counseling or therapy, Form 08HI003E, Authorization to Disclose Medical Records, is signed by the applicant or adult household member. When the person is:

- (A) an adult, Form 04AF013E, Resource Family Assessment Reference Letter for Behavioral Health Professionals, is sent to the provider requesting information about the diagnosis and treatment the applicant or household member received; or**
- (B) 17 years of age and younger, Form 04AF012E, Child's Behavioral Health Reference Letter, is sent to the provider requesting information about the diagnosis and treatment the household member received.**

- (2) Form 04AF017E, Family Health History, is completed by the applicant. The narrative summary, completed by the adoption specialist or resource assessment contractor describes the applicant and household member's:
- (A) health history;
 - (B) health insurance coverage; and
 - (C) assesses the applicant's ability to care for a child into the child's adult years.
- (3) A statement from the family physician is required for all children in the home to verify the children are free from communicable diseases and are current on immunizations.
6. **Age.** When the age difference between the applicant and the child is more than 55 years, the adoption field manager and district director are consulted at the time of the local adoptive placement criteria staffing, per OAC 340:75-15-41 340:75-15-41.1.
7. **Marital and significant relationship history.** Documentation of the validity of the current marriage is necessary to determine eligibility to adopt and protect the legal status of the prospective adoptive child.
- (1) When there is a child from a previous marriage, the child's role in the family is discussed and financial and emotional child support, when applicable, are documented.
 - (2) The ability of the applicant to develop and sustain healthy relationships is assessed and documented in the assessment summary.
8. **Photographs.** The applicant is encouraged to incorporate photographs, such as those of parents, relatives, home, work-space, school, pets, activities, other children in the family, and the neighborhood into a family Life Book. The Life Book must be 8 ½ X 11 inches and filed with the assessment.
9. **Pre-service training.** During ~~OK Parent Resource Information, Development, and Education (OKPRIDE)~~ pre-service training, information about the adoption process is provided to the adoptive applicant allowing the applicant to decide whether adoption is appropriate for the applicant's family.
- (1) The dates the applicant attended pre-service training and a description of the applicant's response or reaction to the information provided is included in the Training section of the assessment summary.
 - (2) An exception to the training requirement is requested from the Adoption Services Program Unit program administrator.
- 10.(a) Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) fingerprint-based records check process for the ~~OKDHS~~ DHS applicant and adult household member, 18 years of age and older. Results of the fingerprint-based records check are received in approximately four weeks. The process the CW specialist follows for obtaining, sharing, and recording an OSBI name and records search and FBI national criminal history records search is outlined in (1) through (10) of this subsection. The adoption specialist or ~~OKDHS~~ DHS contractor:
- (1) submits Form 04AD003E to ~~Background Checks Program Unit~~ the Child Welfare Services (CWS) Fingerprint Processing Section;
 - (2) files a copy of Form 04AD003E in the resource record;

(3) submits Form 04AD003E for the OSBI name search and submits a separate Form 04AD003E with fingerprint cards for the OSBI records search and FBI national criminal history records search for every applicant and adult household member;

~~(4) provides two fingerprint cards to the applicant and every person 18 years of age or older residing in the applicant's home~~ assists every applicant and adult household member in obtaining fingerprints per current CWS procedure;

~~(5) provides the applicant with an automated fingerprinting authorization obtained through Finance AS400;~~

~~(6) instructs the applicant to:~~

~~(A) take the authorization and fingerprint cards to local law enforcement or a fingerprinting agency for fingerprinting services; and~~

~~(B) return the cards to the adoption specialist once fingerprinting is completed;~~

~~(7) checks the fingerprint cards for accuracy and forwards the cards for the applicant and adult household member, along with Form 04AD003E, to the Background Checks Program Unit.~~

~~(A) The completed fingerprint cards and Form 04AD003E, Request for Background Check, are placed in a sealed manila envelope marked confidential; and~~

~~(B) mailed to the Background Checks Program Unit, PO Box 268935, Oklahoma City, OK 73126;~~

~~(8) when the fingerprint cards are rejected and reprinting is necessary, returns the cards to and instructs the person, whose fingerprints were rejected, to take the cards to the original vendor, who reprints the person at no additional charge;~~

~~(9) stores fingerprint results for each applicant and adult household member in a locked file cabinet in a separate manila envelope with the name and resource number written on the outside; and~~

~~(10)(6) enters the OSBI results and date of the FBI search in KIDS Criminal Background Check screen.~~

(b) OSBI RapBack service. OSBI record of arrest and prosecution (RAP) reports are maintained by OSBI. RapBack is a service offered to Oklahoma non-criminal justice government agencies for non-criminal justice purposes, such as Bridge resource parent application, continued approval decisions, and trial home reunification.

(l) The RapBack service is not associated with national criminal history and details only subsequent Oklahoma arrests after an individual's fingerprints were submitted to OSBI and FBI for non-criminal justice purposes.

(i) RapBack provides a yearly Oklahoma criminal background check for active Bridge resource parents.

(ii) The FBI does not have a RapBack service and continued fingerprinting for national criminal history records checks is necessary for active Bridge resource parents every five years.

(2) RapBack reports are received and distributed by the CWS Fingerprint

Processing Section to the Bridge Adoption where the report:

(i) is reviewed, scanned, and placed in the KIDS Resource File Cabinet; and

(ii) emailed to the assigned resource specialist and supervisor.

(3) The resource specialist:

(i) obtains the disposition of the criminal arrest or charge detailed on the RapBack report;

(ii) contacts the resource parent to address and assess the information;

(iii) determines whether a written plan of compliance, an abuse or neglect referral, or closure of the home is warranted;

(iv) ensures the safety and well-being of the child placed in the Bridge resource home; and

(v) documents the information in the KIDS resource case in the Criminal Background screen.

(4) Bridge Adoption and DHS Legal Services provide consultation regarding RapBack information and related action steps.

(5) RapBack reports received on a person in a closed resource home are scanned and placed in the Resource File Cabinet by Bridge Foster Care.

(6) Bridge Foster Care maintains an electronic log of RapBack reports.

~~(b)~~(c) Dissemination of Federal Bureau of Investigation (FBI) information. When FBI criminal history is found regarding the applicant or adult household member, the information is not dispersed to non-governmental agencies. The subject of the FBI criminal history information may access the information by mailing a letter of request with a return address, to the ~~Background Checks Program Unit~~ CWS Fingerprint Processing Section.

~~(e)~~(d) Tribal applicants. Tribal applicants in the process of certification to serve children in ~~OKDHS~~ DHS custody are included in the process outlined in this Instruction to Staff (ITS).

11. Exception to fingerprinting procedures.

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

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

(B) When the individual has no fingers or has low quality fingerprint characteristics, the ~~Background Checks Program Unit~~ CWS Fingerprint Processing Section submits a request to the FBI for a name-based check of the ~~NCID~~ NCIC.

(C) When the ~~NCID~~ NCIC name-based check results are obtained, the ~~Background Checks Program Unit~~ CWS Fingerprint Processing Section submits a written request for an exception to the fingerprint requirement to the Foster Care Program Unit, designated as the ~~OKDHS~~ DHS Director's designee for this purpose.

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

(A) The CW or resource specialist submits an email to the ~~Background Checks Program Unit~~ CWS Fingerprint Processing Section requesting an exception to fingerprinting for the severely disabled non-caretaker.

(B) The ~~Background Checks Program Unit~~ CWS Fingerprint Processing Section conducts an OSBI criminal history check only and submits the request for an exception to the Foster Care Program Unit for approval.

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

(D) The ~~Bridge Foster Care Program Unit~~ enters a KIDS contact with the determination.

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

12. Juvenile-Online Tracking System (JOLTS) information. The information obtained from a JOLTS search regarding the child, ~~13 years of age and older~~ through 17 years of age, living in the applicant's home is used to determine ~~whether if~~ that child poses a risk to a child in ~~OKDHS~~ DHS custody. The adoption specialist consults on a case-by-case basis with the adoption supervisor and the Adoption Services field manager.

(1) When determining whether to proceed with the application process, the Adoption Services field manager considers the:

(A) nature and seriousness of the JOLTS history;

(B) time elapsed since the JOLTS history;

(C) circumstances of the JOLTS history;

(D) child's ongoing involvement with Office of Juvenile Affairs, Juvenile Bureaus, and law enforcement agencies; and

(E) child's degree of rehabilitation.

(2) The resource specialist documents JOLTS information on Form 04AF007E, Records Check Document Documentation Form, including the Adoption Services field manager's determination ~~as to~~ whether to proceed with the application process.

13. Criminal background check for active or retired military applicants or adult household members. A background check from Family Advocacy is requested for an active or retired military applicant and adult household members. Information obtained through Family Advocacy, and completed

Form 04AD003E, Request for Background Check, and other information systems checks is:

- (1) reviewed thoroughly by the adoption specialist or resource assessment contractor;
- (2) discussed with the applicant or adult household member; and
- (3) included in the written assessment summary in the Verification section.

14. Assessment of criminal and child welfare background history information. The Assessment of Background Information of Bridge Resource Applicants guide developed and provided by the ~~OKDHS Office of General Counsel, dated May, 2010,~~ DHS Legal Services, November, 2013, or as subsequently amended, is utilized by adoption specialists, supervisors, and others to assess the applicant or household member's arrest, criminal, child abuse and neglect, or other concerning history including, but not limited to, protective orders, traffic offenses, money judgments, or multiple marriages.

(1) When an applicant or household member has a child abuse and neglect history, consideration is given to the:

- (A) nature of the referral;
- (B) ~~the~~ assessment conclusion or investigation finding;
- (C) nature and seriousness of the alleged or confirmed abuse or neglect in relation to the current request to adopt;
- (D) time elapsed since the referral;
- (E) circumstances under which the abuse or neglect occurred;
- (F) degree of rehabilitation, including verifiable documentation;
- (G) number and disposition of referrals; and
- (H) evidence that indicates whether a child would be at risk if placed in the home.

(2) When an applicant or household member has a child abuse and neglect history, consultation with, and prior approval of, the area adoption supervisor and Adoption Services field manager is required at the application stage to proceed with the application process.

(3) When the applicant or household member has a history of arrests or convictions, excluding those convictions that result in automatic denial of the application:

- (A) proof of disposition of the arrests or convictions is required;
- (B) the circumstances surrounding each arrest or conviction are thoroughly explored with the applicant; and
- (C) prior to consultation with the adoption supervisor or Adoption Services field manager, an evaluation is conducted considering the:
 - (i) type of arrest or conviction;
 - (ii) elapsed time since the arrest or conviction;
 - (iii) length of the deferment or length and type of sentence imposed;
 - (iv) completion date of the deferment or sentence;
 - (v) assignment of a probation or parole officer and the officer's information;

(vi) positive or negative changes the applicant has made in his or her lifestyle and a description of how and why the changes occurred since the arrest or conviction;

(vii) applicant's or household member's self-evaluation regarding how the experience may help children or youth placed in the home; and

(viii) provisions for the safety and well-being of a child in the home due to the applicant's or household member's arrest or conviction history.

(4) A homicide includes any type of murder or manslaughter, or other charge involving the death of a person.

(5) When the applicant or household member has an arrest history, consultation with, and prior approval of, the area adoption supervisor and Adoption Services field manager is required at the application stage to proceed with the application process.

(6) When the applicant or household member has a history of arrests, proof of disposition of the arrests is required and the circumstances surrounding each arrest are thoroughly explored with the applicant or household member.

15. Certain felonies prohibit applicant approval. ~~OKDHS~~ DHS does not grant exceptions for felony convictions listed in ~~OAC 340:75-7-15(i)(1)~~ 340:75-7-15(h)(1), for a prospective or approved Bridge resource parent or for anyone residing in the prospective or approved Bridge resource home. When the applicant has a felony conviction that does not fall within the immediate denial protocol, the following process listed in (1) through (4) of this Instruction is initiated and completed within two business days.

(1) When the supervisor and adoption specialist believe further interpretation of the criminal history is needed, the resource supervisor requests that the adoption and foster care field managers review the history and approve or deny continuation of the assessment process.

(2) When the field managers believe further guidance is needed, a request for review and decision is made to the adoption and foster care field administrators. When the resource is a kinship resource, the district director is included in the review process.

(3) When assistance is needed, the field managers or administrators, as applicable, consult the ~~OKDHS~~ DHS Legal Division Services regarding interpretation of the criminal history. When the resource is a kinship, the deputy director for the region is included in the review.

(4) The supervisor and designated field manager or designated field administrator, when applicable, selects the type of history review in the Criminal Background Check screen in KIDS resource case by selecting the appropriate type of review and approval, if applicable, and documents comments regarding the review in the KIDS resource case Contacts screen with the purpose of Assessment.

16. Child abuse and neglect information.

(1) Child Abuse and Neglect Information System (CANIS) or KIDS search. A CANIS or KIDS search is required for all ~~OKDHS~~ DHS and private adoptive applicants.

(A) The Adoption Services Program Unit completes all CANIS or KIDS searches for ~~OKDHS~~ DHS applicants and the ~~OKDHS~~ DHS applicant's adult household members.

(B) Child Protective Services ~~Program~~ Programs Unit conducts a CANIS or KIDS search for the private prospective adoptive applicant.

(C) CANIS or KIDS search results are forwarded to the agency or other person authorized, per Section 7505-5.4 of Title 10 of the Oklahoma Statutes, to conduct home study investigations.

(2) CANIS or KIDS information and the ~~OKDHS~~ DHS applicant or adult household member. Information obtained and documented on Form 04AF007E, Records Check Documentation Form, is:

(A) reviewed thoroughly by the adoption specialist and the resource assessment contractor;

(B) discussed with the applicant or adult household member; and

(C) included in the Verification section of the assessment summary.

(3) Out of State Child Abuse and Neglect Registry checks. When a state that maintains a child abuse and neglect registry does not respond appropriately to an ~~OKDHS~~ a DHS information request, the adoption supervisor notifies the adoption field manager, who contacts the Administration for Children and Families regional office for assistance.

(A) When information cannot be obtained from another state, the adoption specialist documents in the resource record the name of the state and the efforts made to obtain the information in the resource record.

(B) The documentation is entered in the KIDS system in the resource case under "home/crime."

(C) The prospective adoptive parent is not approved without the results of the state-maintained child abuse and neglect registry check when a registry is maintained in the applicable state.

17. Child abuse and neglect registry not available in Oklahoma. The state of Oklahoma does not maintain a child abuse and neglect registry as referenced in the federal Fostering Connections to Success and Increasing Adoption Act.

18. Lawful residency. A Bridge resource can be approved when at least one applicant in the household is lawfully residing in the United States (U.S.). The applicant lawfully residing in the U.S. is considered the head of household. The resource specialist assesses all adult household members prior to placement per OAC 340:75-7-15. The Bridge Adoption field manager provides approval for all placements.

(1) When the home is an approved foster care resource, the resource specialist verifies the requirements per OAC 340:75-7-12. When all requirements for foster care are met, then the adoption specialist reviews for any missing adoption requirements. Following completion of adoption

requirements, Form 04AF037E, Bridge Resource Family Conversion Addendum is completed.

(2) When the home is not an approved foster care resource, the resource specialist, in addition to the policy requirements for assessing an applicant lawfully residing in the U.S.:

(A) conducts a home visit and face-to-face meeting with all adult household members;

(B) completes the required background checks. When the applicant is without a U.S. Social Security or other tax identification number, the specialist must assess and verify (i) through (vi) by interviewing and contacting the applicant's references regarding:

(i) employment, location, and length of employment;

(ii) relationships and roots in the community;

(iii) stability of household, including length of time at the current residence;

(iv) prior residence in the community, Oklahoma, and U.S.;

(v) length of residence in each location; and

(vi) length and type of relationship with the child's kin, when applicable; and

(C) evaluates safety issues in this home by assessing:

(i) the applicant's child care responsibilities;

(ii) any concerns expressed about the applicant by individuals and family; and

(iii) the applicant's family network and current connections to extended family and non-blood kin.

19. Foreign country criminal and child abuse and neglect records searches. When the prospective Bridge resource adoptive parent has resided in a foreign country within the last five years, the adoption specialist contacts the adoption supervisor and field manager for direction.

20. Water safety. The resource specialist completes Form 04MP061E, Water Safety Checklist and Agreement for Bridge Resource Applicant or Parent.

21. Weapon safety. The resource specialist completes Form 04AF040E, Weapon Safety Agreement for Bridge Resource Family.

1922. Approval of Bridge Resource resource applicant.

(1) The requirements of a Bridge resource home are explained to the family. The family is advised that children in foster care are not moved to place an adoptive child in the home. All children in the home, including children in foster care placement, are considered in when making placement decisions regarding an adoptive placement.

(2) When a resource specialist and supervisor assess and determine approval of the Bridge adoptive home that includes an applicant lawfully residing in the U.S. is appropriate, the following occurs:

(A) the resource specialist submits an email to the Bridge Adoption field manager for the child's case with the home assessment and the reasons this resource would be considered an appropriate placement, including

the information obtained through the background check and interviews;
and

(B) when the Bridge Adoption field manager has concerns with the recommendation, the Bridge Adoption field manager consults with the Bridge Adoption field administrator for further direction.

2023. Notice of denial of Bridge resource applicant. The adoption specialist consults with the adoption field manager when determining whether to deny an application, when needed.

(1) When possible, the adoption specialist makes face-to-face contact with the Bridge resource applicant to clarify the reason for application denial.

(2) A letter is sent to the Bridge resource applicant stating the reason for denial of the application in clear, concise language as outlined in OAC 340:75-15-88(c) and relevant ~~OKDHS~~ DHS rules or procedures are cited and attached.

340:75-15-88. Completed Bridge resource family assessment and recommendation ~~§ 1~~ through ~~46~~

Revised ~~7-4-139~~ 7-4-15

(a) **Bridge Resource resource family assessment.** Form 04AF003E, Resource Family Assessment – Bridge Family Profile, is completed as outlined in Form 04AF002E, Guidelines for Resource Family Assessment - Bridge Family Profile. The completed assessment includes, but is not limited to, impressions of the family, the family strengths and limitations related to adoption, and the special needs, age range, and gender of the ~~child(ren)~~ child the applicant wishes to adopt.

(1) A copy of Form 04AF003E, excluding the verification and reference sections, is reviewed with the applicant prior to completion of the final written assessment summary. The reference and verification sections are confidential and are not provided to the applicant.

(2) The applicant is provided an opportunity to correct errors prior to completion of the final written assessment.

(3) When the assessment is in final written form, and has been signed by the resource family applicant and contractor, it is submitted to the ~~area~~ adoption supervisor for review and approval. A copy of Form 04AF003E, approved by the ~~area~~ adoption supervisor, excluding the verification and reference sections, is provided to the applicant by the adoption specialist. ~~§ 4~~

(b) **Denial of home assessment or closure of resource home.** ~~§ 46~~ Reasons for denial of the home assessment or closure of the resource home may include, but are not limited to:

(1) a lack of a stable, adequate income to meet the applicant's own, ~~or~~ total family, or household needs or poor management of available income;

(2) a physical facility that is inadequate to accommodate the addition of children to the home or that presents health or safety concerns;

(3) the applicant or any person residing in the home ~~has~~ with a history of alleged or confirmed child abuse or neglect;

(4) the applicant or any person residing in the home ~~has~~ with a history of arrests or convictions. Any applicant who has or is living with a person who has any criminal

history for any felony, a relevant misdemeanor, or has charges pending may be reviewed by a committee;

(5) the health or any other condition of the applicant would impede his or her ability to parent and provide age-appropriate activities and care for a child on a permanent basis into adult years;

(6) relationships in the household that are unstable and unsatisfactory;

(7) the behavioral health of the applicant or other family or household member that would impede the applicant's ability to provide care for a child;

(8) references that are guarded or have reservations in recommending the applicant;

(9) the applicant, who does not complete the required pre-service training within one year of application, unless the applicant ~~has~~ previously completed Oklahoma's Parent Resource for Information, Development, and Education (OKPRIDE). Requests for exception to the required pre-service training may be considered by ~~OKDHS~~ Oklahoma Department of Human Services (DHS);

(10) the applicant, who ~~has~~ applied to adopt a child of a certain age, race, or other characteristic that ~~OKDHS~~ DHS reasonably believes may not be available for adoption in the foreseeable future, per Oklahoma Administrative Code (OAC) 340:75-15-84; and

(11) one or more factors regarding the applicant, a family, or household member or conditions in the home as described in the denial letter, renders the applicant or home environment inappropriate as an adoptive resource.

~~(d)~~(c) Certain felony convictions and Sex Offender Registry rules prohibit applicant approval.

(1) The application is denied when the applicant or any adult member of the applicant's household has a felony conviction for any of the these offenses ~~listed in subparagraphs (A) through (E) of this paragraph~~:

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

(B) ~~Child~~ child abuse or neglect;

(C) ~~Domestic~~ domestic abuse;

(D) A a crime against a child including, but not limited to, child pornography; and

(E) A a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in ~~subparagraph~~ (A) of this paragraph.

(2) The application is denied when the applicant has been convicted of a sex-related offense or is subject to, married to, or living with a person subject to the Oklahoma Sex Offender Registration Act, per ~~10 O.S. § 7505-5.1~~ Section 7505-5.1 of Title 10 of the Oklahoma Statutes.

INSTRUCTIONS TO STAFF 340:75-15-88

Revised 7-1-139-15-15

- 1. Filing the assessment. The approved Bridge resource family profile home assessment is filed in the resource file maintained by the assigned adoption specialist.**

2. Quarterly Home Visit. The resource specialist uses Form 04AF038E, Bridge Resource Quarterly Contact Guide, to conduct a visit in the prospective adoptive resources home a minimum of every 90 calendar days.
23. Transfer of a resource record. When a Bridge resource family record requires transfer to another district the:
 - (1) the assigned adoption specialist emails notification to the adoption specialist with responsibility for the family's new district of residence;
 - (2) the adoption supervisor transfers case assignment to the new district via KIDS Assign screen; and
 - (3) the adoption specialist in the new district requests the record by completing Form 04AD002E, Transfer Between Counties.
34. Resource family relocation. When a Bridge resource family moves to another district within Oklahoma, Form 04AF030E, Bridge Resource Family Re-assessment, is completed.
5. Process for conversion of an adoptive home to a traditional Bridge resource home.
 - (1) The resource specialist initiates a resource home conversion assessment using Form 04AF037E, Bridge Family Resource Conversion Addendum, consisting of, but not limited to:
 - (A) re-exploring the Bridge philosophy with the family and the expectation of working with the birth family toward reunification and Oklahoma Department of Human Services (DHS) toward finalizing the child's permanency plan;
 - (B) updating Form 04AF001E, Bridge Resource Family Assessment Application, indicating changes since the original application;
 - (C) requests from the family three new references attesting to the foster care ability of the family per Oklahoma Administrative Code (OAC) 340:75-7-18;
 - (D) completing a new Form 04AF004E, House Assessment, and addressing sleeping accommodations;
 - (E) reviewing a copy of the adoptive home assessment and reviewing and updating the following information if not current including, but not limited to: DHS Records Check, fingerprints, and medical;
 - (F) addressing any agency concerns, policy violations, written plans of compliance, or investigations and corrections they have made;
 - (G) completing a new Child Needs List; Parent Applicants;
 - (H) reviewing Form 04FC003E, Notice to Bridge Resource Applicant(s); and
 - (I) completing an Our Family Profile Form.
 - (2) The resource specialist summarizes and attaches the addendum to the resource home assessment documenting updated information and making a recommendation regarding the approval as a traditional foster home. The

recommendation includes the number of children, age ranges, races, sex, and any special needs the family is willing to accept as placement.

(3) Form 04AF037E is signed by the resource parent, resource specialist, and supervisor with an approval effective date. A copy of the completed addendum is stored in the resource home files and is scanned into the KIDS Resource File Cabinet.

(4) The resource specialist:

(A) creates a separate KIDS Resource with the resource type as child welfare (CW) Foster Family Care prior to the child's placement in the home. A foster care contract and contract number is required for a foster home conversion;

(B) documents the family's Bridge participation level on the Bridge icon in the Resource;

(C) prior to approval, meets with the foster care or adoptive worker, and the family to review the process; and

(D) discusses with the adoptive family that conversion of their adoptive home will impact their adoptive home availability for placement.

(5) When an adoptive home is converted to a traditional Bridge resource home, the adoption and foster care resource specialist consult prior to making a foster care placement.

46. Notice of closure of Bridge resource home. The adoption specialist consults with the supervisor and adoption field manager when determining whether to close a resource home.

(1) When possible, the adoption specialist makes face-to-face contact with the Bridge resource parent to clarify the reason for closure of the Bridge resource home.

(2) A letter is sent to the Bridge resource parent stating the reason, per Oklahoma Administrative Code (OAC) 340:75-15-88(c) 340:75-15-88(b), for closure of the Bridge resource home in clear, concise language. Relevant OKDHS DHS rules or procedures are cited and attached.

340:75-15-91. Closure of the Bridge resource family home § 1

Revised 7-4-139-15-15

Basis for the closure of the Bridge resource family home. A Bridge resource family home is closed when:

- (1) the Bridge resource parent requests closure of the Bridge resource home;
- (2) the adoptive resource parent has completed the adoption of a child from the Oklahoma Department of Human Services and does not wish to reapply;
- (3) the adoptive resource parent has moved out of state;
- (4) the adoptive resource parent's address is unknown;
- (5) the adoptive resource parent displays a lack of interest and cooperation; or
- (6) the adoptive resource parent no longer meets standards conditions exist concerning the Bridge resource home or household member as found described in

Oklahoma Administrative Code ~~OAC 340:75-15-88(d)~~ (OAC) 340:75-15-88(b) or 340:75-15-88(c).

INSTRUCTIONS TO STAFF 340:75-15-91

Revised ~~7-1-139-15-15~~

1. (a) **Notice of Bridge resource home closure.** When possible, the adoption specialist makes face-to-face contact with the resource parent to clarify the reason for closure of the home. A letter is sent to the resource parent, with the reason for closure stated in clear, concise language. Relevant Oklahoma Department of Human Services (~~OKDHS~~) (DHS) rules or procedures are cited and attached. The adoption specialist consults with the supervisor and adoption field manager to determine whether to close an adoptive home.
- (b) **Resource closing summary.** The adoption specialist prepares a closing summary outlining the reasons for closure and stating whether the adoptive applicant ~~should~~ could be considered as a Bridge resource parent in the future, ~~should the resource parent reapply.~~ The summary is entered in KIDS resource assignment text box when the assignment is end dated.
- (c) **Resource record at closure.** When the resource parent has adopted a child through ~~OKDHS~~ DHS, the resource file is scanned into the KIDS file cabinet under the Adoptive Resource within 30 calendar days of finalization of the adoption. ~~If the resource parent has not adopted through OKDHS, the resource file is scanned into the KIDS file cabinet and the resource closed.~~

PART 12. ADOPTION PLACEMENT SERVICES

340:75-15-103. Services to the child in adoptive placement and the adoptive family ~~§~~ 1 through 10

Revised ~~6-4-1289-15-15~~

(a) **Pre-finalization services.** ~~§~~ 1 Services designed to assist the Bridge resource family incorporate the child into the adoptive family are provided during the pre-adoption placement period prior to legal finalization of the adoption. This period may also be referred to as the trial adoption period.

(1) **Pre-adoption placement period.** When the child has had no prior relationship with the adoptive family, the pre-adoption placement period is usually six months. When the child is being adopted by the relative or foster parent with whom the child has been residing for a period of time, the pre-adoption placement period may be reduced when the child and family have successfully adjusted to the placement.

(A) When the child is placed in the adoptive home, the adoptive ~~parent(s)~~ parent is advised to retain the services of an attorney with knowledge and experience in adoption law.

(B) A petition for adoption is not granted until a copy of Form 04AN347E, Medical and Social History Report for Adoption, is filed with the court.

(2) **Pre-finalization adoption assistance.** Adoption assistance may be provided to the adoptive family at the time the child enters the adoptive home as a legal-risk or legally-free adoptive placement, per Oklahoma Administrative Code (OAC) 340:75-

15-128 through 340:75-15-128.6. Adoption assistance may include a monthly payment, Medicaid, or both.

(3) **Family assessment and individualized service plan.** ~~§ 4~~ A written individualized service plan is completed for each child and family receiving ~~Child Welfare~~ child welfare (CW) services, including adoptive families, within 30 calendar days of the child's placement in the adoptive home.

(4) **Medical services.** Children in a pre-adoption placement are eligible to receive Medicaid services. ~~§ 2~~

(5) **Counseling services.** The adoptive family is fully informed of the child's history of psychological counseling and referred for services at the time of the pre-adoption placement, when needed. Under Medicaid, all outpatient psychological services except for the first hour of psychological evaluation must have prior authorization. ~~§ 2~~

(6) **Comprehensive Home-Based Services.** Comprehensive Home-Based Services (CHBS) per OAC ~~340:75-1-176~~ 340:75-1-151 are available to assist ~~trial adoptive and post-adoptive~~ post adoptive families who are experiencing difficulty and are at risk of a placement disruption.

(7) **Adoptive parent support groups.** Adoptive parent support groups provide social and emotional support to the adopted child and his or her ~~parent(s)~~ parent. The adoption specialist informs the adoptive parent of the benefits of support groups.

(8) **Child care.** Employment-related child care is available for children in ~~trial~~ adoptive placement.

(9) **Notice to pre-adoptive parent of deprived court hearing.** The adoption specialist provides the pre-adoptive parent providing care for the child with notice of any review or deprived court hearing held regarding the child and the court provides an opportunity for the pre-adoptive parent to be heard. ~~§ 3~~

(b) **Pre-finalization disruption.** The ~~trial~~ adoption may disrupt prior to finalization when the adoptive parent requests the child be moved from the home or Oklahoma Department of Human Services (~~OKDHS~~) (DHS) determines the placement poses a risk to the child. ~~§ 7~~

(c) **~~Post-adoption~~ Post adoption relative contact agreement.** When the court finds ~~that~~ a deprived child ~~should~~ be placed for adoption, the petitioners for adoption of the child are allowed to enter into a voluntary written agreement with the birth relatives, including a birth parent, to permit ~~post-adoption~~ post adoption contact between the birth relatives and the child pursuant to Section 1-4-813 of Title 10A of the Oklahoma Statutes (~~10A O.S. § 1-4-813~~). The ~~post-adoption~~ post adoption contact agreement is issued by the court in a separate instrument at the time the adoption decree is entered when the court finds the agreement is voluntary, does not pose a threat to the safety of the child, and is in the best interests of the child.

(1) **Definition of birth relative.** Birth relative means a parent, stepparent, grandparent, great-grandparent, sibling, uncle, or aunt of a minor adoptee. This relationship may be by blood or marriage. A sibling relationship may be by whole or half blood, marriage, or affinity through a common legal or biological parent. For an Indian child, birth relative includes members of the extended family as defined by the laws or customs of the Indian child's tribe or, in the absence of laws or customs, is a

person who has reached 18 years of age and who is the Indian child's great-grandparent, grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece, nephew, or first or second cousin, or stepparent, as provided in the Indian Child Welfare Act, Section 1903 of Title 25 of the United States Code.

(2) **Visitation and contact with siblings.** When a child, who is separated from a sibling, is placed for adoption, OKDHS DHS facilitates ongoing sibling contact or visitation by:

(A) providing information to prospective adoptive parents about the importance of sibling relationships to the adopted child and counseling on methods for maintaining sibling relationships;

(B) providing prospective adoptive parents with information about siblings of the child; provided, the address where the siblings reside is not disclosed unless authorized by a court order for good cause shown; and

(C) encouraging prospective adoptive parents to make a plan for facilitating ~~post-adoption~~ post adoption contact between the child, who is the subject of a petition for adoption, and any siblings of ~~that~~ the child.

(3) **~~Post-adoption~~ Post adoption contact agreement terms.** The terms of the ~~post-adoption~~ post adoption contact agreement are limited. When the child does not have an existing relationship with the birth relative, the contact is limited to the sharing of information about the child. When the child has an existing relationship with the birth relative, the contact agreement may include provisions for:

(A) visitation between the child and the birth relatives;

(B) contact between birth relatives and the child or an adoptive parent, or both;

(C) the adoptive parent to facilitate sibling contact or visitation; and

(D) sharing information about the child.

(4) **~~Post-adoption~~ Post adoption contact requirements.** A ~~post-adoption~~ post adoption agreement is not legally enforceable unless the:

(A) ~~the~~ child is represented by an attorney for purposes of consent to the ~~post-adoption~~ post adoption agreement;

(B) ~~the~~ terms of the agreement are contained in a written court order entered in accordance with the statute;

(C) ~~the~~ court order is filed in the adoption action by separate instrument at the time the adoption decree is entered; and

(D) ~~the~~ terms of the contact agreement have been approved in writing by the prospective adoptive parents, the birth relative who desires to be a party to the agreement, the child, if when 12 years of age or older, and, if when the child is in the custody of OKDHS DHS, a representative of OKDHS DHS.

(5) **Approved ~~post-adoption~~ post adoption contact agreement.** The adoption specialist provides a copy of the ~~post-adoption~~ post adoption sibling contact or visitation agreement approved by the court to the adoptive parent, foster parent, relative caretaker, the child's legal guardian, child's siblings, or others as necessary to facilitate the sibling contact or visitation.

(6) **Failure to comply with ~~post-adoption~~ post adoption contact agreement.** Failure to comply with the ~~post-adoption~~ post adoption contact agreement as ordered by the court is not grounds for:

(A) setting aside an adoption decree;

(B) revocation of a written consent to an adoption after the consent has become irrevocable;

(C) an action for citation of indirect contempt of court; and

(D) preventing the adoptive ~~parent(s)~~ parent of the child from changing residence within or outside the state.

(7) **~~Post-adoption~~ Post adoption contact agreement jurisdiction.** The enforcement of a court ordered ~~post-adoption~~ post adoption contact agreement continues under the jurisdiction of the court granting the petition for adoption.

(8) **Compliance with ~~post-adoption~~ post adoption contact agreement.** The court may not order compliance with a ~~post-adoption~~ post adoption contact agreement unless the court finds that the party seeking the enforcement participated in good faith in mediation or other appropriate dispute resolution proceedings regarding the conflict prior to the filing of the enforcement action, and that the enforcement is in the best interests of the child. Documentary evidence or offers of proof may serve as the basis for the court's decision regarding enforcement. No testimony or evidentiary hearing is required.

(9) **Attorney fees.** The prevailing party may be awarded reasonable attorney fees and costs. All costs and fees of mediation or other appropriate dispute resolution proceedings are borne by each party, excluding the child.

(10) **Modification or termination of ~~post-adoption~~ post adoption contact agreement.** The agreement may be modified or terminated when the court finds the modification or termination is necessary to serve the best interests of the child and is agreed to by all parties, including the child, if when the child is 12 years of age or older.

INSTRUCTIONS TO STAFF 340:75-15-103

Revised ~~12-15-119~~-15-15

1. Pre-adoption placement services. The adoption specialist:

(1) assists the adoptive parent with developing his or her strengths and decision-making skills regarding parenting the child;

(2) helps the family understand adoption-related issues during the pre-adoption placement period and after finalization of the adoption. The adoptive parent is encouraged to access services:

(A) during the pre-adoption placement period to aid in the adjustment of the child and family; and

(B) after legal finalization of the adoption, when needed; and

(3) refers the adoptive family to a support group during the adoptive family preparation and assessment process. When the family is not involved with a support group prior to placement, the family is referred when the child is placed in the home.

2. Medical and psychological assistance.

(1) When the adoptive family requests medical assistance, the adoption specialist sends Form 04AN001E, Adoption Assistance Application, and Form ~~08MA002E, SoonerCare~~ 04AN038E, Post Adoption Services Health Benefits Application, to ~~Children and Family Services Division (CFSD)~~ the Adoption Assistance Section.

- (2) To receive approval for psychological services provision, the provider submits to Oklahoma Health Care Authority:
 - (A) Form ~~HCA-12-A~~ HCA-12A, Prior Authorization Request, with effective date, projected frequency, and time span;
 - (B) a description of the necessity for psychological treatment; and
 - (C) any evaluation information the psychologist may have.
3. Notification of court hearing. The adoption specialist provides the pre-adoptive family with the hearing notification ~~as required in~~ per Oklahoma Administrative Code (OAC) 340:75-6-85, Instructions to Staff # 35, of the court hearing, and documents the notification in the adoptive family's KIDS Contacts screen.
4. Family assessment and service plan.
 - (1) ~~Forms 04KI028E, Family Functional Assessment, and Form 04KI015E,~~ Adoption Post Placement Service Plan (APPSP), are ~~is~~ completed with the family, including the child placed for adoption, within 30 calendar days of the child's pre-adoption placement.
 - (2) Form 04KI015E is not sent to the court.
 - (3) The adoption specialist updates Form 04KI015E, every six months.
 - (4) Forms 04KI028E, Family Functional Assessment, and 04KI015E for the child and adoptive family are completed within 30 calendar days of the child's placement in the adoptive home.
 - (5) Form 04KI015E is developed and signed by the adoption specialist and the adoptive family. The adoption supervisor reviews and signs Form 04KI015E.
 - (6) One copy of Form 04KI015E is provided to the adoptive parent and one copy retained in the adoptive family case record.
5. (a) Child's permanency planning case.
 - (1) Primary assignment of the child's permanency planning case remains with the county of jurisdiction and secondary assignment is made to the adoption specialist per OAC 340:75-1-26. The adoption specialist for the adoptive family assumes case responsibility for the child at the time of placement in the adoptive home. The confidentiality of the placement is maintained.
 - (2) When no services are provided to other children or family members in the child's permanency planning case, the original paper case is maintained by the adoption specialist. A copy is retained in the county of jurisdiction for use in completing court reports. Both the adoption specialist and ~~Child Welfare~~ the child welfare (CW) specialist assigned to the child are responsible for maintaining electronic and paper case records for the child.
 - (3) When services are provided to other children or family members in the child's permanency planning case, the CW specialist assigned to the child retains the original paper case and the adoption specialist receives a duplicate.
 - (4) The adoption specialist provides information to the CW specialist with deprived court responsibility as needed.

- (A) The reports to the court in the deprived case do not include the name of the adoptive family or the county of adoptive placement to maintain the placement provider's confidentiality.
 - (B) Upon finalization of the adoption, the court with jurisdiction of the deprived case is notified by the adoption specialist assigned to the family that the adoption has been finalized and a request is made that the deprived court case be dismissed.
- (b) Adoptive family record. When the child is placed in the adoptive home, a KIDS case is opened with the case type of Adoption. The case name is the adoptive family's last name.
 - (1) Each member of the adoptive home is added to the case including the child to be adopted using the child's new adoptive name.
 - (2) Each field on the Adoption General Information screen, except the date of the finalization of the adoption, is completed for each child in trial adoption when the case is opened.
 - (3) The KIDS adoptive family record contains:
 - (A) Client General Information;
 - (B) Client Demographics;
 - (C) Client Employment/Education;
 - (D) Client Finances;
 - (E) Client Medical;
 - (F) Case Plan/Family Assessment;
 - (G) Case Plan/Treatment/Individualized Service Plan;
 - (H) Adoption Disclosure Affidavit;
 - (I) Adoption General Information; and
 - (J) Adoption and Foster Care Analysis and Reporting System (AFCARS).
- 6. Contact with the child in the pre-adoptive placement. The adoption specialist contacts the child in the adoptive placement a minimum of once every calendar month, with no more than 31 calendar days between contacts. The adoption specialist documents visits as face-to-face/own home in KIDS Contacts screen prior to the end of the month of the contact.
 - (1) Adoption by non-relative. The adoption specialist contacts the child in the adoptive placement within two weeks of the date of signing Form 04AN015E, Adoptive Placement Agreement, and at least once every calendar month thereafter, with no more than 31 calendar days between contacts.
 - (2) Adoption by relative or foster parent. When there is no physical change in placement, the adoption specialist is not required to contact the child within the first two weeks of trial adoption. A contact is required prior to the end of the calendar month of placement and at least once every calendar month thereafter, with no more than 31 calendar days between contacts.
- 7. Adoption disruption.
 - (1) Request for removal of child. When the adoptive family requests removal of the child, the adoption specialist provides Form 04AN017E,

Affidavit of Adoption Disruption, to the family for signature documenting the request. Form 04AN017E is routed according to form instructions.

(A) Prior to the child's removal from the home, ~~or as the resource specialist attempts to schedule a Family Team Meeting, that includes the child's county of jurisdiction CW specialist, to avert the disruption and help to identify any needed services for the child and the family.~~

~~(B)~~ As soon as possible thereafter, the adoption specialist consults with CFSD Bridge Adoption Services Section regarding the child's plan. No attempt is made at this time to assess with the adoptive family the adoption failure or why it happened.

~~(B)(C)~~ The adoption specialist and adoption supervisor staff the disruption with the designated Adoption Section staff.

~~(C)(D)~~ The CW specialist in the county of jurisdiction per OAC 340:75-6-86, notifies the court, child's attorney, district attorney, Post Adjudication Review Board, and court appointed special advocate, when applicable, of the disruption.

(2) Assessment of disruption. Once the family and child are resettled and the grief process is underway, the reassessment of the adoptive home may begin. The reassessment focuses on why the adoption did not work and whether the adoptive family will continue to be recommended as an adoptive placement for another child.

(A) Common reasons adoptions do not succeed include the:

(i) the adoptive parent and child were unable to form an attachment to each other;

(ii) the child or adoptive parent was not ready for the adoptive experience;

(iii) the adoptive parent lacks the capacity to be an adoptive parent to any child; and

(iv) the child lacks the capacity to function in any adoptive family.

(B) The decision to attempt another adoptive placement with the family allows for the resolution of the earlier failure. The resolution includes acknowledging and understanding the reasons for the failure and mourning the loss.

(C) The adoptive home assessment is updated and a recommendation is made regarding continued approval of the adoptive home.

8. Disclosure affidavit. Form 04AN006E, Affidavit of Information Disclosure for Adoption, and all subsequent disclosures are documented and provided to the adoptive parent. When additional information is obtained regarding the child after the adoptive placement is made, an additional Form 04AN006E, Affidavit of Information Disclosure for Adoption, is completed and copies of the additional information are provided to the adoptive parent(s) parent.

9. Procedure for finalization of the adoption.

(1) Adoption attorney. The adoptive parent is advised to provide the attorney with the name and phone number of the adoption specialist. The adoption specialist:

(A) does not give legal advice to the adoptive parent;

- (B) provides information about the length of the pre-adoption placement period prior to legal finalization of the adoption process; and
 - (C) contacts the private attorney and advises him or her that necessary documents are provided upon request or when the documents become available, as applicable.
- (2) Questions regarding child's legal status. Questions regarding the legal status of the child, such as whether the child is legally free for adoption and the legal procedures to finalize the adoption, are directed to the private attorney selected by the adoptive parent.
- (3) Documents provided to the adoption attorney. The documents provided to the adoptive parent's attorney upon request, but no later than the finalization hearing on the Petition for Adoption include:
 - (A) a certified copy of the child's birth certificate;
 - (B) a copy of Form 04MP347E, Medical and Social History Report for Adoption;
 - (C) a copy of the adoptive home assessment up to, and including, the contractor page that is signed by the adoptive applicant and the home assessment contractor, and the ~~OKDHS~~ DHS approval page. The verification section that is not released:
 - (i) contains confidential information that is not provided to the attorney or the court absent a specific court order; and
 - (ii) includes responses from references, the Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) fingerprint based criminal records history reports wherein all arrests, charges, and convictions are listed;
 - (D) an addendum of fingerprint results that provides only summary information about the adoptive parent's criminal convictions that are public record;
 - (E) a copy of the adoptive home report providing information about the child's adjustment to the home during the post-placement period, including the adoption specialist's observations and details of circumstances that may have an influence on the entry of the Final Decree of Adoption.
 - (i) The report includes a recommendation by the adoption specialist for or against the proposed adoption and reasons for the recommendation. This report is in addition to the adoptive family assessment and any other home studies listed above.
 - (ii) The report may contain the adoption specialist's recommendation that an Interlocutory Decree of Adoption be entered or waived. An Interlocutory Decree of Adoption awards the temporary care and custody of the child to the pre-adoptive parent for a trial adoption period prior to the Final Decree of Adoption being entered by the court that results in the adoption being finalized. When an Interlocutory Decree of Adoption is entered, the adoption specialist provides supervision with at least monthly visits in the home and a

second report is provided to the court at the time of adoption finalization.

(I) The adoptive home report contains a certification by the adoption specialist that the final examination of the child in the adoptive home has been made since the Interlocutory Decree of Adoption was granted. The adoption specialist makes a final recommendation for or against the adoption.

(II) The adoptive home report contains a determination of the legal availability or status of the child for adoption. The adoption specialist obtains information concerning the status of each parent's parental rights from the private attorney for the adoptive parent and states in the report that the information was obtained from the attorney. When in question, the adoption specialist also seeks assistance from the ~~OKDHS~~ DHS Legal Division Services;

(F) a Directive Authorizing Consent to the Adoption signed by ~~OKDHS~~ DHS. The attorney is responsible for preparing the consent to the adoption document for the adoption specialist's signature;

(G) a copy of Form 04AN002E, Adoption Assistance Agreement, when applicable;

(H) Form 04AN006E, Affidavit of Information Disclosure for Adoption, reflecting that the adoptive parent ~~has been~~ was provided with a copy of Form 04MP347E, and all other medical, psychological, dental, and educational information; and

(I) verification of the child's Indian tribal membership that is not available in the deprived legal file.

(i) The adoption attorney obtains from the deprived court file a determination of whether the child is a member of an Indian tribe or eligible for membership in a tribe.

(ii) When the adoption specialist obtains information regarding membership or eligibility for membership ~~that was not known during~~ the deprived proceeding, the adoption specialist immediately reports this information to the attorney for the adoptive parent and includes the information in the adoptive home report.

(4) Directive Authorizing Consent to the Adoption. When the adoptive parent is ready to proceed with finalization of the adoption, the adoption specialist completes and sends Form 04AN013E, Directive Authorizing Consent to Adoption, as an attachment by email to the ~~CFSD~~ DHS Adoption Services Section. The form is signed by the ~~OKDHS~~ DHS Director's designee and returned by mail to the adoption specialist.

(5) Hearing on Adoption Petition for the Final Decree of Adoption. The adoption specialist appears at the hearing on the Adoption Petition for the Final Decree of Adoption to sign the consent for adoption provided by the adoption attorney. Any documents not already provided to the attorney for the adoptive parent(s) parent for filing in the adoption case are provided at this hearing.

10. Case transmittal for finalized adoption cases. Form 04AN010E, Finalized Adoption Case Transmittal, is submitted with records to ~~CFSD~~ the Post-Adoptions Section Services for storage. The records submitted are the:

(1) resource family record. The KIDS resource file is scanned into the KIDS file cabinet of the adoptive resource and the resource is closed by the adoption specialist. When the family chooses to re-apply to adopt another child, the KIDS resource is reopened and the previous resource record is obtained from the KIDS file cabinet by the adoption specialist;

(2) permanency planning case. The paper case record is sent to the ~~Children and Family Services Division~~ Post Adoption Services (PAS) Section. The electronic KIDS case is closed by the primary CW specialist when there are no other children in the case receiving services;

(3) adoptive family case record. Within 30 calendar days of the adoption finalization, the paper case record is scanned into the KIDS file cabinet and the electronic file is submitted to the ~~CFSD PAS~~ Post Adoption Services; and

(4) legal documents. One complete set of legal documents related to the finalization of the adoption is scanned into the KIDS file cabinet of the Adoption KK case, including:

(A) Petition for Adoption and any amended petitions;

(B) Statement of Attorney Fees;

(C) Original and Amended Deprived Petition, and when applicable, post-adjudication Deprived Petition;

(D) Emergency/Temporary/Adjudication/Disposition/Termination orders;

(E) Consent to the Adoption;

(F) Interlocutory Decree of Adoption, if any; and

(G) Final Decree of Adoption; and

(5) AFCARS. All required Adoption and Foster Care Analysis and Reporting System (AFCARS) fields are completed and the KIDS adoptive family case record is electronically transferred to the ~~CFSD~~ Adoption Assistance Section through the AFCARS screen assign button.

PART 14. POST ADOPTION SERVICES

340:75-15-124. Post adoption services

Revised 9-15-15

Post adoption services are an essential component of the adoption program. ~~OKDHS~~ The Oklahoma Department of Human Services (DHS) provides post adoption services designed to assist the adoptive family in maintaining the child in the home and to support the adult adoptee and birth family members to deal with the lifelong impact of adoption. Post adoption services available through ~~OKDHS~~ DHS include (1) through (7). ~~¶~~ 1

(1) **Adoption assistance.** ~~OKDHS~~ DHS administers the federal and state adoption assistance programs. The program is designed to assist with the adoption of children with special needs per Oklahoma Administrative Code (OAC) 340:75-15-128. ~~{OAC 340:75-15-128}~~

(2) **Comprehensive Home-Based Services.** OKDHS DHS provides comprehensive services for adoptive families through Oklahoma Children's Services per OAC 340:75-1-151. ~~[OAC 340:75-1-176]~~

(3) **Medicaid services.** Children who are approved for adoption assistance are eligible for services within the scope of the Medicaid program. In these cases, the adoptive family is responsible for any medical services provided to the child ~~which~~ that are not within the scope of the Medicaid program.

(4) **Respite vouchers.** Eligible individuals may request respite vouchers to be used to prevent adoption dissolution. ~~§ 2~~

(5) **Disclosure of information after finalization.** ~~[OAC 340:75-15-104]~~

(A) **Adoptee and birth family.** OKDHS DHS provides, upon request, a copy of Form ~~ODH 347~~ 04AN347E, Medical and Social History Report for Adoption, and any additional medical and social history information in its possession to:

- (i) the adoptive ~~parent(s)~~ parent or legal ~~guardian(s)~~ guardian of the minor adopted child;
- (ii) an adult adoptee age 18 years of age or older; or
- (iii) an adult whose biological parents' parental rights were terminated and who was never adopted.

(B) **Direct descendant.** OKDHS DHS provides medical information, only upon request, to:

- (i) an adult direct descendant of a deceased adopted person or of a deceased person whose biological mother's and biological father's parental rights were terminated and who was never adopted; and
- (ii) the parent or guardian of a minor direct descendant of a deceased adopted person or of a deceased person whose biological mother's and biological father's rights were terminated and who was never adopted.

(C) **Genetic information.** OKDHS DHS provides, upon request, a copy of significant supplemental genetic information about an adopted person, or about a person whose parental rights were terminated, ~~which~~ that became available after the issuance of the final decree of adoption or the termination order to a biological parent or biological relative of:

- (i) ~~a biological parent or biological relative of~~ an adopted person; and
- (ii) ~~a biological parent or biological relative of~~ a person whose biological mother's and biological father's rights were terminated and who was never adopted.

(D) **Post finalization.** If When any additional information about an adopted child, the adopted child's biological parents, or the adopted child's genetic history is submitted to OKDHS DHS after the adoption is finalized, this information is retained in the adoption record for as long as those records are maintained. A copy of this supplemental information is filed with the clerk of the court that issued the decree of adoption, to be made a part of the court's permanent record of that adoption. ~~§ 3~~

(E) **Tribal information.** OKDHS DHS may not provide identifying information directly to an adult adoptee to establish tribal rights or membership, but will provide identifying information to the tribe, the court, or Secretary of the Interior for purposes of establishing Native American heritage. ~~§ 34~~

(F) **Inheritance.** Termination of parental rights does not terminate the child's right to inherit from the biological parent(s) parent. ~~OKDHS~~ DHS assists with locating heirs and will act as an intermediary, upon request.

(6) **Mutual Consent Voluntary Registry.** This registry allows adult adoptees and persons separated from birth family members through termination of parental rights proceedings to receive assistance in locating birth family members per OAC 340:75-15-132. ~~[OAC 340:75-15-132]~~ § 45

(7) **Confidential Intermediary Search Program.** ~~Eligible persons~~ An eligible person may request the services of a ~~Confidential Intermediary~~ confidential intermediary to search for members of their his or her birth family per OAC 340:75-15-133. ~~[OAC 340:75-15-133]~~

INSTRUCTIONS TO STAFF 340:75-15-124

Revised 9-15-15

1. Post adoption services.

(1) When an adoptive family requests post adoption services, such as Comprehensive Home-Based Services (CHBS), a case is opened and Form ~~CWS-KIDS-26~~ 04KI015E, Adoption Post Placement Service Plan (APPSP), is developed with the family.

(A) If When the family adopted through the Oklahoma Department of Human Services (~~OKDHS~~) (DHS), the KIDS number assigned at the time of placement is utilized.

(B) The original case record is not released from ~~Children and Family Services Division~~ the Adoption Section due to confidentiality requirements.

(2) Information regarding the child's background and medical history may be obtained upon request from the Adoption Section.

(3) The Adoption Section manages the review and claims processing of the adoption assistance case.

2. **Respite.** The adoption specialist refers the family to Oklahoma Areawide Services Information System (OASIS) for a respite application. An eligible family has finalized adoption of a child with special needs through ~~OKDHS~~ DHS, and is at risk of adoption dissolution. Respite vouchers are not used for a family with a child in foster care or a child whose adoption is not final.

3. **Disclosure Updates.** When an adoption specialist receives social, medical, psychological, or educational information on a child after finalization and final case review, the following occurs:

(1) the adoption specialist scans the de-identified, when applicable, document and saves the new information as a PDF file into the child's Permanency Planning case as "Adoption Disclosure Packet" under the Client tab in the file cabinet. The adoption specialist labels the description as "Insert Child's Name/Adoption Disclosure after Finalization";

(2) the adoption specialist notifies Post Adoption Services by email of the late disclosure information saved to the KIDS file cabinet;

(3) the post adoption specialist completes a new Form 04AN006E, Affidavit of Information Disclosure for Adoption, and provides the new information to the family via certified mail;

(4) after the adoptive family returns signed Form 04AN006E, the post adoption specialist scans the new form and new information into the Post Adoption Services case under the General tab as "Adoption Disclosure" and the description is "Adoption Disclosure After Finalization"; and

(5) when the family fails to return a signed copy of Form 04AN006E, the post adoption specialist scans copies of the form, new information, and certified mail documentation into the post adoption case file cabinet using the same naming as described in (4) of this Instruction.

4. Native American heritage information. Requests to the Adoption Section for Native American heritage information from federally recognized tribes are made must be on tribal letterhead.

45. Disclosure of medical and social history. ~~Eligible persons~~ An eligible person may request their his or her non-identifying medical and social history on Form ~~DCFS-22 04CI002E~~, Oklahoma Mutual Consent Voluntary Registry Registration Affidavit.

340:75-15-128.1. Adoption assistance benefits

Revised ~~6-4-129~~ 15-15

(a) **Adoption assistance benefits.** Adoption assistance benefits may include Medicaid coverage, a monthly assistance payment, special services, reimbursement of non-recurring adoption expenses, or any combination of these. Children eligible for Title IV-E assistance are also eligible for available Title XX services.

(1) **Medicaid.** The child is eligible for the Oklahoma Medicaid program or the Medicaid program in the state of residence, when the child is Title IV-E eligible. All necessary medical and dental care under the scope of the Title IV-E program is compensable at usual and customary charges, per Oklahoma Administrative Code (OAC) 340:75-15-129.

(2) **Monthly adoption assistance payments.** A child may be eligible for a monthly adoption assistance payment to provide financial support to families who adopt children considered difficult to place. The standard monthly adoption assistance payments set out in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) Appendix C-20, ~~Children and Family Services Division~~ Child Welfare Services Rates Schedule, correspond to the child's age.

(3) **Difficulty of care (DOC) rates.** The DOC descriptions set out in ~~OKDHS~~ DHS Appendix C-20, are guidelines from which the most appropriate DOC rate is determined for the eligible child. Every situation is not clearly defined in a DOC rate category and ~~OKDHS~~ DHS, when determining the appropriate rate category:

(A) considers the child's age;

(B) requests documentation from the adoptive family and professional sources outside of the adoptive family that verify the child's needs, conditions, or behaviors ~~that correspond~~ as they correspond to a rate category; and

(C) may require updated documentation periodically to establish a child's ongoing eligibility for a particular DOC rate.

(4) **Special services.** Special services are used to meet the child's needs that cannot be met by the adoptive ~~parent(s)~~ parent and are not covered under any other program for which the child qualifies.

(A) Special services include corrective appliances, such as leg braces, prostheses, and walkers.

(B) Tutoring and private school tuition are not considered special services, because public school systems are mandated to provide an appropriate public education to all children with special needs.

(C) The child's special needs are reviewed at least annually and special services may be approved for a limited time.

(D) The amount cannot exceed the reasonable fee for the special service rendered.

(E) The special service is:

(i) negotiated between ~~OKDHS~~ DHS and the adoptive ~~parent(s)~~ parent;

(ii) approved by ~~Children and Family Services Division (CFSD)~~ Post-Adoption Post Adoption Services Section; and

(iii) included in Form 04AN002E, Adoption Assistance Agreement.

(F) Child care services may be considered special services and be paid for by ~~OKDHS~~ DHS as a part of adoption assistance for the child who is in foster care, as defined in Section 1355.20 of Title 45 Chapter XIII of The Code of Federal Regulations, at the time of approval for adoption assistance; provided, a child determined eligible, will retain eligibility in any subsequent adoption. The child is eligible when:

(i) the child is five years of age or younger;

(ii) the child is adopted through ~~OKDHS~~ DHS or a federally recognized Indian tribe as defined by the Federal and Oklahoma Indian Child Welfare Acts;

(iii) the child has been adopted by the parent applying for benefits;

(iv) the adoptive parent applying for benefits has fully executed Form 04AN002E, ~~Adoption Assistance Agreement~~, that lists child care as an adoption assistance benefit for the child and includes Form 04AN033E, Post-Adoption Child Care Referral, when the child resides in Oklahoma; and

(v) employment or formal training has been verified and child care has been approved for only the days and hours the adoptive parent works, or is attending formal training; however, in a two-parent family, care may be approved for sleep time when one parent works days or attends school during the day and the other parent works during normal night time sleep hours.

(G) The special service for child care is:

(i) negotiated between ~~OKDHS~~ DHS and the adoptive ~~parent(s)~~ parent, but cannot exceed the one star child care center rate as listed on ~~OKDHS~~ DHS Appendix C-4-B, Child Care Provider Rate Schedule, for a child residing outside Oklahoma;

(ii) approved by ~~CFSD~~ Post-Adoption Post Adoption Services Section;

(iii) included in Form 04AN002E, ~~Adoption Assistance Agreement~~; and

(iv) paid from ~~CFSD~~ Child Welfare Services funds when the child resides outside of Oklahoma.

(5) **Reimbursement of non-recurring adoption expenses.** Certain non-recurring expenses incurred by, or on behalf of, the adoptive ~~parent(s)~~ parent in connection with the adoption of a child with special needs may be reimbursed.

(A) Reimbursable non-recurring adoption expenses:

- (i) are the reasonable and necessary adoption fees, court costs, attorney fees, and other expenses ~~that are~~ directly related to the legal adoption of a child with special needs;
- (ii) are not incurred in violation of state or federal law; and
- (iii) have not been reimbursed from other sources or funds.

(B) Financial reimbursement is available to the adoptive ~~parent(s)~~ parent of an eligible child for:

- (i) adoption fees;
- (ii) court costs;
- (iii) attorney fees;
- (iv) adoptive home study fee;
- (v) costs incurred for family members to obtain health and psychological reports;
- (vi) supervision of the adoptive placement by another agency;
- (vii) transportation, food, and lodging for the adoptive ~~parent(s)~~ parent and child during the placement process; and
- (viii) cost of fingerprinting paid by the adoptive ~~parent(s)~~ parent.

(b) **Eligibility for federally funded adoption assistance.** To be considered eligible for federally funded adoption assistance, the child must meet ~~all special needs~~ criteria, per OAC ~~340:75-15-128.4~~ 340:75-15-128.2, and have been placed for adoption in accordance with applicable state and local laws. ~~It is not required that the child:~~

- ~~(1) be in OKDHS custody or a federally recognized tribe at the time of finalization of the adoption; or~~
- ~~(2) meet Title IV-E categorical eligibility requirements for adoption assistance, per OAC 340:75-15-128.2.~~

(c) **Non-recurring adoption expense reimbursement amounts.** When siblings are placed together with the same adoptive family, separate reimbursement for non-recurring expenses is considered for each child. Reimbursement of non-recurring adoption expenses, ~~as defined in per~~ OAC ~~340:75-15-128.1(a)(4)(A)~~ 340:75-15-128.1(a)(5)(A), may be approved on behalf of each eligible child as described in ~~paragraphs~~ (i) through (iii) of this subsection.

(1) When the adoption is finalized, non-recurring adoption expense reimbursement assistance does not exceed the documented actual expenses incurred up to a maximum of \$1,200 per child, unless approved by Post Adoption Services.

(2) When the adoption is finalized and an Order Terminating Parental Rights or Order Determining the Child Eligible for Adoption Without the Consent of a Biological Parent was obtained in the adoption case, a request for reimbursement up to a maximum of \$2,000 per child is considered by ~~OKDHS~~ DHS on a case-by-case basis. In cases where siblings are placed together with the same adoptive family, each child is considered individually, with separate reimbursement for non-recurring expenses.

(3) When the trial adoption disrupts prior to finalization, the potential adoptive ~~parent(s)~~ parent may be eligible for up to a maximum reimbursement of \$500 per child.

(d) **Approval and payment of non-recurring adoption expenses.** Prior to finalization of the adoption, the request for reimbursement of non-recurring adoption expenses must be approved by ~~CFSD Post Adoption Services Section~~ and Form 04AN002E signed by the adoptive ~~parent(s)~~ parent and ~~OKDHS DHS~~ designee. Payment is made directly to the adoptive ~~parent(s)~~ parent for approved amounts shown on the itemized statement as paid in full. Payment is made directly to a vendor, such as an attorney and private adoption agency, when the itemized statement indicates the fee has not been paid in full by the adoptive ~~parent(s)~~ parent. ~~¢ 1~~

(e) **Reimbursements in interstate adoptions.** The provisions of OAC 340:75-15-128.5(b) apply to reimbursement of non-recurring adoption expenses in interstate adoptions.

(f) **Overpayment of adoption assistance benefits.** ~~CFSD Post-Adoption Post Adoption Services Section~~ verbally notifies the adoptive ~~parent(s)~~ parent when an overpayment is discovered. ~~OKDHS DHS~~ researches, analyzes, and verifies the overpayment amount within 60 calendar days of the verbal notification to the adoptive ~~parent(s)~~ parent. The adoptive ~~parent(s)~~ parent is responsible for repayment, even when he or she is not responsible for causing the overpayment.

(1) ~~CFSD Post-Adoption Post Adoption Services Section~~ contacts the adoptive ~~parent(s)~~ parent regarding an adoption assistance overpayment and discusses the amount to be automatically deducted, ~~when possible~~, from the monthly adoption assistance payment, when possible.

(A) The adoptive ~~parent(s)~~ parent is notified in writing by certified mail of the overpayment agreement plan. Upon receipt of the overpayment agreement plan, the adoptive ~~parent(s)~~ parent signs and returns the plan to DHS with his or her original ~~signatures to OKDHS signature~~.

(B) The overpayment agreement plan does not exceed 36 months from the date of receipt of the written notification of the plan.

(C) The minimum monthly payment toward the overpayment must not be less than \$150, with the exception of the final payment.

(2) ~~CFSD Post-Adoption Post Adoption Services Section~~ notifies ~~OKDHS DHS~~ Legal Division Services when the adoptive ~~parent(s)~~ parent does not respond to the written notification ~~of~~ or fails to comply with the overpayment agreement plan.

(3) A referral is made to Office of Inspector General when fraud is suspected.

(g) **Modification of the adoption assistance agreement.** Form 04AN002E may be modified and the adoption assistance payment amount readjusted periodically when warranted by a change in circumstances and with the adoptive ~~parent(s)~~ parent's agreement. A change in the child's eligibility for the DOC rate paid constitutes a change in circumstance.

(1) The adoption assistance payment amount may not be automatically adjusted without the adoptive ~~parent(s)~~ parent's agreement except for an across-the-board reduction or increase in ~~OKDHS DHS~~ foster care reimbursement rates or DOC rates.

(2) Modification of Form 04AN002E is prospective only and is not retroactive.

(3) When the parties cannot come to an agreement, ~~OKDHS~~ DHS establishes the payment amount.

(4) The adoptive ~~parent(s)~~ parent must inform ~~OKDHS~~ DHS of circumstances that make the child ineligible for adoption assistance payments or eligible for payments of a different amount. ~~OKDHS~~ DHS may require:

(A) the adoptive ~~parent(s)~~ parent to provide updated documentation of the child's ongoing eligibility for the payment amount received; and

(B) evaluation of the child by a suitably licensed or certified examiner selected by ~~OKDHS~~ DHS when the child's eligibility is in question.

(h) **Termination of the adoption assistance agreement.** When Form 04AN002E is signed and in effect, adoption assistance ~~only~~ terminates when one of the conditions described in ~~paragraphs~~ (1) through (5) of this subsection occurs.

(1) The child reaches 18 years of age, except the child may continue to receive assistance until the day of the child's 19th birthday if when the child:

(A) continues to attend high school or pursues General Educational Development (GED); or

(B) meets the criteria for an adoption assistance DOC rate, as determined by ~~OKDHS~~ DHS.

(2) The adoptive ~~parent(s)~~ parent fails to submit a request for adoption assistance to extend beyond age 18 years of age.

(A) The request to extend adoption assistance beyond 18 years of age includes:

(i) a statement from school personnel documenting the child's high school attendance and anticipated graduation date;

(ii) a statement from school personnel documenting that the child is pursuing a GED; or

(iii) medical or psychological assessments, documenting the child's difficulty of care needs, conducted and dated within six months preceding the child's 18th birthday, signed by a licensed physician, psychiatrist, or clinician describing the child's conditions, including diagnosis, treatment, and prognosis.

(B) When the adoptive ~~parent(s)~~ parent does not timely submit the required documentation, or if ~~OKDHS~~ when DHS determines the child does not meet the criteria that ~~warrant~~ warrants an extension of assistance beyond age 18 years of age, adoption assistance for the child turning 18 years of age terminates effective the day of the child's 18th birthday.

(3) ~~OKDHS~~ DHS determines the adoptive ~~parent(s)~~ parent is no longer legally responsible for support of the child.

(4) ~~OKDHS~~ DHS determines the adoptive ~~parent(s)~~ parent is no longer providing financial support to the child. When a child is placed in out-of-home care, including psychiatric, residential, therapeutic, or foster family care, and the adoptive ~~parent(s)~~ parent continues to provide financial support for the child, adoption assistance may continue. The rate of payment may be renegotiated, as appropriate.

(5) All of the child's adoptive parents are deceased.

(i) **Death of adoptive parents or dissolution of the adoption.** A child who was Title IV-E eligible, met the criteria for special needs, and was receiving adoption assistance at the time of the death of all of the child's adoptive parents or at the time the adoption

dissolved may be eligible for federally-funded adoption assistance if when the child is adopted again after October 1, 1997. A child receiving state-funded adoption assistance may be eligible for adoption assistance if when adopted again after May 29, 1998. To be eligible for adoption assistance the child must at the time of re-application meet the special needs criteria, and all requirements in ~~paragraphs~~ (1) through (4) of this subsection must be completed.

(1) The prospective adoptive ~~parent(s)~~ parent makes application on Form 04AN001E, Adoption Assistance Application.

(2) The prospective adoptive ~~parent(s)~~ parent provides from a district or tribal court a copy of a file-stamped:

(A) Petition for Adoption when requesting pre-finalization adoption assistance; or

(B) Final Decree of Adoption when requesting adoption assistance to begin after adoption finalization.

(3) ~~OKDHS~~ DHS documents the child was receiving Title IV-E or state-funded assistance at the time of the death of the adoptive ~~parent(s)~~ parent or at the time the adoption dissolved.

(4) ~~OKDHS~~ DHS receives documentation ~~that~~ the new adoptive ~~parent(s)~~ parent is not the biological ~~parent(s)~~ parent.

(j) **Relocation by adoptive family to another state.** When an Adoption Assistance Agreement is established by ~~OKDHS~~ DHS in the State of Oklahoma on or after October 1, 1983, all subsequent modifications of the agreement remain under the control and authority of ~~OKDHS~~ DHS regardless of the state of residence of the adoptive ~~parent(s)~~ parent.

INSTRUCTIONS TO STAFF 340:75-15-128.1

Revised 9-1-119-15-15

1. Approval and payment for non-recurring adoption expenses.

(1) ~~Designated Children and Family Services Division~~ **Post-Adoption Services Section** completes **Adoption Fees Authorization to Purchase** screen in the Finance system and mails the authorization form to the vendor.

(2) The authorization is signed by both the vendor and the adoptive parent and returned to Oklahoma Department of Human Services (~~OKDHS~~) ~~Finance Division~~ **(DHS) Financial Services** at the address listed on the form.

(3) ~~OKDHS Finance Division~~ **DHS Financial Services** issues payment to the vendor within ~~ten~~ **10** business days of receipt of the authorization form.

340:75-15-128.2. Eligibility requirements for Title IV-E adoption assistance

Revised 7-1-119-15-15

(a) **The child.** The requirements for a child to be eligible for Title IV-E adoption assistance are outlined in this subsection.

(1) To be considered for adoption assistance, the child is:

(A) determined to have special needs ~~as outlined in~~ per Oklahoma Administrative Code (OAC) 340:75-15-128.4 prior to the finalization of the adoption; and

(B) by way of a voluntary placement, voluntary relinquishment, or a court-ordered removal with a judicial determination that remaining in the home would be contrary to the child's welfare, is at the time of initiation of adoption proceedings, in the care of:

- (i) ~~OKDHS~~ Oklahoma Department of Human Services (DHS);
- (ii) a federally recognized ~~tribal organization~~ Indian tribe; or
- (iii) effective October 1, 2009, a licensed private child placement agency.

(2) To be eligible for adoption assistance the child:

(A) is Aid to Families with Dependent Children (AFDC) eligible at the time of removal ~~as defined in~~ per OAC 340:75-13-13;

(B) has attained the age listed in (i) through (ix) of this subparagraph in that federal fiscal year (FFY) phased in from October 1, 2009, through October 1, 2017, and an adoption assistance agreement is entered into during that FFY. The schedule for phasing in, based on the child's applicable age ~~which~~ that decreases by two years each subsequent FFY year, is:

- (i) FFY 2010 16 years ~~old~~ years of age;
- (ii) FFY 2011 14 years ~~old~~ years of age;
- (iii) FFY 2012 12 years ~~old~~ years of age;
- (iv) FFY 2013 10 years ~~old~~ years of age;
- (v) FFY 2014 8 years ~~old~~ years of age;
- (vi) FFY 2015 6 years ~~old~~ years of age;
- (vii) FFY 2016 4 years ~~old~~ years of age;
- (viii) FFY 2017 2 years ~~old~~ years of age; and/or
- (ix) FFY 2018 ~~or thereafter any age~~;

(C) meets the disability or medical requirements of the Supplemental Security Income (SSI) program;

(D) is residing with a minor parent in foster care and the minor parent was placed in foster care by way of a voluntary placement agreement, voluntary relinquishment, or court-ordered removal;

(E) was eligible for Title IV-E adoption assistance in a previous adoption in which all of the child's adoptive parents ~~have~~ died or had their parental rights voluntarily or involuntarily terminated; or

(F) beginning October 1, 2009, is a child of any age for which an adoption assistance agreement is entered into ~~if~~ when the child:

- (i) has been in foster care for 60 consecutive months; and
- (ii) is a sibling to a child who is eligible due to age or length in foster care and is placed in the same adoptive placement.

(b) Kinship guardianship assistance payment not considered when determining eligibility for adoption assistance. In determining the eligibility for adoption assistance payments of a child placed for adoption by ~~OKDHS~~ DHS who was previously in a legal guardianship arrangement described in Section ~~471(a)(28)~~ 473(a)(1)(d) of Title IV-E, both the placement of the child with the relative guardian involved and any kinship guardianship assistance payments made on behalf of the child are considered never to have occurred.

(c) **The adoptive family.** There is no means test for the prospective adoptive ~~parent(s)~~ parent to determine eligibility for adoption assistance. Title IV-E adoption assistance benefits are not available if when a prospective adoptive parent has a felony conviction for:

(1) ~~at any time for child abuse or neglect; spousal abuse; crimes against children, including child pornography; or crimes involving violence, including rape, sexual assault, or homicide~~ physical assault, battery, or a drug-related offense when the conviction occurs within the five-year period preceding the application date; or

(2) ~~in the past five years for physical assault, battery, or a drug-related offense~~ child abuse or neglect

(3) domestic abuse;

(4) a crime against a child including, but not limited to, child pornography; or

(5) a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in (1) of this paragraph. Per Section 692 of Title 21 of the Oklahoma Statutes (21 O.S. § 692), homicide includes manslaughter. Per Section 16 of Title 18 of the United States Code (18 U.S.C. 16), a crime involving violence means an offense that:

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

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

(d) **School enrollment.** Title IV-E adoption assistance benefits are not available unless the prospective adoptive ~~parent(s)~~ parent provides written verification at the time the prospective adoptive ~~parent(s)~~ parent applies for adoption assistance and annually thereafter, that each child who has attained the minimum age for compulsory school attendance under state law is:

(1) enrolled in an institution ~~which~~ that provides elementary or secondary education as determined under the law of the state or other jurisdiction in which the institution is located;

(2) instructed in elementary or secondary education at home in accordance with a home school law or other jurisdiction in which the home is located;

(3) in an independent study elementary or secondary education program in accordance with the law of the state or other jurisdiction in which the program is located, ~~which~~ that is administered by the local school or school district; or

(4) incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.

(e) **International adoption.** A child who has special needs, but ~~who~~ is not a citizen or resident of the United States, and was either adopted in another country or brought to the United States for the purpose of adoption is categorically ineligible for Title IV-E adoption assistance except if the child meets the eligibility criteria after the dissolution of the international adoption.

340:75-15-128.3. Eligibility requirements for state-funded adoption assistance

Revised 9-15-15

(a) A child may be determined by the Oklahoma Department of Human Services (~~OKDHS~~) (DHS) eligible for state-funded adoption assistance if when the child does not

meet the eligibility requirements for Title IV-E adoption assistance and at the time of adoptive placement:

- (1) has not attained ~~the age of~~ 18 years of age;
 - (2) was in court-ordered ~~OKDHS~~ DHS custody or a federally recognized Indian tribe as defined by the federal and Oklahoma Indian Child Welfare Acts; and
 - (3) met the definition of a child with special needs as set forth in Oklahoma Administrative Code (OAC) 340:75-15-128.4.
- (b) The adoption assistance benefits an eligible child may receive are set forth in OAC 340:75-15-128.1. ~~If OKDHS~~ When DHS determines a child is eligible for an adoption assistance payment, the payment amount is determined by ~~OKDHS~~ DHS within the range of payments set forth in Appendix C-20, ~~Children and Family Services Division Child Welfare Services Rates Schedule~~, based on the needs of the child and circumstances of the adoptive ~~parent(s)~~ parent. The other provisions of OAC 340:75-15-128.1 regarding overpayments, termination or modification, death of adoptive ~~parent(s)~~ parent, or dissolution of the adoption, and relocation by adoptive ~~parent(s)~~ parent to another state also apply to state-funded adoption assistance.
- (c) The provisions of OAC 340:75-15-128.5 apply to state-funded adoption assistance except as specifically indicated otherwise.
- (d) ~~Adoptive parents who have a history of conviction(s) for felony offense(s) as described in OAC 340:75-15-88(d)(4)(A) and (B)~~ A child may be determined eligible for state-funded adoption assistance, as determined on a case-by-case basis in consultation with Children and Family Services Division (CFSD), the Adoption Assistance Section, per OAC 340:75-15-88(e) and DHS Director or designee approval, when the prospective adoptive parent(s) has a felony conviction per OAC 340:75-15-88(c).
- (e) The only exception to the requirement in OAC 340:75-15-128.5(d) ~~that is~~ is Form 04AN002E, Adoption Assistance Agreement, must be signed by the adoptive ~~parent(s)~~ parent and ~~OKDHS~~ DHS before finalization of the adoption ~~is~~ when the child is determined to have a causative, pre-existing condition that was not identified or known prior to the finalization of the adoption ~~which has~~ that resulted in a severe medical or psychiatric condition ~~that requires~~ requiring extensive treatment, hospitalization, or institutionalization. The child must also meet the definition of a child with special needs per OAC 340:75-15-128.4.
- (1) The application procedure is the same as for Title IV-E applications made after finalization ~~as set forth in per OAC 340:75-15-128.5(f)(4)~~ 340:75-15-128.5(g)(4). There is no requirement that the adoptive ~~parent(s)~~ parent prevail at a fair hearing.
 - (2) The benefits are the same as for state-funded adoption assistance approved prior to finalization of the adoption.
 - (3) ~~If~~ When eligible for a monthly adoption assistance payment, the child may also be entitled to receive retroactive payments for the two months prior to the date the adoption assistance was approved, ~~if~~ when requested, and documentation is produced that shows the child was receiving treatment or assessment during those two months.

340:75-15-128.4. Determination of special needs

Revised 6-4-129-15-15

A child must have special needs determined to be eligible for:

(1) federally funded adoption assistance, per Oklahoma Administrative Code (OAC) 340:75-15-128.2;

(2) state-funded adoption assistance, per OAC 340:75-15-128.3; or

(3) reimbursement of non-recurring adoption expenses, per OAC 340:75-15-128.1.

A child is determined to have special needs by meeting all criteria in subparagraphs (A) through (C) of this paragraph.

(A) **The child cannot return home.** Oklahoma Department of Human Services (~~OKDHS~~) (DHS) recommends that the child not return to the home of his or her parent. The recommendation that a child not be returned home is documented with:

(i) a Petition for Termination of Parental Rights;

(ii) an Order of Termination of Parental Rights from a court of competent jurisdiction;

(iii) a signed Relinquishment of Parental Rights, when the child is under the jurisdiction of the court;

(iv) other official documentation when a child can be adopted in accordance with state or tribal law without a termination of parental rights or relinquishment of parental rights; or

(v) verification of the parent's death, when the child is orphaned.

(B) **Special factors or conditions exist.** Special factors or conditions exist ~~When OKDHS~~ when DHS determines that one or more factors or conditions listed in units (i) through (vii) of this subparagraph ~~exists~~ occur, and a child may not be placed with the adoptive parent without adoption assistance.

(i) **Physical disability.** The child has a physical disability that requires regular treatment with a specific diagnosis by the child's physician.

(ii) **Mental disability.** The child meets the eligibility criteria for educable multi-handicapped (EMH) or trainable multi-handicapped (TMH) classes and has been evaluated by a licensed psychologist, psychometrist, or recognized diagnostic center. A child with a demonstrable need for intensive adult supervision beyond ordinary age needs also qualifies.

(iii) **Age and type of placement.** Eligibility based on the child's age and type of placement is determined according to subunit (I) and (II) of this unit.

(I) **Kinship placement.** There is no age requirement when the child is placed with a relative that meets the specified degree of relationship as defined in per OAC 340:10-9-1.

(II) **Non-related.** When no other special needs are determined, the child must be ~~eight~~ 8 years of age or older.

(iv) **Sibling relationship.** The child is part of a sibling group as specified in subunits (I) and (II) of this unit:

(I) A child of any age and at least one sibling are placed in trial adoption status in the same home.

(II) A child younger than ~~three~~ 3 years of age, not determined eligible to receive an adoption assistance payment at the time of the adoption assistance application, becomes eligible when there is a sibling relationship.

(III) If When the adoptive parent, within one year of the child's adoption finalization, finalizes the adoption of the child's sibling, the subsequent child is, and the child originally adopted, if not eligible at the time of adoption, would then be, eligible for an adoption assistance payment.

(IV) The effective date the adoption assistance payment begins for the child, is also the effective date the adoption assistance ~~would begin~~ begins for the sibling.

(v) **Emotional disturbance.** A child meets this criteria when the emotional disturbance is:

(I) established by a physician, psychologist, behavioral therapist, or social worker;

(II) corroborated by the ~~Child Welfare~~ child welfare specialist's observations of the child's behavior;

(III) corroborated by one or more caregivers, such as a foster parent, Head Start or school personnel, or a child care provider; and

(IV) documented with a specific diagnosis and prognosis, when applicable.

(vi) **Racial or ethnic factor.** The child is American Indian or Alaskan Native, Hispanic or Latino, Asian, Native Hawaiian or other Pacific Islander, or Black or African American and ~~three~~ 3 years of age or older.

(vii) **High risk potential for physical or mental disease.** The child who has a high risk potential for physical or mental disease for conditions ~~that are~~ not currently being treated may qualify. When no other special factors or conditions exist, a monthly payment is not approved until there are documented symptoms of physical or mental disease. Indicators of high risk potential for physical or mental disease are:

(I) a social and medical history, such as mental illness of a biological parent or family member;

(II) events or life experiences, such as severe sexual abuse; and

(III) prenatal exposure to drugs or alcohol.

(C) **Unsuccessful efforts to place the child without assistance.** A reasonable, but unsuccessful effort was made to place the child without adoption assistance, except where it would not be in the child's best interests due to factors, such as a strong emotional tie to a foster parent who plans to adopt the child or placement with a relative.

(i) Documentation of efforts to place the child without adoption assistance is required and includes specific recruitment efforts for an adoptive parent who can meet the child's special needs. Examples of specific recruitment efforts include:

(I) area staffings;

(II) adoption parties;

(III) adoption resource exchanges; and

(IV) media and Internet efforts.

(ii) Form 04AN001E, Adoption Assistance Application, per OAC 340:75-15-128.5, must include ~~a statement of~~ the reasons the child may not be placed in an adoptive home without adoption assistance, including:

(I) the specific factors that make it difficult to place the child;

- (II) a description of efforts to place the child without assistance; and
- (III) the reasons it is not in the child's best interests to attempt to place the child for adoption without assistance.

340:75-15-128.5. Adoption assistance application process

Revised 6-4-129-15-15

(a) **Adoption assistance application process.** To apply for adoption assistance, the prospective adoptive ~~parent(s)~~ parent, custodial agency, or tribe completes Form 04AN001E, Adoption Assistance Application, on behalf of the child and family and submits it to ~~Children and Family Services Division (CFSD)~~, the Adoption Assistance Section for approval. § 1

(b) **Interstate adoptive placements and adoption assistance.** The provisions of the adoption assistance program of the state in which the application is made govern the terms of an adoption assistance agreement including, but not limited to, the rates of the adoption assistance payments.

(1) Federally-funded adoption assistance applications for interstate adoptions are submitted to:

(A) Oklahoma, when the child is in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) or tribal custody, and receiving Title IV-E foster care, and placed for adoption in another state;

(B) the other state, when an Oklahoma child is placed by any other entity;

(C) the other state, when a child is placed in Oklahoma by the public child welfare agency of another state or a tribal child in Title IV-E foster care of another state; or

(D) Oklahoma, when a child is placed in Oklahoma from another state by any other entity and there is compliance with the provisions of the Interstate Compact on the Placement of Children.

(2) State-funded adoption assistance applications for interstate adoptions submitted to Oklahoma only when the child is in the legal custody of ~~OKDHS~~ DHS or an Oklahoma tribe, ~~as defined in~~ per Oklahoma Administrative Code (OAC) 340:75-15-128.3(a)(2), at the time of adoption, regardless of the residence of the adoptive ~~parent(s)~~ parent. A child placed in Oklahoma from another state is not eligible for state-funded adoption assistance in Oklahoma.

(c) **Determination of adoption assistance benefits.**

(1) Each Adoption Assistance Agreement is based upon the circumstances of each case and not a ~~set of~~ on predetermined guidelines.

(2) The adoptive ~~parent(s)~~ parent is advised by the adoption specialist of the different components of adoption assistance, including special services, coverage under Title XIX Medicaid, reimbursement of non-recurring adoption expenses, and a monthly assistance payment.

(A) When the child is eligible for Title IV-E adoption assistance the:

(i) ~~the~~ amount of the assistance payment, if any, is determined by agreement between the adoptive ~~parent(s)~~ parent and ~~OKDHS~~ DHS.

(l) The adoption specialist negotiates with the adoptive ~~parent(s)~~ parent to reach an agreement on the assistance amount, considering

the circumstances of the adopting ~~parent(s)~~ parent and the child's ~~needs of the child~~.

(II) When the parties cannot agree, ~~OKDHS~~ DHS establishes the payment amount;

(ii) ~~the~~ payment amount is within the range of adoption assistance rates in ~~OKDHS~~ DHS Appendix C-20, ~~Children and Family Services Division~~ Child Welfare Services Rates Schedule; and

(iii) ~~the~~ maximum amount cannot exceed the equivalent of the foster care maintenance payment that would have been paid during the period if the child had been in a foster family home. Therapeutic foster care does not constitute a foster family home in the context of adoption assistance rates.

(B) When the child is eligible for state-funded adoption assistance, ~~OKDHS~~ DHS determines the adoption assistance payment amount within the range of rates in ~~OKDHS~~ DHS Appendix C-20 based on the child's ~~needs of the child~~ and circumstances of the adoptive family. The maximum amount of adoption assistance cannot exceed the foster care maintenance payment that would have been paid during the period if the child was in a foster family home. Therapeutic foster care does not constitute a foster family home in the context of adoption assistance rates.

(C) Federally-funded or state-funded adoption assistance, may have a zero payment agreement at the time Form 04AN002E, Adoption Assistance Agreement, is signed.

(i) The zero payment agreement applies when:

(I) a risk of physical or mental disease exists, but is not manifested;

(II) no other special factor or condition exists; and

(III) the criteria in OAC 340:75-15-128.4(1) and (3) are met documenting that the child cannot return home and reasonable, but unsuccessful, efforts were made, to place the child without adoption assistance.

(ii) When documented symptoms of a physical or mental disease ~~are later manifested~~ manifest, Form 04AN002E may be modified by agreement of the adoptive ~~parent(s)~~ parent and ~~CFSD~~ the Adoption Assistance Section.

(D) When the child is eligible for a difficulty of care (DOC) rate, the DOC rate is the maximum monthly assistance payment for ~~federally-funded~~ or state-funded adoption assistance.

(E) Updated, supporting documentation to determine continuing adoption assistance eligibility may be required of the adoptive ~~parent(s)~~ parent at any time by ~~OKDHS~~ DHS.

(F) Pursuant to Section 7510-3.2 of Title 10 of the Oklahoma Statutes, effective July 1, 2010, for good cause shown the ~~OKDHS~~ DHS Director or designee may approve adoption assistance payments on behalf of a child, subject to the jurisdiction of this state, but residing in another state, up to the maximum foster care reimbursement allowable in the state of residence for regular foster care.

(d) **Adoption Assistance Agreement.** Form 04AN002E is signed by the adoptive ~~parent(s)~~ parent and ~~OKDHS~~ DHS prior to finalization of the adoption for Title IV-E ~~federally-funded adoption assistance, or~~ state-funded adoption assistance, and non-recurring assistance. § 2

(1) Adoption assistance must be approved and the initial agreement signed prior to the child's 18th birthday.

(2) When the child is determined eligible for adoption assistance by ~~OKDHS~~ DHS, adoption assistance may commence at the time of adoptive placement or at the time of the adoption finalization. § 3

(e) **Annual adoption assistance reviews.** When adoption assistance benefits continue for more than one year, DHS:

(1) ~~OKDHS~~ reviews Form 04AN002E, Adoption Assistance Agreement, annually;

(2) ~~OKDHS~~ mails Form 04AN014E, Adoption Assistance Annual Review, to the adoptive parent(s) parent each year;

~~(3) for the adoptive parent(s) completes parent to complete and returns Form 04AN014E return within the time requirement specified on the form; and~~

~~(4)(3)~~ OKDHS reviews Form 04AN014E, ~~Adoption Assistance Annual Review~~, to determine if the adoptive parent(s) parent is fulfilling the terms of the adoption assistance agreement. The adoptive parent is required to:

(A) inform ~~OKDHS~~ DHS when circumstances occur that make the child ineligible for adoption assistance payments or eligible for adoption assistance payments in a different amount; and

(B) provide annual assurance that the child, who has attained the minimum age for compulsory school attendance under state law of the child's state of residence is:

(i) enrolled in an institution that provides elementary or secondary education as determined under the law of the state or other jurisdiction in which the institution is located;

(ii) instructed in elementary or secondary education at home in accordance with a home school law or other jurisdiction in which the home is located;

(iii) in an independent study elementary or secondary education program in accordance with the law of the state or other jurisdiction in which the program is located, administered by the local school or school district; or

(iv) incapable of attending school on a full-time basis due to a documented medical condition supported by regular updates.

(f) **State-funded adoption assistance application after adoption finalization.** Refer to OAC 340:75-15-128.3(e) for provisions for state-funded adoption assistance application after adoption finalization.

(g) **Title IV-E federally-funded adoption assistance application after adoption finalization.** Section 1356.40(b)(1) of Title 45 of the Code of Federal Regulations requires that Form 04AN002E, Adoption Assistance Agreement, is signed and effective at the time of, or prior to, the final decree of adoption.

(1) **Fair hearing when post-adoption assistance benefits are denied.** When the adoptive parent(s) parent, who applied for Title IV-E adoption assistance after adoption finalization, believes benefits on behalf of the adopted child were ~~wrongly~~ wrongfully denied, the adoptive parent(s) parent may request a fair hearing. When the adoptive parent(s) parent prevails in a fair hearing, ~~OKDHS~~ DHS:

(A) determines whether the child met all eligibility requirements at the time of the placement in the adoptive home and at finalization of the adoption; and

(B) may reverse the earlier decision to deny benefits.

(2) **Eligibility for post-adoption assistance benefits.** A child may be eligible for Title IV-E post adoption assistance only when:

(A) the adoptive ~~parent(s)~~ parent prevails in a fair hearing and proved extenuating circumstance ~~exists~~ existed, such as:

(i) relevant facts regarding the child, the biological family, or the child's background were known, but not presented to the adoptive ~~parent(s)~~ parent prior to the finalization of the adoption;

(ii) denial of assistance was based upon a means test of the adoptive ~~parent(s)~~ parent;

(iii) an erroneous determination was made by ~~OKDHS~~ DHS that the child was ineligible for adoption assistance; or

(iv) ~~OKDHS~~ DHS was required and failed to advise the adoptive ~~parent(s)~~ parent of the availability of the Title IV-E adoption assistance program; and

(B) at the time of the placement in the adoptive home and at finalization of the adoption, the child met all eligibility requirements per OAC 340:75-15-128.2 and 340:75-15-128.4.

(3) **Post-adoption assistance benefits.** The benefits for post-adoption assistance are the same as the benefits listed in OAC 340:75-15-128.1.

(4) **Post-adoption assistance payments.** When post-adoption assistance payments are approved by ~~OKDHS~~ DHS, the payment period begins effective the date of approval. ~~OKDHS~~ DHS considers retroactive payments on a case-by-case basis, but in no event for a period ~~that exceeds~~ exceeding five years or the date the initial application for assistance was denied, whichever is less.

(5) **Procedures for applying for Title IV-E or state-funded post-adoption assistance.** The application for Title IV-E post adoption assistance includes:

(A) a court order documenting that the child was removed from the home and that continuation in the home is contrary to the ~~welfare of the child~~ child's welfare;

(B) Form 04AN001E, Adoption Assistance Application;

(C) Form ~~08MA002E, SoonerCare~~ 04AN038E, Post Adoption Services Health Benefits Application;

(D) a description of the child's special needs ~~which~~ that meet the eligibility criteria;

(E) documentation of the special needs from physician(s), social worker(s), the adoptive ~~parent(s)~~ parent, or other professionals, as required; and

(F) criminal background check results.

(6) **Submission and review of Title IV-E or state-funded post adoption assistance application.** The application for Title IV-E and state-funded, post adoption assistance is submitted by the adoptive ~~parent(s)~~ parent to ~~CFSD, the~~ Adoption Assistance Section and reviewed by the Adoption Assistance Review Committee.

INSTRUCTIONS TO STAFF 340:75-15-128.5

Revised 9-1-119-15-15

1. **Adoption assistance application packet.** When a child is in Oklahoma Department of Human Services (~~OKDHS~~) (DHS) custody, the adoption specialist completes the application packet for the adoptive ~~parent(s)~~ parent

and submits it to ~~Children and Family Services Division (CFSD), the~~ Adoption Assistance Section within ~~ten~~ 10 business days of the placement date. The packet includes:

- (1) the court order documenting removal of the child from the home and that continuation in the home is contrary to the child's welfare ~~of the child~~;
 - (2) Form 04AN001E, Adoption Assistance Application, signed by the applicant(s);
 - (3) Form ~~08MA002E, SoonerCare~~ 04AN038E, Post Adoption Services Health Benefits Application, signed by the applicant(s);
 - (4) Form 04AN022E, Child Profile Assessment for Adoption;
 - (5) documentation of special needs from physician(s), therapist(s), social worker(s), ~~adoptive parent(s)~~, or other professional(s), or the adoptive parent as required;
 - (6) documentation of the negotiation process used to determine the monthly payment amount;
 - (7) documentation of special care needs when difficulty of care (DOC) is requested, with the DOC rate descriptions attached, highlighting the criteria that best corresponds to the specific child's specific conditions;
 - (8) a cover memo or other documentation ~~that addresses~~ addressing the:
 - (A) the adoptive parent(s)' parent's felony conviction status; and
 - (B) the efforts made to place the child without adoption assistance;
 - (9) a copy of the adoption assistance adult payee's Social Security card; and
 - (10) screen prints of termination of parental rights (TPR) screens from the biological KIDS case for each child for whom adoption assistance is requested. When TPR is not documented in KIDS, the adoption specialist submits a copy of the last court report ~~that addresses~~ addressing the legal status of each child.
2. Adoption Assistance Agreement. When the Adoption Assistance Review Committee approves adoption assistance, the committee sends Form 04AN002E, Adoption Assistance Agreement, to the adoption specialist, who explains the adoption assistance program and its benefits to the adoptive parent(s) parent and executes Form 04AN002E.
3. Required documentation for adoption assistance and non-recurring adoption expenses. To start adoption assistance after finalization or to initiate payment for approved non-recurring adoption expenses, the adoption specialist submits to ~~CFSD, the~~ Adoption Assistance Section within 30 ~~working~~ business days of finalization of the adoption, copies of the:
- (1) Petition for Adoption;
 - (2) Final Decree of Adoption;
 - (3) itemized statement(s) of actual expense(s) for the adoption;
 - (4) original petition filed to remove the child from the ~~parent(s)'s~~ parent's home;
 - (5) court order removing the child from the home and assigning custody;
 - (6) Order of Adjudication, Order of Disposition, and Order(s) Terminating Parental Rights; and

(7) completed Form 04AN010E, Finalized Adoption Case Transmittal.

SUBCHAPTER 18. CONTINUOUS QUALITY IMPROVEMENT

340:75-18-1. Purpose of Continuous Quality Improvement (CQI)

Revised 7-4-139-15-15

~~The Continuous Quality Improvement (CQI) program and activities assist and promote the development of program excellence for the safety, permanence, and well-being of children and families served by Oklahoma Department of Human Services (OKDHS) is an on-going process of identifying, describing, and analyzing Child Welfare Services (CWS) program and system strengths and problems, and then testing, implementing, learning from, and developing solutions to the problems. § 1~~

~~(1) **Assessing and ensuring contractor compliance.** OKDHS conducts performance reviews of providers of child welfare (CW) services by implementing the terms and requirements of the provider's contract with OKDHS and assessing the contractor's performance on an annual basis. The providers assessed include:~~

- ~~(A) therapeutic foster care;~~
- ~~(B) psychiatric acute and residential treatment centers;~~
- ~~(C) group homes;~~
- ~~(D) specialized community homes;~~
- ~~(E) residential maternity and infant homes; and~~
- ~~(F) intensive treatment services.~~

~~(2) **Evaluating achievement of outcomes for children and families.** An annual Child and Family Services Review (CFSR) is conducted by the CQI program to review the CWS performance of each OKDHS human services center. § 1~~

~~(A) Desired outcomes include that:~~

- ~~(i) children are first and foremost protected from abuse and neglect;~~
- ~~(ii) children are safely maintained in their own homes, when possible and appropriate;~~
- ~~(iii) children have permanency and stability in their living situations;~~
- ~~(iv) continuity of family relationships and connections is preserved for children;~~
- ~~(v) the person responsible for the ~~child~~ child's health, safety or welfare (PRFC) has enhanced capacity to provide for ~~their children's~~ the child's needs;~~
- ~~(vi) children receive appropriate services to meet their educational needs; and~~
- ~~(vii) children receive adequate services to meet their physical and mental health needs.~~

~~(B) Systemic factors identified as essential to effective service provision are reviewed, such as the:~~

- ~~(i) Statewide Automated Child Welfare Information System (SACWIS system), commonly known as KIDS;~~
- ~~(ii) ~~Child Welfare Services (CWS)~~ case review system;~~
- ~~(iii) training for {CWS} staff and providers;~~
- ~~(iv) availability of services and resources;~~
- ~~(v) OKDHS DHS response to the community;~~

(vi) quality assurance system; and

(vii) foster and adoptive home recruitment and approval process.

(2) Facilitating ongoing feedback and adjustment to programs and processes.

CQI is a process that promotes circular feedback and communication among staff and stakeholders. Feedback loops permit an ongoing, bi-directional information exchange across DHS that in turn impact the change process. Sharing data with staff, consumers, and external stakeholders is equally important. Through data-based decision-making, the CQI process is subject to continued examination, evaluation, and refinement to address needs.

(3) Providing ongoing support and training. The training model is designed to provide time-intensive, small group, or one-on-one guidance to CWS staff to enhance child welfare practice as outlined by the Child Welfare Services CWS practice standards and the Child Welfare Services practice model.

(4) Assessing and ensuring contractor compliance. As part of the CQI process, DHS conducts performance reviews of the CW service provider's contract with DHS and assesses the contractor's performance annually. Those providers include, but are not limited to:

(A) therapeutic foster care;

(B) psychiatric acute and residential treatment centers;

(C) group homes;

(D) specialized community homes;

(E) residential maternity and infant homes; and

(F) intensive treatment services.

INSTRUCTIONS TO STAFF 340:75-18-1

Issued 7-4-13 Revised 9-15-15

1. Continuous Quality Improvement (CQI) relies on an organizational culture that is proactive, supports continuous learning, and is grounded in the overall mission, vision, and values of the Oklahoma Department of Human Services (DHS). Most importantly, CQI is dependent upon the active inclusion and participation of staff at all DHS levels, that includes children, youth, families, and stakeholders throughout the process. The CQI approach is not a new initiative, but an effort to reshape the child welfare (CW) system at local and state levels to support positive outcomes for children, youth, and families.

12. Child and Family Service Review (CFSR) protocol.

(1) CFSR review team. The CFSR is conducted by two-to-four teams of child welfare (CW) staff and community stakeholders in the designated district or districts. Prior to participation in reviews, staff and stakeholders complete training regarding the CFSR process. Stakeholders sign commitments agreeing to keep confidential the information made available to them during the CFSR. Each team consists of:

(A) a Child Welfare Services (CWS) Continuous Quality Improvement (CQI) Program Unit representative, who serves as the leader of the site review;

(B) a CW specialist or supervisor who is not affiliated with a site under review;

- (C) a third party, identified by the deputy director for the region; and
- (D) at least one volunteer stakeholder, not employed or contracted by OKDHS DHS.

- (i) The participating district director or designee ensures that a background check is completed on each stakeholder, unless the stakeholder is employed in law enforcement, prior to the stakeholder's involvement in the CFSR.

- (ii) The background check includes a criminal records check through the Oklahoma State Bureau of Investigation (OSBI) and a review of the Child Abuse and Neglect Information System.

(2) CFSR meetings schedule.

- (A) Prior to the beginning of each calendar year, ~~Continuous Quality Improvement (CQI)~~ CFSR team members ~~produce~~ prepare an annual schedule ~~that projects~~ projecting the date for a CFSR at each site in the state for the year.

- (B) CFSRs CFSR meetings occur quarterly within each region, allowing each site to participate in a review at least once per year, except ~~in rare instances~~ when an exception is granted.

- (i) When exceptional circumstances exist, the district director contacts the deputy director for the region to request permission to obtain ~~an adjustment in the~~ a schedule change.

- (ii) When the district director is granted permission ~~to obtain an adjustment~~ for a schedule change, the district director convenes a meeting or conference call with the Regional CQI coordinator and CQI programs manager to discuss rescheduling ~~options~~.

- (iii) The ~~CQI Program Unit~~ CFSR team makes efforts to honor the request without compromising the CFSR yearly review schedule.

- (iv) When the CFSR review cannot be rescheduled within the same quarter, the current year's review is cancelled and the CFSR schedule resumes the next year.

(3) Stratified random sample. Each CFSR includes a stratified random sample of approximately six children in each of the three-to-four participating counties.

- (A) CQI Program Unit CFSR team members notify district staff of each child identified for inclusion in a CFSR, at least one month prior to the CFSR.

- (B) The ~~OKDHS DHS~~ site coordinator, identified by the district director, contacts the person responsible for the ~~child~~ child's health, safety, or welfare (PRFC) for each child and discusses the opportunity to participate in the CFSR.

(4) Preparation for CFSR.

- (A) At least one CQI Program Unit CFSR team member is assigned to each area to:

- (i) assist in planning for quality improvement;

- (ii) facilitate staff and stakeholder participation; and

(iii) ~~approximately one month before the CFSR~~, train designated area staff and stakeholders in CFSR interview, record review, and standard application procedures, approximately one month before the CFSR.

(B) Each CFSR site leader visits with the participating district director or designee at the initiation of the CFSR to:

- (i) explain procedures;
- (ii) confirm arrangements; and
- (iii) schedule an exit conference.

(5) CFSR assessment procedures.

(A) Outcome performance is assessed on-site through:

- (i) review of CWS case records; and
- (ii) observations and interviews with:
 - (I) school-age children;
 - (II) parents or PRFCs;
 - (III) CWS staff;
 - (IV) placement providers; and
 - (V) other persons with a significant role in a the child's life.

(B) CQI Program Unit CFSR team members collaborate with each team member daily during the CFSR to assure ensure the findings made by the team member is are consistent with performance criteria for each outcome and systemic factor;₂

(C) Systemic factors performance is assessed through individual and group interviews of with internal and external stakeholders arranged by district staff.

(6) CFSR results.

(A) Findings are generated for each child indicating whether each outcome is:

- (i) substantially achieved;
- (ii) partially achieved;
- (iii) not achieved; or
- (iv) not applicable.

(B) Findings for systemic factors are aggregated to achieve findings of:

- (i) strength;
- (ii) partially achieved; or
- (iii) area needing improvement.

(C) The CQI Program Unit CFSR team:

(i) shares the CFSR findings ~~with designated CWS staff at each site~~ that describe performance related to each outcome and systemic factor, and the significant or ongoing departures from service quality expectations to designated CWS staff at each site;

(ii) recognizes and commends the site's areas of strength:

- (I) with the participating district director during the district exit conference, at the conclusion of the district review; and
- (II) with the regional director or designee during the area exit; and

(iii) reports immediately to relevant authorities, including the district director, regional deputy director ~~for the region~~, and CWS director, findings of significant non-compliance with civil rights, rules, or laws.

(7) Continuous quality improvement plan. The CFSR team assists each ~~local OKDHS~~ DHS office, ~~when requested~~, develop a plan to address the most critical challenges in CW service delivery identified during the CFSR.

340:75-18-2. Definitions

Revised 9-15-15

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

"Administration on Children and Families (ACF)" means an agency within the United States Children's Bureau that has primary oversight of child welfare (CW) services administered by the states with the participation of federal financing.

"Child and Family Services Review (CFSR)" means a procedure developed by ACF to assess and improve CW services. The Oklahoma Department of Human Services (OKDHS) (DHS) has replicated this procedure with minor modification to assess outcomes from, and systemic factors of, Oklahoma's CW services.

"Child Welfare (CW) case review" means a qualitative and quantitative method of evaluation that:

- (A) examines outcomes for children and families receiving CW services; and
- (B) informs case practice.

"Contractor" means a person or agency that provides CW services through a contract or agreement with ~~OKDHS~~ DHS or the Oklahoma Health Care Authority.

"Oklahoma Health Care Authority (OHCA)" means the state agency that administers federal Medicaid, Title XIX, funding for social services.

"Outcomes" means statements describing achievements realized by children and families as a result of CW services.

"Program Improvement Plan (PIP)" means a plan of action that establishes goals and strategies for ongoing service improvement.

"Quality assurance (QA)" means a systematic process used to:

- (A) assess quality of services;
- (B) identify strengths and needs of the service delivery system;
- (C) provide reports; and
- (D) evaluate program improvement measures.

"Site" means a county or grouping of counties, typically supervised by one ~~county~~ district director, that is the focus of review by one team, during a CFSR.

"Stakeholder" means a person or group that has an investment, interest, or participates in the child welfare system and includes, but is not limited to, the courts, tribes, families, youth, caregivers, contracted providers, community partners, or other public entities, and individuals within the child welfare organization, such as administrators, caseworkers, supervisors, and program, policy, and training staff.

"Systemic factors" means components of CW services important to the successful realization of targeted outcomes by children and families, as measured in the CFSR.