

**COMMENT DUE DATE: February 3, 2023**

**Date: January 3, 2023**

**Mark Carson, Child Welfare Services**

**405-227-5542**

**Holli Kyker, Programs Administrator**

**405-982-2217**

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It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to \*STO.LegalServices.Policy@okdhs.org. The proposed policy is **PERMANENT**.

**SUBJECT:**

Subchapter 28. Office of Administrative Hearings: Child Support

340:2-28-4.2 [AMENDED]

**(Reference WF 23-2D)**

**SUMMARY:**

The proposed amendment is necessary to update, streamline, and improve the rules which delineate, and provide transparency to certain functional aspects of the Office of Administrative Hearings: Child Support (OAH) operations. The administrative rules in Subchapter 28, as referenced, are OAH administrative court rules. The requested amendment clarifies the process for filing pdf format documents through email.

**Permanent rulemaking approval is requested**

**LEGAL AUTHORITY:**

Director of Oklahoma Human Services (OKDHS); Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. §§ 162 and 237). 12 O.S. § 32.1. 56 O.S. § 237, et seq. OAC: 340:2-28-1, et seq.



## Rule Impact Statement

**To:** Programs administrator  
Legal Services

**From:** Deborah Shropshire, M.D., Director

**Date:** April 25, 2022

**Re: CHAPTER 75. CHILD WELFARE SERVICES**

Subchapter 4. Family-Centered and Community Services

Part 5. School-Based Services [NEW]

340:75-4-51 [NEW]

Subchapter 6. Permanency Planning

Part 5. Permanency Planning Services

340:75-6-31 [AMENDED]

340:75-6-31.4 [AMENDED]

Subchapter 7. Foster Home Care

Part 2. Development of Resource Families

340:75-7-19 [AMENDED]

Part 30. Enhanced Foster Care

340:75-7-301 [AMENDED]

340:75-7-303 [AMENDED]

Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services

Part 1. Therapeutic Foster Care

340:75-8-1 [AMENDED]

340:75-8-4 [AMENDED]

340:75-8-6 [AMENDED]

340:75-8-11 [AMENDED]

340:75-8-11.1 [AMENDED]

**(Reference WF 23-75)**

**Contact:** Mark Carson, Programs Manager III, 405-227-5542

**A. Brief description of the purpose of the proposed rule:**

The proposed amendment to Chapter 75 Subchapter 4 establishes the school-based (SB) services program in Child Welfare Services (CWS) to provide preventative and early intervention services to children and families at public schools.

The proposed amendments to Chapter 75 Subchapter 6 update language regarding Title IV-E kinship guardianship assistance age requirement and deletes outdated guidance on guardianship usage.

The proposed amendments to Chapter 75 Subchapter 7 revise joint approval of resource homes for the Interstate Compact for the Placement of Children (ICPC) and enhanced foster care (EFC) processes regarding child eligibility for services, EFC home training, and the Services and Support Plan (SSP).

The proposed amendments to Chapter 75 Subchapter 8 include: (1) defining contracted foster care (CFC); (2) updating therapeutic foster care (TFC) and intensive treatment foster care (ITFC) contractual protocols and procedures; (3) removing outdated travel and placement disruption language; and (4) adding clarifying language about respite care.

### **Purpose.**

To improve Pinnacle Plan results, Oklahoma Human Services (OKDHS) developed a continuum of foster care that seeks to reduce the number of placement moves a child may require because the current placement is unable to meet the child's behavioral, mental, and developmental needs. By providing additional services to a child's current placement without requiring a move, a child may experience less trauma, improved placement stability, and timelier permanency through reunification, adoption, or guardianship. Furthermore, the Family First Prevention Services Act (FFPSA) emphasizes placing children in family-based settings by limiting federal funding for placements that aren't family-based. Prevention services and earlier access to services, as made available in school and community-based partnerships, work to lessen the need for child welfare interventions.

### **Strategic Plan Impact.**

The proposed amendment to Chapter 75 Subchapter 4 achieves OKDHS goals by ensuring policy includes SB services' goals and guidance which benefit children, parents, and staff.

The proposed amendments to Chapter 75 Subchapter 6 achieve OKDHS goals by ensuring policy addresses guardianship assistance which benefit children, parents, and staff.

The proposed amendments to Chapter 75 Subchapter 7 achieve OKDHS goals by revising joint-approval of ICPC homes and EFC processes for additional services that permit a child to remain in an existing foster home placement which benefit children, resource homes, service providers, and staff.

The proposed amendments to Chapter 75 Subchapter 8 achieve OKDHS goals by updating CFC requirements for TFC and ITFC contractors which benefit children, parents, placement providers and staff.

### **Substantive changes.**

Subchapter 4. Family-Centered and Community Services

Part 5. School-Based Services

OAC 340:75-4-51 is created to establish SB Services Program's purpose, partnership, goals, scope and confidentiality requirement.

Subchapter 6. Permanency Planning

Part 5. Permanency Planning Services

OAC 340:75-6-31 is amended to update language by striking outdated text regarding guardianship.

OAC 340:75-6-31.4 is amended to correct the age range eligibility to receive Title IV-E kinship guardianship assistance.

Subchapter 7. Foster Home Care

Part 2. Development of Resource Families

OAC 340:75-7-19 is amended to update the joint-approval process to reference ICPC resource homes.

Part 30. Enhanced Foster Care

OAC 340:75-7-301 is amended to update a child's EFC eligibility requirements and an EFC home's training requirements.

OAC 340:75-7-303 is amended to revise treatment team meeting (TTM) process and add timeframes for conducting TTM.

Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services

Part 1. Therapeutic Foster Care

OAC 340:75-8-1 is amended to add a definition for CFC.

OAC 340:75-8-4 is amended to update TFC and ITFC contract procedures.

OAC 340:75-8-6 is amended to delete outdated protocols for TFC and ITFC contractors.

OAC 340:75-8-11 is amended to remove old language regarding travel and placement disruption.

OAC 340:75-8-11.1 is amended to add clarifying language about CFC respite care.

**Reasons.**

Chapter 75 Subchapter 4: The proposed amendment reflects establishing policy and guidance for SB services which were transferred from Adult and Family Services to CWS.

Chapter 75 Subchapter 6: The proposed amendments reflect changes to guardianship protocols.

Chapter 75 Subchapter 7: The proposed amendments update rules about joint-approved ICPC homes and EFC services for children in OKDHS custody placed in traditional foster care.

Chapter 75 Subchapter 8: The proposed amendments update rules to encompass CFC services for children in OKDHS custody placed in TFC and ITC.

**Repercussions.**

Chapter 75 Subchapter 4: The proposed amendment reflects organizational changes that improve outcomes for children in OKDHS custody and parents.

Chapter 75 Subchapter 6: The proposed amendment reflects changes to guardianship protocols that improve outcomes for children in OKDHS custody and parents.

Chapter 75 Subchapter 7: The proposed amendments update joint-approved ICPC resource and EFC rules improving outcomes for children in OKDHS custody.

Chapter 75 Subchapter 8: The proposed amendments update TFC and ITFC criteria regarding CFC thus improving outcomes for children in OKDHS custody.

**Legal authority.**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162);

Chapter 75 Subchapter 6: 10A O.S. §§ 1-1-102, 1-4-101, 1-4-705, 1-4-706, 1-4-707, 1-4-709, 1-4-710, 1-4-711, 1-4-809, 1-4-811, and 1-7-103; Title 30 O.S. et al; 43 O.S. §§ 118 and 119; Section 473(d)(3)(A) of Title IV-E of the Social Security Act (42 United States Code (U.S.C.) § 673(d)(3)(A)) and 42 U.S.C. § 673(d)(3)(C).

Chapter 75 Subchapter 8: 10 O.S. § 404.1; 10A O.S. §§ 1-1-105, 1-2-101, 1-7-103, 1-7-105, and 1-9-119; 74 O.S. § 85; Title XIX of the Social Security Act.

**Permanent rulemaking approval is requested.**

**B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the costs of the proposed rule, and any information on cost impacts received by the Agency from any private or public entities:**

Chapter 75 Subchapter 4: The classes of persons most likely to be affected by the proposed amendment are CWS staff, children and families in need, and partnering schools. The affected classes bear no costs associated with the rule's implementation.

Chapter 75 Subchapter 6: The classes of persons most likely to be affected by the proposed amendments are CWS staff, children in OKDHS custody, and families. The affected classes bear no costs associated with the rule's implementation.

Chapter 75 Subchapter 7: The classes of persons most likely to be affected by the proposed amendments are CWS staff, resource applicants, children in OKDHS custody, and placement providers. The affected classes bear no costs associated with the rule's implementation.

Chapter 75 Subchapter 8: The classes of persons most likely to be affected by the proposed amendments are CWS staff, children in OKDHS custody, and placement providers. The affected classes bear no costs associated with the rule's implementation.

**C. A description of the classes of persons who will benefit from the proposed rule:**

Chapter 75 Subchapter 4: The classes of persons who will benefit are CWS staff, children, and families.

Chapter 75 Subchapter 6: The classes of persons who will benefit are CWS staff, children in OKDHS custody, and families involved in permanency cases.

Chapter 75 Subchapter 7: The classes of persons who will benefit are CWS staff, resource applicants, placement providers, and children in OKDHS custody.

Chapter 75 Subchapter 8: The classes of persons who will benefit are CWS staff, placement providers, and children in OKDHS custody.

- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:**

The proposed amendments do not have an economic impact on the affected entities.

- E. The probable costs and benefits to the Agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the Agency:** OKDHS includes the cost of printing and distributing the rules, which is estimated to be less than \$20. The proposed amendments will result in enhanced delivery of services to positively impact placement providers, families, and OKDHS staff.

- F. A determination whether implementation of the proposed rule will have an impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:** The proposed amendments do not have an economic impact on any political subdivision, nor will the cooperation of any political subdivisions be required in implementation or enforcement of the rules.

- G. A determination whether implementation of the proposed rule will have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:** No adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act are anticipated.

- H. An explanation of the measures the Agency has taken to minimize compliance costs and a determination whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule:** Less costly, non-regulatory, or less intrusive methods are not available for achieving the purpose of the proposed amendments.

- I. A determination of the effect of the proposed rule on the public health, safety, and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety, and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:** Implementation of the proposed amendments clarifies and updates rules that facilitate quicker, more efficient service delivery to children and families and may reduce risks to children's health, safety, and environment.

- J. A determination of any detrimental effect on the public health, safety, and environment if the proposed rule is not implemented:** If the proposed amendments are not implemented, processes may not be followed as intended, thus delaying services to persons in need and placing children at risk.

**K. The date the rule impact statement was prepared and, if modified, the date modified: Prepared April 25, 2022; modified May 23, 2022 and December 15, 2022**

## SUBCHAPTER 4. FAMILY-CENTERED AND COMMUNITY SERVICES

### PART 5. SCHOOL-BASED SERVICES

#### **340:75-4-51. Purpose, partnership, goals, scope, and confidentiality requirement of school-based (SB) services.**

**Issued 9-15-23**

**(a) Purpose.** SB services is a program that offers preventative and early intervention services to children, adolescents, and families in Oklahoma through community-based partnerships between Oklahoma Human Services (OKDHS) and local school districts. The program aids students in overcoming barriers which impede educational success and in addressing concerns before they can escalate into a crisis.

**(b) Partnership.** The SB Services Program is a contractual and collaborative partnership between OKDHS and local school systems. The SB Services Program requires specialists to be competent in a specialized practice area, including knowledge, skills, and abilities necessary for effective service delivery across OKDHS services, schools, and communities. An SB specialist works in a partnering school to:

(1) increase awareness of, and access to, OKDHS services and community resources for families;

(2) improve coordination and communication between OKDHS and public schools;  
and

(3) increase community education on family issues through agency-school-community collaboration and planning.

**(c) Goals.** OKDHS expects the SB Services Program to:

(1) impact a community through improved individual and family health, safety, and functioning;

(2) give all children the opportunity and resources to succeed academically and socially in a safe and healthy school environment;

(3) improve community outcomes through SB activities; thus, reducing an array of family risk factors; and

(4) work with individual families and in collaboration with other community stakeholders.

**(d) Scope and applicability.** The SB specialist retains the same rights and privileges and the same obligations set forth in OKDHS policy. The SB specialist maintains office hours similar to the school staff members and is expected to work no less and no more than 40 hours per week.

(1) In the event the partnering school:

(A) is closed, and school staff is not working onsite, the SB specialist is authorized to telework from home provided the SB specialist is generally accessible by phone and email during working hours; and

(B) deems distance learning is necessary for reasons of health and safety, OKDHS continues to supply the SB specialist to perform the same services using means appropriate to distance learning.

(2) In the event the contractual agreement with the partnering school is cancelled, the immediate supervisor or reviewing supervisor ensures permanent employees are able



to return to a position within OKDHS when the contract is discontinued due to actions unrelated to the SB specialist.

(3) The SB specialist maintains records by documenting students' situations and activities on the OKDHS software platform, which is used to evaluate the program's outcomes.

**(e) Confidential information.**

(1) The SB Services Program complies with confidentiality restraints that are in existence at the participating school, and OKDHS rules regarding confidentiality. Per the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the participating school and SB specialists agree to use and disclose Protected Health Information in compliance with the "Privacy Rule" HIPAA set forth in Sections 160.01 through 160.552 and 164.102 through 164.534 of Title 45 of the Code of Federal Regulations (45 C.F.R. §§ 160.01 – 160.552, 164.102 – 164.534). Per the Family Education Rights and Privacy Act (FERPA), SB specialists use and disclose student educational records and family information in compliance with FERPA, Section 1232g of Title 20 of the United States Code and 34 C.F.R. §§ 99.1 – 99.67.

(2) The partnered school and OKDHS recognize the other has and will acquire client or student information which is protected from improper disclosure. Neither the partnered school nor OKDHS, whether directly or indirectly, divulges, discloses, or otherwise communicates such information to third parties without the prior written consent of the other.

(3) Through the contractual relationship with the partnered school, the SB specialist is able to communicate information to the school to better understand and help a specific student and family. The SB specialist is permitted to share information with the partnered school that supports the educational needs of students.

**INSTRUCTIONS TO STAFF 340:75-4-51**

**Issued 9-15-23**

**1. School-based (SB) specialist responsibilities. The SB specialist:**

**(1) provides services to the student and the student's family to resolve social, emotional, and financial difficulties by:**

**(A) identifying Oklahoma Human Services (OKDHS) programs for which the family may be eligible;**

**(B) referring the family to community agencies that provide the needed service; or**

**(C) assisting the family in locating resources to meet the required need;**

**(2) identifies in-person or follow-ups on referrals from school staff regarding issues which interfere with the student's adjustment, achievement, or attendance in school by:**

**(A) making visits to the student's home when needed; and**

**(B) ensuring all allegations of abuse or neglect are immediately referred to OKDHS Abuse and Neglect Hotline. The SB specialist may provide additional documentation from the partnered school pertinent to any ongoing investigation;**

**(3) assists child welfare (CW) staff with school communications and in identifying the needs of students and their families served by Child Welfare**

Services. When a child in OKDHS care enrolls at a partnered school, the SB specialist contacts the kinship or foster family offering to provide services as needed;

(4) provides enrollment information to an OKDHS Adult and Family Service (AFS) specialist upon request to assist the student's family in receiving programs, such as Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), and child care; and

(5) assists in developing community resources and specialized programs to meet the needs of students and their families within the school system, such as:

(A) tutoring services;

(B) truancy prevention;

(C) behavior health services for children;

(D) after school programs;

(E) bullying awareness programs; and

(F) crisis intervention.

## 2. Partner school assignment.

(1) The SB specialist is responsible for familiarizing his- or herself with the assigned school's employee policy or handbook, as well as understanding OKDHS rights and privileges.

(2) The SB specialist:

(A) works a 40-hour week, eight hours a day with at least a 30-minute lunch break and may take:

(i) one 15-minute break in the morning; and

(ii) one 15 minute break in the afternoon;

(B) updates timesheet daily;

(C) does not get the summer off, but is encouraged to use vacation or personal time when school is out; and

(D) is present at the school as much as possible when school is in session.

(3) The school assigns a school official to act as a liaison between the school and the SB specialist's supervisor for periodic program review and input into the SB specialist's performance appraisal.

(4) When the SB specialist is going to be on leave or in training:

(A) reports to the school principal or designated school official; and

(B) notifies his or her SB supervisor.

(5) Additional duties for SB staff include:

(A) checking on at-risk families during the summer and school breaks;

(B) assisting with summer food programs, back-to-school programs, enrollment, and summer school needs, such as taking attendance and checking on no-shows;

(C) organizing events and drives for shoes, clothing, food, and school supplies; and

(D) attending trainings, conferences, and school in-service training.

(6) The SB specialist:

(A) documents contacts and activities in the Client Contact Manager School-based Management System (CCM-SAMS) database; and

(B) may use OKDHS statewide automated child welfare information system (KIDS) to view information, but does not document in KIDS.

**3. Sharing information with partnering school.**

(1) Information is shared with the partnering school on a "need to know basis" when the information is to help the student's educational needs.

(2) When sharing student information with the partnering school, SB staff uses sound judgment on how this information may support the student's educational needs.

(3) SB staff may participate in team conferences with teachers, counselors, school administrators, or child advocates about the student and his or her family's needs.

(4) Consultation is available when a question arises about information disclosure. When a concern or question comes up regarding information access or release, the SB specialist consults the SB supervisor.

(5) SB staff may share a child's general diagnosis or information as defined by an evaluation conducted per Section 504 of the Rehabilitation Act of 1973. For example, if a child has a history of problematic sexual behavior, the SB specialist may respond to a question about a student's behavior without disclosing details by saying "there is a history of this behavior."

(6) The SB specialist uses caution when communicating with clients through email, and complies with Health Insurance Portability and Accountability Act of 1996 (HIPAA) requirements.

**4. Transporting students and families. When the person responsible for the child's (PRFC) health, safety, and welfare cannot accompany the child, the SB specialist may transport the child not in OKDHS custody if the:**

(A) PRFC is with the SB specialist; or

(B) SB specialist has the PRFC's written permission to transport his or her child.

## **SUBCHAPTER 6. PERMANENCY PLANNING**

### **PART 5. PERMANENCY PLANNING SERVICES**

**340:75-6-31. Permanency planning (PP) for the child in Oklahoma Department of Human Services (DHS) (OKDHS) custody ■ 1 & 8 through 12**

Revised 9-15-179-15-23

(a) **Legislative intent.** Per Section 1-1-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-102), whenever it is necessary for a child to be placed outside of the home per the Oklahoma Children's Code, it is the intent of the Legislature that:

(1) each child be assured of the care, guidance, and supervision in a permanent home or foster home that serves the best interests of the child including, but not limited to, the development of the moral, emotional, spiritual, mental, social, educational, and physical well-being of the child; and

(2) permanent placement is achieved as soon as possible for the child.

(b) **Permanency planning and placement preferences.** The purpose of permanency planning is to develop an appropriate plan addressing the child's immediate and long-

term needs for safety, permanency, and well-being. Permanency planning begins immediately when a child is placed in ~~DHS~~ OKDHS custody and continues until the child is living in a permanent home and the child welfare (CW) case is closed.

(c) **Efforts to place the child with a suitable relative.** Per 10A O.S. § 1-4-706, every effort is made to place the child with a suitable relative of the child.

(d) **Consideration given to child's initial out-of-home placement.** Careful planning and consideration is given to the child's initial placement so that in the event reunification fails or is delayed, the first placement made is the best available placement to provide permanency for the child per 10A O.S. § 1-4-706.

(e) **Concurrent permanency planning.** Per 10A O.S. § 1-4-706, when a child is removed from the custody of the child's parent, ~~DHS~~ OKDHS immediately assesses the need for permanency planning with the intention that permanency occurs for the child at the earliest opportunity. ■ 2 & 6

(f) **Permanency hearing.** Permanency hearings are held as required per 10A O.S. § 1-4-811, and per Oklahoma Administrative Code (OAC) 340:75-1-18.1.

(g) **Permanency plan preferences.** ■ 4 The permanency plan preferences in order are:

- (1) reunite the child with the child's parent or legal guardian;
- (2) terminate parental rights and place the child for adoption;
- (3) establish guardianship; or
- (4) a planned alternative permanent placement, provided a child is 16 years of age or older.

(h) **Reunification.** ■ 4 & 7 In most situations, the initial permanency plan is to reunite the child with the family. Per 10A O.S. § 1-7-103, the child may be returned to the home of the parent or legal guardian from whom the child was removed with prior court approval. When the permanency plan is reunification, services are implemented until:

- (1) the child is returned home, the family home has stabilized, and the court case is dismissed; or
- (2) it is determined the conditions that necessitated intervention have not been corrected, although sufficient time and services have been provided.

(i) **Exceptions to reunification as the preferred permanency plan.** Exceptions to reunification as the preferred permanency plan include:

- (1) voluntary relinquishment of parental rights by all parents, biological, legal, presumed, and alleged;
- (2) a Petition for Termination of parental rights is filed; or
- (3) the court finds reasonable efforts to reunite the child and family are not required as outlined in 10A O.S. § 1-4-809 and OAC 340:75-1-18.4.

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

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

- (1) sole custodial responsibilities for the child; or
  - (2) custody of the child under DHS OKDHS protective supervision. ■ 3
- (l) **Final permanency order.** Per 10A O.S. § 1-4-707, when the court orders the noncustodial parent to assume sole custodial responsibilities for the child, the court may also:
- (1) order reasonable visitation and the payment of child support by the child's other parent; and
  - (2) terminate its jurisdiction in the deprived action by entering a final permanency order determining custody, visitation, and child support. The final permanency order:
    - (A) remains in full force and effect and controls custody or child support orders entered in an administrative or district court initiated prior to, or during the pendency of the deprived action until it is modified by a subsequent court order; and
    - (B) may be docketed and filed in the prior, existing, or pending administrative or district court action; or
    - (C) when there is no administrative or district court action in existence, the surviving order may be used as the sole basis for opening a new administrative or district court action.
- (m) **Adoption.** When a child cannot return safely to his or her own home, in most cases adoption is the preferred permanency plan. ■ 4
- (n) **Legal guardianship.** A guardianship may be the permanency plan for a child, when reunification and adoption have been ruled out.
- (1) ~~A guardianship is not preferred over adoption because this option does not provide the same level of family permanency.~~ The court may establish a permanent guardianship between a child and a relative or other adult per 10A O.S. § 1-4-709, when the guardianship is in the child's best interest.
  - (2) Subject to the availability of funds, financial assistance is available to the legal guardian, provided the eligibility requirements per OAC 340:75-6-31.4 are met.
- (o) **Planned alternative permanent placement.** Per 10A O.S. § 1-4-811, a permanency plan of planned alternative permanent placement is limited to a child 16 years of age or older when DHS OKDHS documents a compelling reason for the court to determine that returning home, or placement of the child for adoption or guardianship, is not in the child's best interests.
- (p) **Successful adulthood plan.** Every child 14 years of age or older has a transition plan to successful adulthood, per OAC 340:75-6-110.
- (q) **Notice of rights.** Every child 14 years of age or older is provided a notice of rights per OAC 340:75-6-110.
- (r) **Emancipation.** The federal definition of emancipation is the age at which the child reaches majority. In Oklahoma, 18 years of age is the age of emancipation. ■ 5

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

### **Revised ~~9-15-209-15-23~~**

1. **Sources and tools used to determine the permanency plan.** The child welfare (CW) specialist informs the parent of each permanency plan alternative and works with the parent to choose the plan that is in the child's best interests.

Sources that assist the CW specialist and CW supervisor determine the best permanency plan for the child include, but are not limited to:

- (1) Form 04KI012E, Individualized Service Plan (ISP), or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, containing current documentation of the parent's progress, correspondence, family meetings (FM), consultations, or conferences with service and placement providers and professionals who interact with the child and parent;
  - (2) KIDS Contacts and Visits screens, containing pertinent information gained from visits and CW specialist contacts with the child, parent, placement provider, and service providers;
  - (3) statements by the parent that indicate the parent's perceptions of:
    - (A) the child;
    - (B) parenting the child;
    - (C) the abuse ~~and/or~~ or neglect issues that require correction; and
    - (D) the parent's protective capacities and corrected behaviors and conditions;
  - (4) statements by the:
    - (A) child obtained from the CW specialist's monthly visitation with the child; and
    - (B) placement provider and service providers regarding the parent and child's desire to reunite;
  - (5) consultation with the CW supervisor;
  - (6) recommendations by the post-adjudication review board (PARB);
  - (7) conclusions or recommendations from a multidisciplinary staffing or FM as outlined in Oklahoma Administrative Code (OAC) 340:75-6-31.1;
  - (8) consultation with Permanency Planning (PP) or Adoption Services program staff;
  - (9) consultation and coordination with tribal officials, for a child subject to the Indian Child Welfare Act, to explore the tribe's interest and ability to provide for the child's permanent placement;
  - (10) Form 04KI030E, Assessment of Child Safety, reflecting if the level of safety threats increased or decreased compared to the safety threats identified at the time of the investigation that resulted in the child's removal; and
  - (11) Form 04KI030E, Assessment of Child Safety, updated as needed including, but not limited to, when:
    - (A) there is a substantial change in the family structure; or
    - (B) safety threats continue to affect the child.
2. **Concurrent PP.** Concurrent PP provides for reunification services while simultaneously developing a concurrent plan, when reunification efforts fail or are no longer feasible. Concurrent planning is required for cases with current or historical familial circumstances that indicate a poor prognosis for reunification, per OAC 340:75-4-12.1 Instructions to Staff (ITS).
- (1) When concurrent PP is appropriate, the CW specialist:
    - (A) meets with all possible family members and the child, as appropriate, within 30-calendar days of determination that concurrent planning is

- appropriate, to discuss concurrent planning and obtain the family's input on the most appropriate plan for the child and begins to initiate activities to select the most appropriate concurrent plan;
- (B) selects either adoption or guardianship as a concurrent plan, consistent with the child's best interests;
- (C) develops activities and establishes time frames in order to progress toward achievement of the concurrent plan. Examples of concurrent planning activities include, but are not limited to:
- (i) an immediate and ongoing diligent search and family-finding efforts for absent parents and relatives;
  - (ii) early identification of relatives or kin who are willing to be a permanent placement when reunification fails;
  - (iii) ongoing efforts to place siblings together; and
  - (iv) addressing all identified barriers to achieving the concurrent plan; and
- (D) documents concurrent planning activities and files them in the case within 60-calendar days of determination that concurrent planning is appropriate.
- (2) When concurrent PP is not initially appropriate, the CW specialist and CW supervisor review the poor prognosis indicators a minimum of every 90-calendar days or whenever family circumstances may dictate the need to initiate a concurrent plan.
- (3) When a concurrent case plan goal is in place, monthly efforts toward both goals must be completed, discussed with the family during the monthly specialist contact, and is documented.
- 3. Assessment of the custodial or non-custodial parent.**
- (1) In non-Interstate Compact on the Placement of Children assessment of a custodial or non-custodial parent, a home study is not required as would be required when evaluating a placement resource. The CW specialist:
- (A) assesses the parent's appropriateness and ability to meet the child's needs by utilizing Form 04KI030E;
  - (B) conducts a Child Abuse and Neglect Information System (KIDS) check; and
  - (C) conducts a home visit.
- (2) When the court orders a home study of the custodial or non-custodial parent who is a party to the deprived case, the CW specialist completes the study as ordered by the court.
- 4. Selecting the appropriate permanency plan.** The permanency plan that is consistent with the child's legal status and meets the child's best interests and long-term safety, permanency, and well-being needs is selected on Form 04KI012E and Form 04KI014E, as applicable. The CW specialist verifies that the appropriate permanency plan is documented in KIDS in the Case Plan/PermPlan tab. The CW specialist reassesses the appropriateness of the permanency plan each month during the monthly specialist contact and each time Form 04KI014E is updated. The CW supervisor affords careful consideration before approving a new case plan goal, a case plan goal change, or a concurrent case plan goal.

The child's best interests are cautiously weighed before approval is granted. The permanency plan options are listed in paragraphs (1) through (5) of this ITS.

(1) Maintain in own home. When the child was not removed from the parent and is in the parent's legal or physical custody, "maintain in own home" is selected as the permanency plan when all of the criteria in (A) through (C) of this paragraph are met. The:

(A) safety threats of abuse or neglect are managed with a safety plan in place;

(B) family is cooperating with Child Welfare Services to demonstrate child safety and parental protective capacity; and

(C) child's own home is determined to be an appropriate, safe, and permanent living arrangement for the child.

(2) Return to own home. When the child was removed from the home for protection from abuse or neglect, "return to own home" is selected as the permanency plan unless any of the circumstances in (A) through (C) of this paragraph apply.

(A) All parents, whether biological, legal, presumed, or alleged, voluntarily relinquish parental rights.

(B) A petition for termination of parental rights is recommended.

(C) The court finds reasonable efforts to reunite the child and family are not required.

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

(A) reunification no longer appears feasible;

(B) the adoption consultation process was is initiated to discuss the child's PP options, regardless of whether termination of parental rights was is recommended;

(C) it is determined ~~that~~ an adoptive family is the appropriate, safe, and permanent living arrangement for the child; and

(D) one of the conditions in (i) through (v) of this subparagraph occurred or will occur in the near future.

(i) A request is made to the court to end visitation.

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

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

(iv) The parent relinquished parental rights.

(v) Parental rights are terminated.

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



- (A) adoption is not in the child's best interests and guardianship in the home of a relative, kin, or other person is determined as the appropriate, safe, and permanent living arrangement for the child; and
- (B) the relative, kin, or another person is willing and able to protect the child, assume responsibility for the child's care and upbringing, and accept legal guardianship of the child. Permanent placement is usually preceded by temporary placement with the relative, kin, or another person who meets all approved placement provider requirements.
- (5) Planned alternative permanent placement (PAPP).
- (A) PAPP is selected as the permanency plan only when the youth is 16 years of age and older and the criteria in (i) through (iv) of this subparagraph are met.
- (i) All other permanency plans were are explored and were are not feasible or in the youth's best interests.
- (I) Reunification is the plan unless all parental rights are terminated, a petition is filed for termination of parental rights, or the court finds reasonable efforts to reunite are not required.
- (II) When reunification is not feasible, adoption or guardianship is the next plan considered.
- (ii) The youth chooses not to be adopted after adoption was thoroughly explored, explained, barriers were identified and resolved, and the opportunities for an adoption were demonstrated. The CW specialist listens to the youth, but does not allow decisions that are contrary to the youth's long-term best interests. In most cases, aging out of the CW system is the least desirable outcome. Documenting that a youth does not want to be adopted is not sufficient exploration of adoption as the goal.
- (iii) The CW specialist conducted and documented an intentional interview with the youth and identified and documented a sufficient support system with permanent connections in the Family/Kinship Connections screen, keeping in mind the youth's future needs. The best practice is to identify a minimum of six to 10 connections that the youth ~~can~~ may depend on after exiting the CW system.
- (I) When there are fewer than six identified permanent connections for the youth, the PAPP goal is carefully considered as it may not be the most appropriate permanency plan and efforts must be made to identify more permanent connections for the youth's time in care.
- (II) The CW specialist interviews each person identified as a permanent connection and explores the possibility of adoption and guardianship with them before proceeding with a PAPP permanency plan.
- (III) Each person identified as a permanent connection is asked to participate in the FM. The PP specialist discusses with each adult connection his or her plan to support the youth before and after aging out of care; and

(iv) An FM is held to discuss a PAPP's pros and cons as a permanency plan goal with the youth and the youth's team.

(I) The youth, all permanent connections, the CW specialist, and CW supervisor are required to attend the FM. Other people are invited to attend when they can provide information, assistance, or support.

(II) During each FM, reunification, adoption, guardianship, and reinstatement of parental rights are fully explored.

(III) During an FM, intentional conversation occurs with the youth on the pros and cons of having the PAPP case plan goal, what he or she believes is in his or her best interests, and why.

(IV) The FM report contains a detailed description of how and why all other permanency options were ruled out ~~and/or~~ and what ongoing steps the CW specialist will ~~be taken~~ take to achieve permanency for the youth.

(V) All permanent connections attending the FM sign Form 04PP022E, Permanency Pact, indicating how they will support the youth.

(B) The CW supervisor ~~can~~ may approve PAPP as the permanency plan in KIDS after all expectations listed in paragraph subparagraph (A) are verified and met.

(C) The CW specialist facilitates and documents a conversation with the youth to identify possible permanent connections, including a supportive adult who is:

(i) willing to commit to a life-long relationship with the youth;

(ii) a positive role model; and

(iii) able to provide specific support to the youth.

(D) When the youth resides with a supportive adult, the CW specialist:

(i) completes Form 04PP022E, between the youth and the adult permanent connection; and

(ii) provides the original Form 04PP022E to the youth, and includes a copy in the adult permanent connection, paper case record, and youth's Life Book.

5. Emancipation. Emancipation occurs when the child reaches the age of majority. In Oklahoma, certain rights of majority may be ~~given~~ granted by a court to a child in certain circumstances, but this is not the purpose of emancipation as a permanency plan.

6. Indicators to proceed with a concurrent or different permanency plan. Concurrent PP, per OAC 340:75-1-18, provides for reunification services while simultaneously developing an alternative plan in the event reunification efforts fail or are delayed. A different permanency plan is established when "maintain in own home" or "return to own home" is no longer in the child's best interests. The conditions in (1) through (8) of this ITS may indicate a need to pursue a concurrent or an alternate permanency plan for the child.

- (1) ISP completion is irregular or sporadic and the parent has not addressed the safety threats in the home that may indicate a lack of interest in or commitment to reunification.
  - (2) The parent:
    - (A) lacks a close and positive relationship with the child; or
    - (B) visits the child inconsistently, such as frequently misses scheduled visits with the child or arrives late for visits with the child and leaves early.
  - (3) Maltreatment during unsupervised visitations is reported. Examples of maltreatment include, but are not limited to, referrals regarding the reoccurrence of abuse or failure of the parent to comply with any recommended treatment for the child.
  - (4) The child was returned to the home and removed again due to safety threats.
  - (5) The parent receives negative reports from service providers or other entities, such as FM members, PARB members, or the court-appointed special advocate (CASA).
  - (6) Reunification was the permanency plan for an extended period of time.
  - (7) The finding from the permanency hearing indicates a poor prognosis.
  - (8) A judicial finding was made that reasonable efforts to reunite are not required.
7. Reunification services. Court approval is required prior to the child's return to the home of the parent or legal guardian from whom the child was removed. In preparation for reunification and to provide the court information for consideration of a request for reunification, the activities in (1) through (9) of this ITS occur.
- (1) Visitation is increased in frequency and duration with reduced supervision, per OAC 340:75-6-30.
  - (2) The age-appropriate child is made aware that the parent progressed to the point that with the court's approval reunification may occur.
  - (3) Issues involving the child's apprehensions, indecisiveness, or reluctance to return home are managed through family consultation, FMs, counseling, or all three.
  - (4) Support services ~~utilized~~ used include, but are not limited to:
    - (A) temporary child care;
    - (B) community service providers;
    - (C) in-home services; and
    - (D) continued Temporary Assistance for Needy Families (TANF) eligibility, when applicable, per OAC 340:75-6-31.2.
  - (5) The CW specialist informs the placement provider of the possibility of the child's reunification, provides information to the placement provider regarding the child, and includes the placement provider in PP.
  - (6) The CW specialist obtains information from service providers regarding the degree of safety in the family home including the parent's protective capacities, behaviors, and progress in correcting the safety threats.
  - (7) The case is staffed with the CW supervisor.
  - (8) An FM for reunification is held, per OAC 340:75-6-31.1.

- (9) An assessment of child safety (AOCS) is required before recommending reunification to the court, per OAC 340:75-6-40.3.
8. **Criteria for reunification.** Indications for reunification are listed in (1) through (10) of this ~~Instruction~~ ITS.
- (1) The safety threats that necessitated the intervention are minimized.
  - (2) The parent's protective capacities increased.
  - (3) A plan is in place to address the child's safety and is documented on Form 04KI030E.
  - (4) The parent complied with the ISP.
  - (5) The parent demonstrated a change in the behaviors or circumstances that necessitated the removal, in such a manner that the conditions the court determines essential and fundamental to the child's health, safety, and welfare are met.
  - (6) Visitation is successful and increased in length and frequency, per OAC 340:75-6-30.
  - (7) The child resolved issues related to separation from the parent through counseling or other effective means.
  - (8) The child is prepared for the reunion and received support in managing his or her feelings about returning home and separating from the current placement provider.
  - (9) All adults living in the home who are not biological parents underwent a national fingerprint-based criminal history records search.
  - (10) The court gives prior approval of the child's return to the parent's or guardian's home, per Section 1-7-103 of Title 10A of the Oklahoma Statutes.
9. **Guide for determining reunification feasibility.** The questions in this ~~Instruction~~ ITS are used as a guide in assessing the potential for successful reunification or in identifying poor prognosis.
- (1) Has the parent demonstrated behavioral change related to the identified safety threats?
  - (2) Does the parent have the ability and willingness to provide a safe home for the child?
  - (3) When the abuse or neglect that precipitated intervention was severe, brutal, or cruel:
    - (A) has the parent made sufficient progress in completing the plan established to address the safety threats;
    - (B) is the parent responsible for the abuse or neglect no longer present in the home; or
    - (C) does the parent who was not the perpetrator have the protective capacities to keep the child safe?
  - (4) When the child has special needs, does the parent have the ability and willingness to meet the child's special needs and access community resources, when necessary?
  - (5) Are the child's feelings about the child's family and placement discussed during regular visits between the child and the CW specialist?
  - (6) Has the child resolved personal issues regarding the abuse or neglect and separation?

- (7) Has the parent responsible for the abuse or neglect assumed responsibility?
  - (8) Is the child aware of each parent's ISP progress?
  - (9) Are there relatives, neighbors, child care providers, and community services who are active participants in the safety plan and who are willing to report safety threats?
  - (10) Does each parent keep medical appointments and have an interest in the child's school functioning?
  - (11) Has parent-child visitation increased in length and frequency for the child and the CW specialist to observe behavioral changes in the parent?
  - (12) Is there healthy, age-appropriate communication between the parent and the child?
- 10. Protocol utilized used when a child wants to return home but safety threats are present. In some cases, the child expresses a strong desire to return home when the parent has not sufficiently reduced the safety threats to the child and increased protective capacities to allow the ~~child to be safely returned~~ child's safe return to the home. In these circumstances, the CW specialist:**
- (1) informs the parent of the child's desire to return home;
  - (2) explains to the parent the consequences of failure to:
    - (A) eliminate the safety threats;
    - (B) comply with the ISP; and
    - (C) meet the child's need for a permanent home;
  - (3) examines the ISP to determine if revisions are necessary and encourages the parent's input. When ISP changes are required, refer to OAC 340:75-6-40.4;
  - (4) assesses if the services are available, realistic, and necessary to address the safety threats and increase the parent's protective capacities; and
  - (5) arranges a consultation through an FM with the parent; child, when appropriate; CW specialist; and key service providers to eliminate confusion or uncertainty for the parent.
- 11. Protocol utilized used when a child is reluctant to return home.**
- (1) When the parent has corrected the conditions leading to the CW intervention but the child is reluctant to return home, the parent is informed of the child's preference and is involved in the resolution through:
    - (A) family counseling;
    - (B) consultation with the CW specialist; or
    - (C) a gradual reunification process.
  - (2) The CW specialist facilitates an FM to discuss a resolution. The FM requires involvement of the placement provider, child's counselor, or other service provider to explore the possibility of:
    - (A) abuse or neglect that was not disclosed or discovered;
    - (B) family violence, substance use or abuse, or conflicts that were not resolved;
    - (C) fears about the parent's treatment of the child;
    - (D) belief that the parent, stepparent, or other adults and children in the home feel negatively toward the child;

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

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

(G) preferential treatment of other children by the parent or persons involved with the parent.

**12. Reunification – Oklahoma Human Services (OKDHS) supervision. When the court returns custody to the parent under OKDHS supervision, the CW specialist end dates the current KIDS placement episode with the exit reason of "Reunification." The removal episode automatically end dates.**

**340:75-6-31.4. Legal guardianship ■ 3, 7, & 10**

Revised ~~9-15-22~~9-15-23

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

(1) 10A O.S. § 1-4-709 conditions are, the:

(A) child was adjudicated a deprived child;

(B) parent:

(i) consented to the permanent guardianship;

(ii) had his or her parental rights terminated;

(iii) failed to substantially correct the conditions that led to the child's adjudication;

(iv) was adjudicated as incompetent or incapacitated by a court;

(v) abandoned the child;

(vi) ~~failed to be~~ was not identified or ~~was not~~ located despite reasonably diligent efforts to ascertain the parent's whereabouts; or

(vii) died;

(C) child consents to the permanent guardianship when the court finds the child of sufficient intelligence, understanding, and experience to provide consent;

(D) termination of the parent's parental rights is not legally possible, not in the child's best interests, or adoption is not the child's permanency plan;

(E) child and proposed permanent guardian do not require protective supervision or preventive services to ensure the permanent guardianship's stability;

(F) proposed permanent guardian is committed to providing for the child until he or she reaches the age of majority, and to preparing the child for adulthood and independence;

(G) proposed permanent guardian agrees not to return the child to the care of the person from whom he or she was removed nor allow visitation without the court's approval; and

(H) child resides or was placed with the proposed permanent guardian for at least the six preceding months or the proposed permanent guardian is a relative with whom the child has a relationship.

(2) When the child is in Oklahoma Human Services (OKDHS) custody, a study of the proposed permanent guardian's home is completed and a report is provided to the court regarding the proposed permanent guardian's suitability, if permanent guardianship is in the child's best interests, and other information as the court requests. The child welfare (CW) specialist:

(A) when the proposed permanent guardian is:

(i) a resource parent, updates Form 04AF003E, Resource Family Assessment - Family Profile; or

(ii) not an OKDHS resource parent:

(I) completes Form 04PP008E, Title 10A Permanent Guardianship Home Study; and

(II) conducts a national criminal history records search in addition to the other background search requirements for each proposed permanent guardian and each adult household member; and

(B) provides the report to the court as directed by the court, or no later than 14-calendar days prior to the permanent guardianship hearing.

(3) A permanent guardianship is not permitted when the proposed guardian:

(A) would be denied placement as a prospective foster or adoptive parent, per 10A O.S. § 1-4-705(C);

(B) is subject to the Oklahoma Sex Offenders Registration Act living with an individual a person subject to the Oklahoma Sex Offenders Registration Act; or

(C) is the child's parent and his or her parental rights are terminated.

(4) A permanent guardian is vested with the rights and responsibilities set forth in ~~Title 30 of the Oklahoma Statutes~~ 30 O.S. §§ 1-101 et seq. relating to the powers and duties of a guardian of a minor, except for rights and responsibilities ~~retained by~~ the child's parent retains, as set forth in the permanent guardianship decree.

(5) OKDHS ~~cannot~~ may not recommend a parent whose parental rights are terminated to seek guardianship of a child in OKDHS custody.

(b) **Filing the 10A permanent guardianship motion.** The district attorney or child's attorney is responsible for filing a motion for permanent guardianship with the juvenile court in the deprived case. The proposed guardian signs the information verification contained in the permanent guardianship motion, per 10A O.S. § 1-4-710.

(c) **Filing the Title 30 guardianship proceeding.** When a Title 30 guardianship is filed for the child to achieve the permanency plan of guardianship, the proposed guardian has the responsibility to obtain an attorney for this purpose. Per 10A O.S. § 1-4-101, the written consent of the judge presiding over the deprived case must be obtained and filed in the Title 30 guardianship case, prior to the guardian being appointed for the child. Limited monetary reimbursement for attorney fees and costs is available when the attorney represents a proposed relative guardian in a Title 30 guardianship proceeding.

(d) **Types of guardianship assistance funding available.** Guardianship assistance for a Title 10A or Title 30 guardianship may be funded through the:

(1) Temporary Assistance for Needy Families (TANF) Supported Permanency Program;

(2) Title IV-E Subsidized Guardianship Program; or

(3) state.

(e) **Requirements for guardianship without benefits.** A guardianship may be established without accessing a benefit funding source when the:

- (1) guardianship is in the child's best interests; and
- (2) conditions listed in 10A O.S. § 1-4-709 are substantially satisfied for a Title 10A guardianship, or a return home or adoption is not an appropriate permanency option for the child when a Title 30 guardianship was court-authorized.

(f) **Requirements for guardianship with TANF Supported Permanency Program benefits.** ■ 4

(1) A guardianship may be established with TANF Supported Permanency Program benefits subject to the availability of funds and OKDHS approval when the:

- (A) guardianship is in the child's best interests;
- (B) conditions listed in 10A O.S. § 1-4-709 are substantially satisfied for a Title 10A guardianship, or a return home or adoption is not an appropriate permanency option for the child when a Title 30 guardianship was court-authorized;
- (C) child in OKDHS custody is placed in a paid kinship foster home with a relative who resides in Oklahoma and the relative meets the specified degree of relationship as defined by the TANF program, per Oklahoma Administrative Code (OAC) 340:10-9-1(a);
- (D) child is 12 years of age and older or has a sibling 12 years of age and older who resides in the same relative foster home. The deputy director for programs may, for good cause, approve Supported Permanency for a child younger than 12 years of age;
- (E) court makes a finding that termination of the parent's rights is either not legally possible or not in the child's best interests, or adoption is not the child's permanency plan;
- (F) relative meets requirements for approval as a OKDHS foster home;
- (G) child is currently residing with the relative in Oklahoma and has for four of the previous six months;
- (H) relative is willing to assume legal responsibility for the child; and
- (I) court and, when appropriate, the child are in agreement with the plan for the relative to obtain legal responsibility for the child.

(2) TANF Supported Permanency Program assistance includes:

- (A) a monthly payment standard for the child, per OKDHS Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XVII; ■ 1
- (B) a Medicaid card for the child's medical care; ■ 2 and
- (C) an assigned Adult and Family Services worker who provides referrals for services, when needed.

(g) **Requirements for Title IV-E Subsidized Guardianship benefits.** ■ 5

(1) A guardianship may be eligible for Title IV-E guardianship assistance when:

- (A) the guardianship is in the child's best interests;
- (B) all conditions listed in 10A O.S. § 1-4-709 are substantially satisfied for a Title 10A guardianship, or a return home or adoption is not an appropriate permanency option for the child when a Title 30 guardianship was court-authorized;
- (C) the child meets eligibility for Title IV-E kinship guardianship assistance payments, per Section 473(d)(3)(A) of Title IV-E of the Social Security Act (42



United States Code (U.S.C.) § 673(d)(3)(A)). The relative may reside in or out-of-state;

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

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

(F) the child is 12 years of age and older or has a sibling 12 years of age and older who resides in the same relative foster home. The deputy director may, for good cause, approve Title IV-E kinship guardianship assistance for a child ~~2 years of age and older by the end of the fiscal year the guardianship was entered into through 11 years of age and the child's sibling when the child has no older, eligible sibling younger than 12 years of age;~~

(G) termination of the parent's rights is either not legally possible or not in the child's best interests or adoption is not the child's permanency plan;

(H) the relative completed requirements to be an OKDHS-approved or tribal foster home;

(I) the child is currently residing with the relative and has for six consecutive months;

(J) the relative is willing to assume legal responsibility for the child and has a strong commitment to permanently care for the child;

(K) the child who is 14 years of age and older ~~was~~ is consulted regarding the kinship guardianship arrangement;

(L) the child demonstrates a strong attachment to the proposed relative guardian; and

(M) prior to transferring legal responsibility, OKDHS and the proposed relative guardian sign Form 04MP049E, Title IV-E Subsidized Guardianship Agreement, outlining the assistance provided to the relative guardian.

(2) The Title IV-E Subsidized Guardianship agreement outlines the assistance provided to the relative that includes:

(A) a limited monetary reimbursement for legal fees and costs incurred in transferring legal responsibility of the child to the relative guardian is paid to an attorney representing the proposed relative guardian when a Title 30, instead of a Title 10A, guardianship is filed;

(B) a monthly payment standard for the child, per OKDHS Appendix C-20, Child Welfare Services Rates Schedule; ■ 1

(C) the manner in which the payment may be adjusted periodically, in consultation with the relative guardian, based on the relative guardian's circumstances and the child's needs;

(D) a Medicaid card for the child; ■ 2

(E) a right to a fair hearing, per OAC 340:75-1-12.6;

(F) the additional services and assistance for which the child and relative guardian are eligible under the agreement;

- (G) the procedure by which the relative guardian applies for additional services; and
  - (H) assurance the agreement remains in effect if the relative guardian moves to another state.
- (3) The child's case plan describes:
- (A) how the child meets the eligibility requirements;
  - (B) the steps OKDHS took to determine that a return to the home or adoption is not appropriate, and termination of the parent's rights is either not legally possible or not in the child's best interests;
  - (C) the efforts OKDHS made to discuss adoption with the child's relative foster parent and the reasons why adoption by the relative foster parent is not an option;
  - (D) the reason a permanent placement with a proposed relative guardian and receipt of a guardianship assistance payment is in the child's best interests;
  - (E) OKDHS efforts to discuss with the child's parent the kinship guardianship assistance arrangements or why efforts were not made; and
  - (F) when the child's placement with the proposed relative guardian does not include siblings, the reasons the child is separated from siblings during placement.
- (h) **Successor guardian and eligibility for Title IV-E guardianship assistance.** In the event of the relative guardian's death or incapacity, the child's eligibility for a kinship guardianship assistance payment under this subsection is not affected by reason of the replacement of the relative guardian with a successor legal guardian named in the Title IV-E kinship guardianship assistance agreement, per 42 U.S.C. § 673(d)(3)(C).
- (i) **Requirements for a guardianship with state-funded benefits. ■ 6**
- (1) A guardianship may be established with state-funded assistance, when:
    - (A) the guardianship is in the child's best interests;
    - (B) all conditions listed in 10A O.S. § 1-4-709 are substantially satisfied for a Title 10A guardianship, or a return home or adoption is not an appropriate permanency option for the child when a Title 30 guardianship was court-authorized;
    - (C) the child is not eligible for TANF Supported Permanency Program or Title IV-E Subsidized Guardianship; and
    - (D) the deputy director for programs, for good cause, approves state-funded payments to the guardian for the child's benefit.
  - (2) The state-funded benefit is a monthly payment standard for the child, per OKDHS Appendix C-20, Child Welfare Services Rates Schedule.
- (j) **Court-ordered provisions within permanent guardianship providing for child's safety and well-being.** Per 10A O.S. § 1-4-710, the court, upon finding grounds exist for a permanent guardianship, may order visitation with the child's parent, siblings, or other relatives when contact is in the child's best interests, and any other provision necessary to provide for his or her continuing safety and well-being.
- (k) **Child support ordered with permanent guardianship.** Per 10A O.S. § 1-4-710, the court orders the parent to contribute to the child's support pursuant to child support guidelines, per 43 O.S. §§ 118 and 119.
- (l) **Permanent guardianship placement not supervised by OKDHS.** Per 10A O.S. § 1-4-710, the order appointing a permanent guardian does not require OKDHS placement supervision.

(m) **Permanent guardianship placement review period.** Per 10A O.S. § 1-4-710, the permanent guardianship order:

- (1) requires the placement be reviewed within one year after transfer;
- (2) requires the permanent guardian to submit records or reports the court deems necessary for the one year review;
- (3) divests OKDHS of legal custody and supervision of the child with no further responsibility for the child's custody or supervision; and
- (4) does not require periodic court reviews after the one year review when the parties and court agree the reviews are not necessary to serve the child's best interests, unless periodic reviews are otherwise required by the court.

(n) **Child returned to OKDHS custody when permanent guardianship terminated.** When a permanent guardianship, established per the Oklahoma Children's Code, is terminated due to the guardian's abuse or neglect of the child, death, or inability to care for the child, the court orders the child returned to OKDHS legal custody pending further hearing.

- (1) OKDHS develops a new permanency plan for the child to present to the court within 30-calendar days from the permanent guardianship termination date.
- (2) Unless parental rights were terminated, the child's parent is notified and is entitled to participate in the upcoming permanency planning hearing.
- (3) The court may order that reunification services again be provided to each parent or consider each parent for custody of the child with OKDHS supervision, when the parent can prove conditions previously existing at the time the permanent guardianship was granted were substantially corrected, and reunification is the best alternative for, and in the child's best interests. ■ 8

## **INSTRUCTIONS TO STAFF 340:75-6-31.4**

**Revised ~~9-15-22~~9-15-23**

**1. Monthly payment standard.** The monthly payment standard for guardianship payments is based on the child's age category per Oklahoma Human Services (OKDHS) Appendix C-20, Child Welfare Services Rates Schedule, or Appendix C-1, Maximum Income, Resource, and Payment Standards, Schedule XVII, as applicable.

- (1) When the child enters a different age category, the payment standard is adjusted.
- (2) Difficulty of care rate payments are not included in the Supported Permanency, monthly payment standard.
- (3) Other income, such as Social Security disability, death benefits, and child support reduces the payment standard amount, or when in excess of the payment standard, eliminates the child's eligibility for Supported Permanency, per Oklahoma Administrative Code (OAC) 340:10-3-26.
- (4) A person who is included in a tribal Temporary Assistance for Needy Families (TANF) payment may not be included in another benefit in the same month. When the person meets the criteria of a tribal TANF service area and population, the entire household must be served by tribal TANF. When the household moves out of the tribe's service area, the state TANF benefits are re-certified.**

2. **Medical coverage during guardianship TANF Supported Permanency and state-funded guardianships**. When guardianship is granted, the guardian re-applies for child's SoonerCare Choice while the child remains in a legal guardianship. Transportation for medical appointments is available through the SoonerRide program.
3. **Medical coverage during Title IV-E guardianships**. When the guardianship is granted, an OKDHS custody medical specialist certifies and enrolls the child in ongoing medical benefits. A new medical card is sent to the guardian when enrollment is completed. **Out-of-state Title IV-E funded guardianship medical coverage is through Interstate Compact on Adoption and Medical Assistance (ICAMA)**. **Out-of-state medical coverage is not guaranteed on state-funded guardianships**.
34. **Process to determine guardianship funding type**. OKDHS cannot may not recommend a parent who had his or her parental rights terminated for guardianship of a child in OKDHS custody.
  - (1) When considering supported guardianship, either through Supported Permanency, Title IV-E, or state-funded guardianship assistance, the permanency planning (PP) specialist:
    - (A) facilitates a Family Meeting (FM), per OAC 340:75-6-31.1 and explains the differences between adoption and guardianship to the proposed permanent guardian and child, as appropriate for the child's age, to ensure the child and proposed permanent guardian understand the various forms of permanency available when considering the child's long-term best interests; and
    - (B) during the FM, develops recommendations to present to the district attorney or child's attorney for incorporation into the guardianship order that include:
      - (i) parent-child visitation;
      - (ii) appropriate visitation between siblings who are not placed together; and
      - (iii) child support.
  - (2) Prior to sending Form 04MP050E, Request for Funded Guardianship, to the PP Program Unit, the PP specialist requests the court refer the case to Child Support Services (CSS) to establish current child support order for both parents of the child.
  - (3) When the PP specialist, PP supervisor, and district director determine permanent guardianship is the appropriate permanency plan and assistance is needed, the PP supervisor submits:
    - (A) Form 04MP050E to the regional guardianship lead; and
    - (B) ensures a copy of the completed FM report is in the child's KIDS-File Cabinet document management system (DMS).
  - (4) The PP specialist obtains final approval from the PP Program Unit for state-funded permanent guardianship assistance prior to the court entering the guardianship order.
45. **Protocol for Supported Permanency ~~Temporary Assistance for Needy Families~~ (TANF) subsidized guardianship**. The supported guardianship is approved by

the PP Program Unit before the court enters the guardianship order. The PP specialist:

- (1) obtains the court order and, when appropriate, the child's approval to proceed with permanent guardianship as the permanency plan. The supported guardianship is approved by the PP Program Unit before the court enters the guardianship order;
- (2) emails ~~to the Supported Permanency (TANF) specialist~~ the court order and completed Form 04PP006E, Supported Permanency Referral, to the Supported Permanency TANF specialist within five-calendar days of the relative assuming legal guardianship ~~in order~~ to obtain an authorization letter;
- (3) attaches information regarding each child's identified needs and suggestions for continued services for the family and attaches the:
  - (A) order transferring legal responsibility to the permanent guardian; and
  - (B) the TANF Authorization Approval Letter;
- (4) informs the relative to contact the local OKDHS office to complete the TANF application for Supported Permanency when he or she has not had a personal contact from an Adult and Family Services worker within 10-calendar days of assuming legal guardianship; and
- (5) closes the child welfare (CW) case upon completion of the custody transfer and referral to TANF.

**56. Protocol for Title IV-E subsidized guardianship.**

**(1) The PP specialist:**

- ~~(1)~~**(A)** obtains the court order and, when appropriate, the child's approval to proceed with permanent guardianship as the permanency plan. The subsidized guardianship assistance agreement is approved by the PP Program Unit before the court enters the guardianship order;
- ~~(2)~~**(B)** completes and emails Forms 04MP048E, Request for Title IV-E Subsidized Guardianship Assistance, and 04MP049E, Title IV-E Subsidized Guardianship Agreement, to the placement provider to sign and return. The signed forms are reviewed by the PP Program Unit prior to the permanent guardianship being ordered;
- ~~(3)~~**(C)** notifies the PP Program Unit no later than five-calendar days after the transfer of legal responsibility and includes a copy of the guardianship order; and
- ~~(4)~~**(D)** closes the CW case upon completion of the transfer of legal responsibility and notification from the PP Program Unit.

**(2) Prior to the court entering the guardianship order, difficulty of care (DOC) payments may be paid to guardians with PP Program's approval.**

**67. Protocol for state-funded guardianship.** The programs deputy director reviews each state-funded request for guardianship assistance.

**(1) The PP specialist:**

- ~~(1)~~**(A)** obtains the court order and, when appropriate, the child's approval to proceed with permanent guardianship as the permanency plan. The subsidized guardianship assistance agreement is approved by the PP Program Unit prior to the court entering the guardianship order;

**(2)(B)** completes and email Forms 04PP007E, Request for State-Funded Guardianship Assistance, and 04MP044E, State-Funded Guardianship Assistance Agreement, to the placement provider to sign and return. The signed forms are reviewed by the PP Program Unit prior to permanent guardianship being ordered;

**(3)(C)** obtains final approval from the PP Program Unit for state-funded permanent guardianship assistance prior to the guardianship order being entered by the court;

**(4)(D)** notifies the PP Program Unit no later than five-calendar days after the transfer of legal responsibility and includes a copy of the guardianship order; and

**(5)(E)** closes the CW case upon completion of the transfer of legal responsibility and notification from the PP Program Unit.

**(2) Prior to the court entering the guardianship order, DOC payments may be paid to guardians with PP Program's approval.**

**78.** Fees for attorneys representing a proposed guardian in a Title 30 guardianship. The district attorney or child's attorney files motions for a Title 10A permanent guardianship in the deprived case. Limited monetary reimbursement for attorney fees and costs is available when the attorney represents a proposed relative guardian in a Title 30 guardianship proceeding. When it is necessary for a retained attorney to file a Title 30 guardianship proceeding, attorney fees and court costs for the Title 30 guardianship require special approval from the PP Program Unit and apply to each guardianship proceeding that results in a transfer of legal responsibility, but not to each child. The CW specialist:

(1) requests approval for attorney fees and court costs from the PP Program Unit prior to the guardianship filing;

(2) secures authorization for the retained attorney's services and payment through the Finance system;

(3) obtains detailed documentation of attorney fees and court costs to accompany reimbursement requests. Requests for attorney fees and court costs over \$500 must be approved by the PP Program Unit; and

(4) sends the authorization form to the retained attorney for reimbursement of attorney fees and court costs not to exceed \$2000.

**89.** Termination or modification of a permanent guardianship. A permanent guardianship may be terminated or modified by the court per Title 10A or Title 30 of the Oklahoma Statutes, as applicable, based upon clear and convincing evidence of a substantial change in material circumstances and the child's best interests.

(1) Parental reunification. The court may order reunification when it is in the child's best interests and may consider parental custody with OKDHS supervision when the parent can prove by a preponderance of the evidence that services and conditions that existed when the permanent guardianship was granted were substantially corrected and reunification is the child's best alternative ~~for the child~~.

(2) Return to OKDHS custody. Section 1-4-711 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-711) requires the child be returned to OKDHS legal

custody and OKDHS presents a plan to the court on the child's behalf within 30-calendar days. The court conducts a permanency hearing within 30-calendar days when the permanent guardianship is terminated due to a substantial change in material circumstances that includes, but is not limited to, the:

- (A) permanent guardian is unable to properly care for the child;
- (B) child was abused or neglected while in the permanent guardian's care;
- or
- (C) child's permanent guardian is deceased.

(3) When permanent guardianship termination results in the child's removal from the permanent guardian's home, the court determines if:

- (A) the child's continuation in the guardian's home is contrary to the child's welfare; and
- (B) reasonable efforts were made to prevent the child's removal from the home or an absence of efforts to prevent the child's removal from the home is reasonable, due to an emergency.

(4) The previously assigned PP specialist is no longer responsible for legal custody or supervision of the child, nor is he or she responsible for evaluating new potential guardians.

**910.** Successor guardian and eligibility for Title IV-E Guardianship assistance. Per Section 473(d)(3)(C) of Title IV-E of the Social Security Act (42 United States Code (U.S.C.) § 673(d)(3)(C)) in the event of the kinship guardian's death or incapacity, the child's eligibility for a kinship guardianship assistance payment under this subsection is not affected by the relative guardian's replacement with a successor legal guardian that is named in the kinship guardianship assistance agreement. A successor guardian is named in the kinship guardianship agreement at the initial guardianship's finalization.

(a) A person, or persons, that the kinship foster parent wants named as the successor guardian is approved by OKDHS prior to the guardianship finalization. To approve a successor guardian(s), the proposed successor guardian(s):

- (1) is at least 21 years of age;
- (2) has an established relationship with the child, however is not required to be a relative;
- (3) is willing to assume legal responsibility for the child and has a strong commitment to permanently care for the child;
- (4) resides lawfully in the United States;
- (5) provides consent for an Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) criminal records history search by signing Form 04AD003E, Request for Background Check;
- (6) provides the names, dates of birth, and Social Security numbers of all household members;
- (7) signs Forms 04MP048E and Form 04MP049E; and
- (8) provides a copy of his or her Social Security card and driver license.

(b) The PP staff conducts a background check of proposed successor guardian(s) and household members that includes:

- (1) an OSBI name and criminal records history search, including the Oklahoma Sex Offender Registry;
- (2) an FBI national criminal records history search;
- (3) a search of the Mary Rippe Violent Offender Registry;
- (4) a Restricted Registry search;
- (5) an Oklahoma Department of Public Safety report;
- (6) a search of the Oklahoma State Courts Network (OSCN) and Oklahoma District court records to determine if the proposed successor guardian(s) is part of any court action that may be detrimental to a child's safety and well-being;
- (7) a completed OKDHS records search using the Information Management System and KIDS with the adult's name, Social Security number, and birth date, recording the information on Form 04AF007E, Records Check Documentation Form, and filing in the supported guardianship record;
- (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;
- (9) completing a search on the Juvenile Justice Information System, also known as the Juvenile Online Tracking System, of all children in the home 13 years of age and older; and
- (10) records the results in ~~on Form 04AF007E and files in the supported guardianship record~~ DMS.

(c) The PP field representative monitoring the subsidized guardianships reviews background information and the child's case to determine approval of the proposed successor guardian. ~~Approval is filed in the kinship guardianship record and entered into KIDS Contacts in the kinship guardianship case.~~

(d) When a successor is established and the guardianship was ordered, if the guardianship is dissolved, the post-guardianship program field representative verifies the successor information and transfers the subsidy to the successor.

~~4011. Permanent guardianship for a child in tribal custody. The tribal court may establish a permanent guardianship between a child in tribal custody and a relative or other adult approved by the tribe per 10A O.S. §§ 1-4-709 and 1-4-710 when the permanent guardianship is in the child's best interests and when all of the conditions listed in 10A O.S. § 1-4-709 are substantially satisfied.~~

(a) The Indian Child Welfare (ICW) worker submits Form 04MP050E, Request for Funded Guardianship, to the PP Program Unit for approval.

(b) PP Program Unit determines if the request meets criteria for Title IV-E subsidized guardianship ~~or state-funded guardianship~~. Children in tribal custody are not eligible for a Supported Permanency TANF subsidized guardianship.

12. Guardianship assistance overpayments for Title IV-E and state-funded guardianships. Post-guardianship services follow policy within OAC 340:75-15-128.1 to rectify guardianship overpayment. The guardian is responsible for repayment, even when he or she is not responsible for the overpayment.

13. Guardianship assistance agreement for Title IV-E and state-funded guardianships.



(a) When the child reaches 18 years of age, the child may continue to receive assistance until the day of his or her 19th birthday, when he or she continues to attend high school or pursues general education development (GED).

(b) The guardian requests an extension of the guardianship beyond 18 years of age and the request includes a statement from school personnel documenting the child's high school attendance and anticipated graduation date.

(c) When the guardian fails to submit a request for adoption assistance to go beyond 18 years of age, the post-guardianship program field representative determines the guardian is no longer providing financial support to the child and the subsidy stops.

## SUBCHAPTER 7. FOSTER HOME CARE

### PART 2. DEVELOPMENT OF RESOURCE FAMILIES

#### **340:75-7-19. Joint approval of resource homes**

Revised 9-15-20

(a) **Joint approval of resource home.** ■ 1 The Oklahoma Department of Human Services (~~DHS~~) (OKDHS) resource parent may be jointly-approved to provide foster care services to the child in ~~DHS~~ OKDHS custody while approved by another agency, entity, or tribe. Joint approval occurs after each agency conducts an assessment and determines that 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-home 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 ~~DHS~~ OKDHS custody requires placement; or
- (6) child in ~~DHS~~ OKDHS custody requires specialized services or treatment in a kinship placement.

(b) **Joint approval of a therapeutic foster care (TFC) home.** Joint approval of the TFC home as a resource home occurs after an assessment of the child's case and approval by the TFC program staff and the TFC agency.

(c) **Joint approval of a ~~DHS~~ OKDHS Developmental Disabilities Services (DDS) home.** ■ 1 Joint approval of a DDS home as a Child Welfare Services (CWS) resource home occurs after an assessment of the child's case and approval by the CWS ~~DDS/Education~~ DDS and Education program supervisor and the Resource Unit.

(d) **Joint use of CWS resource home by Office of Juvenile Affairs (OJA).** Joint use of the CWS resource home occurs after an assessment of the child's case and approval by the Resource Unit.

(e) **Joint use of CWS kinship resource home.** ■ 2 Use of the kinship resource home as a traditional resource home requires that the kinship family continue to meet all the requirements of a CWS resource home.

**(f) Joint approval of resource home for Interstate Compact on the Placement of Children (ICPC).** An OKDHS resource parent may be jointly-approved to provide foster care services to a child in another state's custody when the request is received through OKDHS ICPC Unit and approved by another agency, entity, or tribe. Joint approval occurs after each agency conducts 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.

**(f)(g) Joint use of licensed family child care home.** ■ 3 A resource home is considered for joint approval as a ~~DHS-licensed~~ an OKDHS-licensed family child care home after an assessment and joint approval by the Resource Unit and Child Care Services (CCS). Prior to each child placement, a request for approval is made in writing on Form 07LC099E, Dual Approval Request for Foster Care Placement, based on the recommendation of CCS Licensing staff and resource staff. When a joint consensus is not achieved, CCS or the Resource Unit may request a review by the dual-approval committee, per Oklahoma Administrative Code 340:110-1-6 for a final decision. The approval decision is based on the number, ages, and specific needs of children potentially eligible for child care and foster care. Receipt of a written agreement from the caregiver is required that states the ~~individual(s)~~ person(s) from whom the child was removed is not present during child care hours.

**(g)(h) Joint approval of resource home by DHS OKDHS and tribes.** ■ 4 The ~~DHS~~ OKDHS or tribal resource home may be jointly-approved by both the tribe and ~~DHS~~ OKDHS when the home meets ~~DHS~~ OKDHS 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 9-15-20**

**1. ~~(a) Joint approval of the therapeutic~~ Therapeutic foster care (TFC) home joint-approval as an Oklahoma Department of Human Services ~~(DHS)~~ (OKDHS) resource home.**

**(1) When the child's assigned child welfare (CW) specialist identifies a TFC home for use as a ~~DHS~~ an OKDHS resource home, the CW specialist emails the resource specialist and the resource supervisor in the prospective district of placement for approval, before the child is placed in the home.**

**(2) The resource specialist contacts the TFC Program Unit and verifies the TFC agency agreement to share the resource.**

**(3) Following verification that the TFC agency may share the resource may ~~be shared by the TFC agency~~, the TFC Program Unit notifies the resource specialist, resource supervisor, and field manager ~~that the assessment may proceed~~.**

**(4) The resource specialist obtains a release of information from the TFC parent requesting TFC agency documentation.**

**(5) The resource specialist contacts the TFC agency and requests:**

**(A) a copy of the resource family assessment Form 04AF003E, Resource Family Assessment (RFA);**

**(B) a copy of the most recent reassessment;**

**(C) training records; and**

- (D) a recommendation from the TFC agency regarding joint use of the home as a resource home.
- (6) After review of the documentation and recommendation from the TFC agency, the resource specialist:
- (A) asks the TFC parent to complete and sign Forms 04AF001E, Resource Family Application, and 04AD003E, Request for Background Check, authorizing ~~DHS~~ OKDHS to conduct a search into the TFC parent's and each adult household member's criminal and ~~DHS~~ OKDHS 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 TFC parent and all adult household members to send a letter to the ~~DHS~~ OKDHS Office of Background Investigations (~~OBI~~) requesting a release of each person's national criminal history records search results based on fingerprints to the resource specialist including:
    - (i) names;
    - (ii) dates of birth;
    - (iii) Social Security numbers; and
    - (iv) signatures;
  - (D) completes Form 04AF033E, National Criminal History Record Search Results–Addendum;
  - (E) explains Form 04AF005E, Notice to Resource Applicant(s), and obtains the TFC parent's signature on the form;
  - (F) obtains copies of all required verification, such as a driver license and liability insurance;
  - (G) emails the training information to the field manager by email for approval; and
  - (H) submits all assessment information to the resource supervisor for disposition.
- (7) The resource specialist completes and attaches the RFA addendum to the TFC agency's home assessment documenting updated information and the recommendation regarding the disposition of the TFC home as a ~~DHS~~ an OKDHS resource home.
- (8) Upon approval, the resource specialist:
- (A) obtains the resource parent's signature on the:
    - (i) foster care contract;
    - (ii) Form 04AF021E, Verification of Receipt of ~~DHS~~ OKDHS Rules; and
    - (iii) Form 15GR008E, Notice of Grievance Rights – Foster Parents;
  - (B) creates a KIDS Resource; and
  - (C) notifies the CW specialist assigned to the child that placement may be made and foster care maintenance payments may begin.
- (9) Additional placements of a child in ~~DHS~~ OKDHS custody are not permitted without written approval from the ~~DHS~~ OKDHS TFC Program Unit and field manager.
- (b) TFC home joint-approval as Interstate Compact on the Placement of Children (ICPC) home. A TFC home joint-approval as an ICPC resource home occurs

after an assessment of the child's case and approval by the TFC Program Unit and the TFC agency.

(1) When the CW specialist assessing the incoming ICPC pre-resource identifies that the prospective ICPC placement is approved as a TFC home, the assigned CW specialist contacts the TFC Program Unit and verifies the TFC agency agreement to share the resource.

(2) Following verification the TFC agency may share the home, the TFC Program Unit notifies the resource specialist, resource supervisor, field manager, and ICPC Program staff the assessment may proceed.

(A) When the TFC agency does not agree to share the resource, the assigned CW specialist for the ICPC pre-resource documents the reasons and sends to ICPC Program staff for processing.

(B) ICPC Program staff processes the denial and advises the assessing specialist to close the pre-resource.

(3) When the TFC agency agrees to proceed with joint use assessment as an ICPC placement, the resource specialist:

(A) obtains an information release from the TFC parent requesting TFC agency documentation; and

(B) contacts the TFC agency and requests:

(i) a copy of the RFA;

(ii) a copy of the most recent reassessment;

(iii) training records; and

(iv) a recommendation from the TFC agency regarding the TFC home's joint use as an ICPC home.

(4) After review of TFC agency documentation and recommendation, the resource specialist:

(A) asks the TFC parent to complete and sign Forms 04AF001E, Resource Family Application, and 04AD003E, Request for Background Check, authorizing OKDHS to conduct a search into the TFC parent's and each adult household member's criminal and OKDHS records, including CW records, per OAC 340:75-7-15;

(B) requests a re-issue of fingerprint results and a check of RAP Back information;

(C) completes Form 04AF045E, Annual Update Records Check;

(D) assesses the home using Form 04AF004E, House Assessment;

(E) completes Form 04AF033E, National Criminal History Record Search Results–Addendum;

(F) explains Forms 04AF005E, Notice to Resource Applicant(s), and 04AF021E, Verification of Receipt of OKDHS Rules, and obtains TFC parent's signature on the forms;

(G) obtains copies of all required verification, such as a driver license and liability insurance;

(H) emails the training information to the field manager for approval; and

(I) documents the family's suitability for approval as a jointly used resource on Form 04AF037E, Resource Conversion Addendum, and submits all assessment information to the resource supervisor for

disposition. The resource specialist completes and attaches Form 04AF037E to the TFC agency's home assessment documenting updated information and the recommendation regarding TFC home's disposition as an OKDHS resource home.

(5) Upon approval, the resource specialist:

(A) saves all associated approval documents, including documents received from the TFC agency, to OnBase; and

(B) notifies the appropriate ICPC Program staff the approval is ready for review.

(6) Additional placements of a child in OKDHS custody are not permitted without written approval from the OKDHS TFC Program Unit and field manager.

~~(b)(c)~~ Joint Resource home's approval of the resource 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 resource 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 resource home.

(2) The resource specialist emails the field manager providing:

(A) information received from the child's assigned CW specialist and any other relevant information;

(B) verification that the resource 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 emails approval or denial to the resource specialist and the TFC Program Unit. The TFC Program Unit forwards the disposition email to the TFC agency and the child's assigned CW specialist ~~assigned to the child.~~

(4) When ~~DHS~~ OKDHS authorizes the joint approval, the TFC agency requests a reference letter from the ~~DHS~~ OKDHS 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 to the TFC agency:

(A) a copy of Form 04AF003E, Resource Family Assessment, excluding the protected information section;

(B) a copy of the most recent Form 04AF030E, Resource Family Reassessment or Form 04AF038E, Annual Update, excluding the protected information section; and

(C) each resource parent's training records.

(6) Upon request, the resource specialist provides copies of previously submitted documents to the resource parent.

(7) Additional children in ~~DHS~~ OKDHS custody are not placed in the jointly-approved home without written approval of the ~~DHS~~ OKDHS TFC Program

Unit and the field manager.

2. **(a) Joint-approval process of the Developmental Disabilities Services (DDS) home to as a resource home. The DHS OKDHS resource specialist contacts the DDS liaison and the resource field manager to request joint approval consideration. Approval for joint use of the home is:**
  - (1) granted on a case-by-case basis; and**
  - (2) child-specific with placement limited to that child only.**
- (b) DDS home joint-approval process as an ICPC home.**
  - (1) DDS home's joint approval as an ICPC resource home occurs after an assessment of the child's case and approval by Child Welfare Services (CWS) DDS and Education program supervisor and the Resource unit. Joint use approval of the home is:**
    - (A) granted on a case-by-case basis; and**
    - (B) child-specific with placement limited to that child only.**
  - (2) When the CW specialist assessing the incoming ICPC pre-resource identifies that the prospective ICPC placement is approved as a DDS home, the assigned specialist contacts the CWS DDS and Education program supervisor and verifies agreement to share the home. The assigned specialist assessing the incoming ICPC pre-resource may share a copy of the initial ICPC request packet with the CWS DDS and Education supervisor for consideration of the DDS home's joint use.**
  - (3) Following verification DDS may share the home, the CWS DDS and Education program supervisor notifies the resource specialist, resource supervisor, field manager, and ICPC Program staff the assessment may proceed.**
    - (A) When DDS does not agree to share the home, the CW assigned specialist for the ICPC pre-resource documents the reasons and sends to ICPC Program staff for processing.**
    - (B) ICPC Program staff processes the denial and advises the assessing specialist to close the pre-resource.**
  - (4) When DDS agrees to proceed with joint use assessment for an ICPC placement, the resource specialist:**
    - (A) obtains an information release from the DDS parent requesting DDS home approval documentation;**
    - (B) contacts the CWS DDS and Education program supervisor and requests:**
      - (i) a copy of the RFA;**
      - (ii) a copy of the most recent reassessment;**
      - (iii) training records; and**
      - (iv) a recommendation from the CWS DDS and Education supervisor regarding the home's joint use as an ICPC home.**
  - (5) After review of DDS documentation and recommendation, the resource specialist:**
    - (A) asks the DDS parent to complete and sign Forms 04AF001E, Resource Family Application, and 04AD003E, Request for Background Check, authorizing OKDHS to conduct a search into the DDS parent's and each**

adult household member's criminal and OKDHS records, including CW records, per OAC 340:75-7-15;

(B) requests a re-issue of fingerprint results and a check of RAP Back information;

(C) completes Form 04AF045E;

(D) assesses the home using Form 04AF004E, House Assessment;

(E) completes Form 04AF033E, National Criminal History Record Search Results-Addendum;

(F) explains Forms 04AF005E, Notice to Resource Applicant(s), and 04AF021E, Verification of Receipt of OKDHS Rules, and obtains DDS parent's signature of the forms;

(G) obtains copies of all required verification, such as a driver license and liability insurance;

(H) emails the training information to the field manager for approval; and

(I) documents the family's suitability for approval as a jointly used resource on Form 04AF037E, Resource Conversion Addendum, and submits all assessment information to the resource supervisor for disposition. The resource specialist completes and attaches Form 04AF037E to the DDS home assessment documenting updated information and the recommendation regarding DDS home's disposition as an OKDHS ICPC home.

(6) Upon approval, the resource specialist:

(A) saves all associated approval documents, including documents received from DDS, to OnBase; and

(B) notifies the appropriate ICPC Program staff the approval is ready for review.

(7) Additional placements of a child in OKDHS custody are not permitted without written approval from CWS DDS and Education program supervisor and field manager.

3. (a) Joint-approval Kinship home joint-approval or conversion process of a kinship home to a traditional resource home.

(1) The resource specialist initiates Form 04AF037E, Resource Conversion Addendum.

(2) When a kinship resource home providing care for a kinship child is converted to a traditional resource home, the resource specialist consults with the kinship child's assigned child-welfare-(CW) specialist prior to making a non-kinship placement in the home.

(3) The resource parent, resource specialist, and the resource supervisor sign Form 04AF037E, is signed by the resource parent, resource specialist, and the resource supervisor with an approval effective date. Form 04AF037E is filed in the new traditional resource file.

(4) 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 for a kinship home conversion; however, the resource specialist completes a NEW CONTRACT with the resource home and submits the completed contract to the Resource

Unit.

(5) The resource specialist creates a separate, new file for the new resource home.

**(b) Kinship home joint-approval process as an ICPC home.**

**(1) The resource specialist initiates Form 04AF037E, Resource Conversion Addendum.**

**(2) When a kinship home providing care for a kinship or other custody child is converted to an ICPC resource home, the resource specialist consults with the assigned CW specialist for each child placed prior to approving the resource for ICPC joint use.**

**(3) The resource parent, resource specialist, and the resource supervisor sign Form 04AF037E with an approval effective date.**

**(A) Form 04AF037E content addresses the family's ability to meet the needs of children placed in the home and of the prospective children to be placed through ICPC.**

**(B) Original approval documents and current annual update documents are saved to OnBase and ICPC Program staff is notified the assessment is ready for review.**

**4. Traditional or adoptive home joint-approval process as an ICPC home.**

**(1) The resource specialist initiates Form 04AF037E, Resource Conversion Addendum.**

**(2) When a traditional or adoptive home providing care for a child in OKDHS or other custody is converted to an ICPC resource home, the resource specialist consults with the assigned CW specialist for each child placed prior to approving the home for ICPC joint use.**

**(3) The resource parent, resource specialist, and the resource supervisor sign Form 04AF037E with an approval effective date.**

**(A) Form 04AF037E content addresses the family's ability to meet the needs of children placed in the home and of the prospective children to be placed through ICPC.**

**(B) Original approval documents and current annual update documents are saved to OnBase and ICPC Program staff is notified the assessment is ready for review.**

**5. Resource family partner (RFP) home joint-approval as an ICPC home.**

**(1) When the CW specialist assessing the incoming ICPC pre-resource identifies that the prospective ICPC placement is approved as an RFP home, the assigned CW specialist contacts the CWS RFP liaison and verifies RFP agreement to share the home. The assigned specialist assessing the incoming ICPC pre-resource may share a copy of the initial ICPC request packet with the RFP agency for consideration of the RFP home's joint use.**

**(2) Following verification the RFP agency may share the resource, the CWS RFP liaison notifies the resource specialist, resource supervisor, field manager, and ICPC Program staff the assessment may proceed.**

**(A) When the RFP agency does not agree to share the home, the CW assigned specialist for the ICPC pre-resource documents the reasons and sends to ICPC Program staff for processing.**



- (B) ICPC Program staff processes the denial and advises the assessing specialist to close the pre-resource.
- (3) When the RFP agency agrees to proceed with joint use assessment for an ICPC placement, the resource specialist:
- (A) obtains an information release from the RFP parent requesting RFP home approval documentation;
- (B) contacts the program supervisor and requests:
- (i) a copy of the RFA;
- (ii) a copy of the most recent reassessment;
- (iii) training records; and
- (iv) a recommendation from the RFP agency regarding the home's joint use as an ICPC home.
- (4) After review of RFP documentation and recommendation, the resource specialist:
- (A) asks the RFP parent to complete and sign Forms 04AF001E, Resource Family Application, and 04AD003E, Request for Background Check, authorizing OKDHS to conduct a search into the RFP parent's and each adult household member's criminal and OKDHS records, including CW records, per OAC [340:75-7-15](#);
- (B) requests a re-issue of fingerprint results and a check of RAP Back information;
- (C) completes Form 04AF045E, Annual Update Records Check;
- (D) assesses the home using Form 04AF004E, House Assessment;
- (E) completes Form 04AF033E, National Criminal History Record Search Results-Addendum;
- (F) explains Forms 04AF005E, Notice to Resource Applicant(s), and 04AF021E, Verification of Receipt of OKDHS Rules, and obtains RFP parent's signature of the forms;
- (G) obtains copies of all required verification, such as a driver license and liability insurance;
- (H) emails the training information to the field manager for approval;
- (I) documents the family's suitability for approval as a jointly used resource on Form 04AF037E, Resource Conversion Addendum, and addresses the family's ability to meet the needs of children placed in the home and of the prospective children placed through ICPC; and
- (J) completes Form 04AF037E, which is signed by the resource parent, resource specialist, and the resource supervisor with an approval effective date.
- (5) Upon approval, the resource specialist:
- (A) saves all associated approval documents, including documents received from the RFP agency, to OnBase; and
- (B) notifies the appropriate ICPC Program staff the approval is ready for review.
- (6) Additional placements of a child in OKDHS custody are not permitted without written approval from the RFP agency and field manager.
46. (a) Joint-approval ~~Child care home joint-approval~~ process of the child care

~~home to~~ as a resource home.

(1) When the licensed child care home requests joint approval as a resource home, the resource specialist and Child Care Services (CCS) licensing staff assigned to the child care home gather data that includes:

- (A) the number of children considered for 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 residing in the child care home;
- (D) the CCS licensing compliance history with a description of each non-compliance;
- (E) any other information regarding the child care home; and
- (F) an assessment of the child care provider's ability to meet each child's needs.

(2) Approval by the CCS licensing supervisor and resource specialist is required for the home's joint approval.

(A) CCS reviews and approves or denies the child care home's request for joint approval and emails the decision to the resource specialist.

(B) The resource specialist scans the CCS email into the KIDS Pre-Resource File Cabinet document management system (DMS).

(C) The resource specialist reviews the request for joint approval of the home and documents the request approval or denial in KIDS Pre-Resource Contacts.

(D) When a joint consensus is not achieved, the dual approval committee consisting of State Office Child Welfare Services ~~(CWS)~~ and CCS staff makes the final decision.

(E) When a child care home is working with a resource family partner (RFP) agency to become a resource home, the RFP agency must submit Form 07LC061E, Alternative Compliance Request, to the RFP agency program field representative (PFR), and receive approval from the PFR prior to assessing the home as a resource. The RFP agency forwards approved Form 07LC061E to its assigned RFP liaison.

(3) Prior to placing any child in a jointly-approved child care home, the resource specialist completes Form 07LC099E, Dual Approval Request for Foster Care Placement. Completed Form 07LC099E is sent for approval to the child care licensing specialist.

(4) Placement is not made until the resource specialist receives approved Form 07LC099E from the child care licensing specialist. The resource specialist documents approval in KIDS, scans a copy of signed Form 07LC099E into the KIDS Resource File Cabinet DMS, and files signed Form 07LC099E in the resource file.

(5) Refer to ~~Oklahoma Administrative Code (OAC)~~ 340:75-7-65 for information regarding child care benefits for the child in DHS OKDHS custody placed in the child care provider's home.

(6) The CCS monitors the child care home ~~is monitored by CCS~~ for licensing purposes, and by resource staff monitors the home as a resource home, and

- all relevant information is shared between applicable DHS OKDHS programs.
- (b) Child care home joint-approval process as ICPC home.**
- (1) When the CW specialist assessing the incoming ICPC pre-resource identifies that the prospective ICPC placement is approved as a child care home, the assigned CW specialist contacts the CCS licensing staff assigned to the child care home to gather data that includes:**
- (A) the number of children considered for 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 residing in the child care home;**
  - (D) the CCS licensing compliance history with a description of each non-compliance;**
  - (E) any other information regarding the child care home; and**
  - (F) an assessment of the child care provider's ability to meet each child's needs.**
- (2) The CCS licensing supervisor's and resource specialist's approval is required for the child care home joint-approval.**
- (A) CCS reviews and approves or denies the child care home request for joint-approval and emails the decision to the resource specialist.**
  - (B) The resource specialist scans the CCS email into OnBase.**
  - (C) The resource specialist reviews the request for the child care home joint-approval and documents the request approval or denial in KIDS Pre-Resource Contacts.**
  - (D) When a joint consensus is not achieved, the dual approval committee, consisting of State Office CWS and CCS staff, makes the final decision.**
  - (E) Following CCS approval to proceed with the child care home joint approval as an ICPC home, the resource specialist assigned to the incoming ICPC pre-resource follows OAC 340:75-1-86 to proceed with the assessment process as the ICPC request type requires.**
  - (F) Upon approval, the resource specialist:**
    - (i) saves all associated approval documents, including documents received from the RFP agency, to OnBase; and**
    - (ii) notifies the appropriate ICPC Program staff the approval is ready for review.**
- (3) Prior to placing any child in a jointly-approved child care home, the resource specialist completes Form 07LC099E, Dual Approval Request for Foster Care Placement. Completed Form 07LC099E is sent for approval to the child care licensing specialist.**
- (4) Placement is not made until the resource specialist receives an approved Form 07LC099E from the child care licensing specialist. The resource specialist documents approval in KIDS, scans a copy of signed Form 07CL099E into the KIDS Resource DMS, and files signed Form 07CL099E in the Resource file.**
- (5) CCS monitors the child care home for licensing purposes, and resource staff monitors the home as a resource home. All relevant information is**

shared between applicable OKDHS programs.

**57.(a) ~~DHS~~ OKDHS and tribal joint approval of resource homes. ~~DHS~~ OKDHS cooperates and communicates with tribes in the joint-approval process of the resource home and during the ~~DHS~~ OKDHS child's placement in the jointly-approved resource home.**

**(1) When a tribal resource home requests joint approval as a ~~DHS~~ an OKDHS resource home, the ~~DHS~~ OKDHS resource specialist contacts ~~DHS~~ tribal program staff.**

**(2) ~~DHS~~ OKDHS tribal program staff contacts the tribe and requests permission to assess the tribal home as a ~~DHS~~ an OKDHS resource.**

**(3) ~~DHS~~ OKDHS tribal program staff 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 home's record and the tribe's recommendation regarding use of the tribal resource home as a ~~DHS~~ an OKDHS resource;**

**(B) reviews the tribal resource home's 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 resource supervisor for disposition.**

**(5) When the tribal resource home is approved as a ~~DHS~~ an OKDHS resource home, the resource specialist creates a KIDS Resource.**

**(6) When the tribe is in the process of assessing the potential applicant and the potential applicant is needed as a ~~DHS~~ an OKDHS kinship resource home for a specific child in ~~DHS~~ OKDHS custody, the ~~DHS~~ OKDHS resource specialist:**

**(A) contacts the tribe and requests permission to use the potential home for a kinship placement;**

**(B) completes the initial kinship process following a tribe's approval, per OAC 340:75-7-24;**

**(C) coordinates with the tribe to determine completion of the approval process, per OAC 340:75-7-18; and**

**(D) includes the ~~DHS~~ OKDHS Tribal program staff on the request and subsequent communications.**

**(7) When the tribe requests joint approval of a ~~DHS~~ an OKDHS resource home as a tribal resource home, the request is forwarded to ~~DHS~~ OKDHS tribal program staff.**

**(8) ~~DHS~~ OKDHS tribal program staff contacts the ~~DHS~~ OKDHS resource specialist and requests permission for the tribe to assess the home's use as a tribal resource home.**

**(9) ~~DHS~~ OKDHS tribal program staff notifies the tribe of the ~~DHS~~ OKDHS decision.**

**(10) When ~~DHS~~ OKDHS is in agreement with the joint approval, the tribe contacts the ~~DHS~~ OKDHS resource specialist and requests the resource**

record and the DHS OKDHS recommendation regarding the DHS OKDHS resource's use as a tribal resource home.

(11) When concerns or disagreements arise during the joint approval process, DHS OKDHS tribal program staff and the resource field manager facilitate the discussion with the tribe to resolve the concerns.

(12) DHS OKDHS coordinates with the tribe to place the child in DHS OKDHS custody in the jointly-approved resource home.

(b) Tribal home joint-approval as an ICPC home. The OKDHS or tribal resource home may be jointly-approved by both the tribe and ICPC when the home meets OKDHS standards; however, the total number of children placed in the jointly-approved home may not exceed the total number of children approved for the home.

(1) When the CW specialist assessing the incoming ICPC pre-resource identifies that the prospective ICPC placement is approved as a tribal home, the assigned specialist contacts the CWS OKDHS tribal program staff and verifies the tribal agency's agreement to share the home. The assigned specialist assessing the incoming ICPC pre-resource may share a copy of the initial ICPC request packet with the tribal agency for consideration the tribal home's joint use.

(2) OKDHS tribal program staff:

(A) contacts the tribe and requests permission to assess the tribal home as an ICPC home; and

(B) notifies the resource specialist of the tribe's decision.

(3) When the tribe is in agreement with joint-approval assessment, the resource specialist:

(A) contacts the tribe and requests the tribal resource home's record and the tribe's recommendation regarding use of the tribal resource home as an ICPC home;

(B) reviews the tribal resource home's record and recommendation to determine if the tribal study may be used for the joint certification or if a new RFA must be completed. Resource supervisor may consult with the field manager if needed to make this determination;

(C) updates all required information, including training;

(D) completes Form 04AF004E, House Assessment;

(E) documents the family's suitability for approval as a jointly used resource on Form 04AF037E, Resource Conversion Addendum, and addresses the family's ability to meet the needs of children placed in the home and of the prospective children placed through ICPC; and

(F) completes Form 04AF037E which is signed by the resource parent, resource specialist, and the resource supervisor with an approval effective date.

(4) Upon approval, the resource specialist:

(A) saves all associated approval documents, including documents received from the tribe, to OnBase; and

(B) notifies the appropriate ICPC Program staff the approval is ready for review.

**(5) Additional placements of a child in OKDHS custody are not permitted without written approval from the tribal agency and field manager.**

**PART 30. ENHANCED FOSTER CARE**

**340:75-7-301. Enhanced foster care (EFC) general**

~~Issued 9-15-22~~ Revised 9-15-23

(a) **EFC purpose.** EFC is a service category developed to respond to the complex behavioral, medical, developmental, and mental health needs of children by stabilizing placement for a child in a family-based setting or by supporting children who need additional services to be successful in a family-based settings. EFC services are:

- (1) child-specific services provided to kinship or traditional resource homes for children already placed in those settings; and
- (2) designed for traditional homes in which additional training is provided to the family to support the placement of children transitioning from congregate care, acute or residential treatment, or children who are placed in shelter care or are at risk of placement in shelter care.

(b) **Eligibility.** EFC is available to any child in Oklahoma Human Services (OKDHS) or tribal custody meeting service criteria. Information obtained during the referral process is used to determine eligibility and to support individualized service planning for the child.

(1) A child meets at least one of the following eligibility criteria to receive EFC, the:

(A) ~~the~~ Child and Adolescent Needs and Strengths (CANS) Assessment indicates ~~that~~ the child would benefit from EFC. The CANS Assessment is conducted by a third-party qualified ~~individual~~ person, per Oklahoma Administrative Code (OAC) 340:75-13-16 and 340:75-14-1;

(B) ~~the~~ onset of frequent placement moves from family-based settings due to the provider requesting change of placement or because the provider cannot meet the child's behavioral health needs;

(C) ~~the~~ child has a minimum of two elevated Child Behavioral Health Screeners;

(D) ~~the~~ child has a provisional or primary diagnosis from the most recent edition of "The Diagnostic and Statistical Manual of Mental Disorders," except for V codes and adjustment disorders, with a detailed description of the symptoms supporting the diagnosis;

(E) ~~the~~ child's conditions are directly attributed to a primary medical diagnosis of a severe behavioral and emotional health need and may also be attributed to a secondary medical diagnosis of a physical, developmental, intellectual, or social disorder that is supported alongside the mental health needs;

(F) ~~the~~ child's conditions are directly attributed to a mental illness or serious emotional disturbance, a medical issue, or a developmental or intellectual delay;  
or

(G) evidence ~~that~~ the child's presenting problems require full integration of a 24-hour crisis response, behavior management, or intensive clinical interventions from professional staff to prevent the child from having to move from a family-based placement or to transition to a family-based setting from a higher level of care; and or

(H) the child has specific needs or factors that pertain to the child's permanency, safety, and well-being, as approved by the EFC programs administrator; and.

(2) ~~the~~ The resource parent caring for the child agrees to participate in the child's treatment needs and planning actively.

(c) **Training.** All resource parents receiving EFC services are required to complete 45 hours of Pressley Ridge a supplemental EFC training determined by OKDHS and any child-specific training dependent on the child's individual needs, in addition to the agency required pre-service training.

(d) **EFC homes.** EFC homes are approved, per OAC 340:75-7-10.1 through 340:75-7-18, and after:

(1) undergoing assessment;

(2) finishing ~~15 hours of Pressley Ridge~~ the supplemental EFC training;

(3) demonstrating a willingness and capacity to provide the level of supervision ~~that the child requires or needs on an ongoing basis; and~~

(4) agreeing to participate in a child's treatment needs and planning actively; and

(4)(5) receiving approval from the regional field manager.

## **INSTRUCTIONS TO STAFF 340:75-7-301**

**Issued 9-15-22 Revised 9-15-23**

### **1. Enhanced foster care (EFC) referral.**

(1) EFC is requested for a child already placed in a family-based placement by completing Form 04EF003E, Enhanced Foster Care Referral, and submitting the form via email to [Enhancedfostercare@okdhs.org](mailto:Enhancedfostercare@okdhs.org) the applicable regional EFC mailbox listed on Form 04EF003E. ~~This referral is completed by the~~ The child's assigned child welfare (CW) specialist or the resource specialist assigned to the home completes this referral.

(2) EFC is requested for a child who is in need of a new placement by completing the unified placement request and submitting via email to [Enhancedfostercare@okdhs.org](mailto:Enhancedfostercare@okdhs.org) the applicable regional EFC mailbox listed on Form 04EF003E.

(3) EFC program staff review reviews the referral request and collaborate with the child's assigned CW specialist, resource specialist, and service provider to initiate services.

(4) EFC program staff is responsible for uploading the EFC Referral into the child's case in the document management system.

### **2. EFC training.**

(1) Child-specific EFC resource parents complete ~~the 15 hours of Pressley Ridge Training within the timeframe outlined in the EFC Service and Support Plan~~ a supplemental EFC training within 90-calendar days of the child's EFC approval.

(2) ~~Additional child-specific training may be required dependent upon the child's individual needs. The regional EFC program staff work with specialized programs and the Child Welfare Services (CWS) Clinical Team to ensure the family is connected to the necessary training. The EFC Service and Support Plan outlines the child-specific training requirements.~~

~~(3) EFC resource homes complete 15 hours of Pressley Ridge Training supplemental EFC training prior to approval as an EFC home and taking a placement.~~

(3) The resource family's assigned resource specialist is responsible for enrolling the resource family in the supplemental EFC training.

(4) Additional child-specific training may be required dependent upon the child's individual needs. The regional EFC program staff works with specialized programs and the Child Welfare Services (CWS) Clinical Team to ensure the family is connected to the necessary training. The EFC Service and Support Plan outlines the child-specific training requirements.

### 3. EFC homes.

(1) EFC home recruitment includes both currently approved resources and new EFC homes.

(2) CWS staff ~~engage~~ engages previously closed traditional and therapeutic foster care homes to reopen as EFC homes.

(3) Targeted recruitment includes collaborative efforts with the Foster Care and Adoption Association of Oklahoma and other external partners.

(4) Form 04EF002E, Enhanced Foster Care Assessment Addendum, is completed for all identified EFC homes. The regional field manager ~~utilizes~~ uses the addendum to make final determination on the conversion and approval of an EFC Home. Form 04EF002E is completed when:

~~(A) a resource home requests to be considered~~ consideration for approval as an EFC home; ~~or~~

~~(B) a kinship or traditional home is identified to receive services for a child already placed in the home.~~

(5) A kinship or traditional home receiving EFC services for a specific child placed in the home is not automatically approved ~~to be~~ as an EFC home for other children who meet EFC criteria. The regional field manager approves these situations on a case-by-case basis.

4. EFC overfills. No more than two children receive EFC services in any given resource home, except to maintain placement of a sibling group when each child meets EFC criteria. A third placement requiring EFC services requires an overfill request approved by the Foster Care and Adoptions deputy director and regional deputy director using Form 04FC021E, Resource Overfill Assessment.

### 340:75-7-303. Enhanced foster care (EFC) initial consultation, Service and Support Plan (SSP), and ongoing treatment

~~Issued 9-15-22~~ Revised 9-15-23

(a) **Initial consultation for services.** The initial consultation is completed with the treatment team within five-business days of ~~EFC services approval~~ determination the child meets EFC criteria. The consultation ~~ea~~ll clearly articulates the child's and family's current needs and identification of services to meet those needs. The treatment team includes:

(1) the child receiving EFC services, when age appropriate;

(2) resource ~~parent~~ parent(s);

(3) biological parent(s) or guardian, when appropriate;

~~(3)~~(4) child's assigned child welfare specialist and his or her supervisor;



- (4)(5) resource specialist and his or her supervisor;
- (5)(6) service provider(s); and
- (6)(7) regional EFC program staff.

(b) **EFC SSP.** EFC is individualized to the child's and resource family's needs. The resource family's resource specialist completes Form 04EF001E, Enhanced Foster Care Service & Support Plan the EFC SSP during the service intake with the treatment team within 30-calendar days of the initial consultation. The EFC SSP outlines the child's and family's needs and the identified service array. The EFC SSP is updated as needed based on the child's and family's treatment goals and individualized needs to support collaboration and communication.

(c) **EFC ongoing treatment.** A monthly family treatment team meeting (FM) (TTM) takes place with the treatment team as outlined in the EFC SSP 30-calendar days after the initial consultation and every 60-calendar days from the last TTM. The FM TTM informs the child's ongoing need and utilization of EFC services. The FM TTM covers topics regarding the child's treatment plan and efforts made to accomplish progress on treatment plan goals and objectives, including: the family's participation and engagement in EFC services, and any additional services or supports needed.

- (1) completion of the Child Behavioral Health Screener (CBHS) and utilization of the outcome to inform ongoing treatment and supports;
- (2) a monthly report from each treatment team member about the child's current functioning and treatment efforts; and
- (3) any needed revisions to the EFC SSP.

(d) **EFC ongoing approval.** The regional EFC program staff approves EFC services in six-month increments. Every six months Upon request from the child's assigned child welfare specialist or resource specialist, the regional EFC program staff reviews the completed treatment plan, monthly FM documentation, completed CBHS, and discusses the need for ongoing EFC services and supports with the treatment team evaluates service progress, resource family participation, and the child's current eligibility for EFC services.

## **INSTRUCTIONS TO STAFF 340:75-7-303**

**Issued 9-15-22 Revised 9-15-23**

1. **Enhanced foster care (EFC) initial consultation.** Accommodations are made for the resource parent(s) to participate in the consultation call to clearly describe the child's needs and resource parent(s)' strengths. Services offered to the family are based on the treatment team's information, supporting documentation, and input from the resource parent(s). Services are ~~implemented~~ initiated within five-business days of the consultation call.

(1) When an Oklahoma Department of Mental Health and Substance Abuse Services (OKDMHSAS) contracted provider(s) is involved, OKDMHSAS schedules and facilitates the consultation call with the treatment team.

(2) When only private providers are involved, EFC program staff schedules ~~a family meeting (FM) to complete~~ and facilitates the consultation with the treatment team.

(3) EFC program staff ensures proper consultation is scheduled based on the information and completes a follow-up call with the resource parent(s)

treatment team two weeks after the consultation to verify services are in place initiated.

2. EFC services and supports.

(1) Standard services and supports include:

(A) crisis prevention planning;

~~(A)(B)~~ access to 24 hour crisis intervention services;

~~(B)(C)~~ monthly in-home quality worker visits by the child's assigned child welfare (CW) specialist and resource family's resource specialist, including discussion about service progress and support needs;

~~(C)(D)~~ weekly in-home individual therapy and treatment planning for the child;

~~(D)(E)~~ in-home therapeutic parenting services or family therapy;

~~(E)(F)~~ Child and Adolescent Needs and Strengths (CANS) Assessment;

~~(F)(G)~~ evidence-based treatment models; and

~~(G)(H)~~ supplemental foster care rate (Difficulty of Care Level V)

(2) Additional services and supports include:

~~(A) Systems of Care service coordination;~~

~~(B) wraparound treatment;~~

~~(C) specialized services; and~~

~~(D) any other services identified in the child's Service and Support Plan (SSP).~~

(3) The supplemental rate is based on the child's individual needs determined by using the CANS Assessment to establish the amount to be received. The supplemental rate is added on the day of the referral approval.

3. EFC SSP.

~~(1) The child's assigned child welfare (CW) specialist and the resource family's assigned resource specialist participate in the services intake completes Form 04EF001E with input from the child's assigned CW specialist, resource family, and service provider. When additional information is needed to complete the SSP, the resource specialist obtains it at the first treatment team meeting (TTM). When appropriate, the services intake is combined with the initial consultation. An EFC home or resource family providing EFC services only has one SSP since it is the resource family's plan; information regarding each EFC-approved child is added to the SSP.~~

~~(2) Items in the EFC SSP include:~~

~~(A) the frequency of communication to occur between the resource parent(s) and Oklahoma Human Services within the first two months of initiating services and how the communication will occur;~~

~~(B) a the child's monthly visitation plan, when applicable;~~

~~(C) a schedule for monthly FM every TTM;~~

~~(D) a schedule for weekly individual identified child and family therapy or therapeutic parenting services to be provided;~~

~~(E) the training completion plan;~~

~~(F) a respite plan;~~

~~(G) a crisis prevention and intervention plan;~~

- (H) the contact information for the treatment team; and
    - (I) any other information relevant to the child's and family's service array.
  - (3) The family's assigned resource specialist is responsible for completing and uploading the EFC SSP into the child's KK case KIDS resource contacts and the resource family's case in the document management system.
- 4. Monthly FMs EFC TTM. The child's assigned CW specialist EFC program staff facilitates the TTM and completes the monthly FM form Form 04EF004E, Enhanced Foster Care Treatment Team Documentation. EFC program staff does not participate in monthly FMs, but reviews the FM forms for the assessment of ongoing services and overall outcome analysis.
  - (1) The initial TTM is completed 30-calendar days after the consultation. The initial TTM addresses the timeliness and progress of establishing needed services and supports for the child and resource family.
  - (2) Each subsequent TTM is completed every 60-calendar days from the date of the last TTM. The ongoing TTM addresses progress on EFC services and supports in place, if different or additional services or supports are needed, and if EFC is furthering the child's treatment goals.
  - (3) Items in the TTM include:
    - (A) child behavior and recent assessments;
    - (B) child's treatment plan;
    - (C) medications;
    - (D) problematic sexual behavior;
    - (E) therapeutic parenting services;
    - (F) child's monthly visitation plan, when applicable;
    - (G) crisis planning and intervention services;
    - (H) the resource family's respite plan;
    - (I) EFC feedback; and
    - (J) EFC recommendations and follow-up.
  - (4) The EFC program staff is responsible for documenting the TTM in KIDS contacts in the child's KK case and uploading Form 04EF004E into the child's case in the document management system.
- 5. EFC progress reports.
  - (1) The EFC program staff and child's assigned CW specialist request service providers to complete Form 04EF005E, Enhanced Foster Care Monthly Progress Report.
  - (2) The progress report outlines services provided, dates of appointments, and resource family engagement.
  - (3) The EFC program staff is responsible for documenting receipt of progress reports in KIDS contacts in the child's KK case and uploading Form 04EF005E in the child's case in the document management system.
- 6. EFC ongoing approval. The regional EFC program staff approves EFC services in six-month increments and evaluates service progress and the child's current eligibility criteria for EFC services.
  - (1) The child's assigned CW specialist submits Form 04EF003E, EFC Referral, to the regional EFC program staff 30-calendar days prior to the end of the six-month period.

**(2) The regional program staff:**

**(A) reviews supporting documentation, including:**

**(i) completed treatment plans;**

**(ii) service provider progress reports;**

**(iii) TTM documentation;**

**(iv) completed Child Behavioral Health Screener; and**

**(v) quality worker visit documentation; and**

**(B) requests a CANS Assessment to be completed;**

**(C) discusses the need for ongoing EFC services and supports with the treatment team; and**

**(D) notifies the treatment team of the decision regarding continued approval.**

**SUBCHAPTER 8. THERAPEUTIC FOSTER CARE AND DEVELOPMENTAL  
DISABILITIES SERVICES**

**PART 1. THERAPEUTIC FOSTER CARE**

**340:75-8-1. Purpose, legal basis, and definitions**

Revised 9-15-229-15-23

**(a) Purpose.**

(1) Therapeutic foster care (TFC) serves children in Oklahoma Human Services (OKDHS) or tribal custody who are:

(A) 4 through 17 years of age; and

(B) youth, up to 19 years of age or until completion of high school who have requested extended services, and:

(i) meet medical necessity criteria established by the Oklahoma Health Care Authority (OHCA), per Oklahoma Administrative Code (OAC) 317:30-5-741;

(ii) respond to close relationships within a family setting; and

(iii) require more intensive behavioral health services than available in traditional and supported foster care family settings, when additional supports are not available or have failed to stabilize the child in a lesser restrictive placement; and do not require 24-hour supervision by an adult who is not sleeping.

(2) Intensive treatment family care (ITFC) serves children in OKDHS or tribal custody who are:

(A) 6 through 17 years of age; and

(B) youth, up to 19 years of age or until completion of high school who have requested extended services, and:

(i) meet medical necessity criteria established by OHCA, per OAC 317:30-5-751; and

(ii) require more intensive treatment than traditional foster care and TFC settings provide.

**(3) A TFC or ITFC contractor may use contracted foster care (CFC) to provide care to children in the legal custody of, or voluntarily placed with, OKDHS or tribal custody. When funding availability is uncertain, CFC approval may be required. Approval is requested from the TFC field manager or TFC field administrator.**

(b) **Legal basis.**

(1) Section 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-103) mandates that OKDHS review and assess each child in OKDHS custody to determine the type of placement consistent with the child's treatment needs in the nearest geographical proximity to the child's home.

(2) OKDHS develops and implements a diversity of community-based services and residential care, as needed, to provide for adequate and appropriate home-based and community-based treatment or rehabilitation of each child in a:

(A) foster home;

(B) group home;

(C) community residential center; or

(D) non-secure facility consistent with the child's individualized treatment needs and, when possible, in or near the child's home community.

(c) **Definitions.** The following words and terms, when used in Part 1 of this Subchapter, have the following meaning, unless the context clearly indicates otherwise:

(1) **"Intensive treatment family care (ITFC)"** means residential behavioral management services provided in a specialized foster care setting for a child who:

(A) meets medical necessity criteria, per OAC 317:30-5-751;

(B) has severe psychological, behavioral, social, and emotional needs;

(C) may also present with a secondary physical, developmental, intellectual, or social disorder;

(D) requires a higher level of care and ITFC helps prevent placement in a more restrictive setting, such as an inpatient setting; and

(E) receives intensive individualized behavioral health and other support services from qualified staff.

(2) **"Oklahoma Human Services (OKDHS) placement agreement for residential behavioral management services (RBMS)"** means the contract entered into between OKDHS and an agency providing TFC services, including all attachments and exhibits.

(3) **"OHCA"** means the entity designated for administering Title XIX Medicaid reimbursement, including both the responsibility for the establishment of medical necessity criteria for children receiving TFC and ITFC services and prior authorization for the admission and extension of Medicaid or Title XIX reimbursed TFC and ITFC services.

(4) **"Therapeutic foster care (TFC)"** means residential behavioral management services provided in a specialized foster care setting for a child who:

(A) meets medical necessity criteria, per OAC 317:30-5-741;

(B) has special psychological, behavioral, social, and emotional needs;

(C) accepts and responds to close relationships within a family setting; and

(D) requires more intensive or therapeutic services than are found in traditional foster care when additional supports are not available or have failed to stabilize the child in a less restrictive setting.

(5) **"TFC or ITFC contractor"** means a licensed child care agency that meets OKDHS and OHCA requirements to provide residential behavioral management services in a foster care setting. A TFC or ITFC contract agency:

(A) provides direct clinical treatment services to the child placed; and

(B) recruits, trains, certifies, reimburses, and provides supportive services to the TFC or ITFC foster parent.

(6) "Contracted foster care (CFC)" means a traditional level of foster care used through the TFC or ITFC contractor. The contractor may use certified a TFC or ITFC home for a child's placement at a traditional foster care level.

#### **340:75-8-4. Contract procedures for therapeutic foster care (TFC) or intensive treatment family care (ITFC)**

Revised 9-15-229-15-23

(a) Contracts for the provision of TFC or ITFC placements are issued per Oklahoma Administrative Code (OAC) ~~340:2-13-76 through 340:2-13-89~~ and Section 85 of Title 74 of the Oklahoma Statutes. Prior to issuance of the Oklahoma Health Care Authority Title XIX contract for TFC or ITFC services, the TFC field administrator for TFC or ITFC approves providers are approved by the TFC field administrator for TFC or ITFC as eligible TFC or ITFC contractors.

(b) Contracts for the provision of TFC or ITFC placements are monitored on-site or on a virtual platform at least annually to ensure services provided are in compliance with contract terms as approved by the TFC field administrator, ~~per OAC 340:2-13-102.~~

#### **340:75-8-6. Required protocol for therapeutic foster care (TFC) or intensive therapeutic family care (ITFC) contractors**

Revised 9-15-229-15-23

TFC or ITFC contractors:

~~(1) maintain a written case record on each child that documents all services provided or obtained for the child while in placement;~~

~~(2) implement and review an individualized treatment plan for each child in placement, with documented input from the child's assigned Child Welfare Services (CWS) child welfare (CW) specialist, according to the requirements set forth in the Oklahoma Human Services (OKDHS) contract;~~

~~(3) assume responsibility for maintaining basic needs of each child placed;~~

~~(4)(2) accept responsibility for a reasonable knowledge of the child's whereabouts at all times. When a child is unaccounted for, the TFC or ITFC contractor:~~

~~(A) When a child is:~~

~~(i) removed by anyone without authorization;~~

~~(ii) taken into custody by law enforcement officials;~~

~~(iii) missing from care; or~~

~~(iv) otherwise unaccounted for, the TFC or ITFC contractor immediately notifies, the:~~

~~(I) assigned CWS CW specialist or CWS CW supervisor. CWS CW staff follows protocol and completes missing from care notifications, per Oklahoma Administrative Code (OAC) 340:75-6-48.3; and~~

~~(II) local law enforcement with the child's physical description, last known location, any known possible locations, and the child's special needs that may enhance the urgency to locate the child. The TFC or ITFC contractor contacts the TFC program staff for assistance when encountering any difficulty contacting the CWS specialist or CWS supervisor.~~

- (B) ~~The contractor submits a written incident report to the child's assigned CWS CW specialist describing the circumstances and files a copy in the child's case record;~~
- ~~(5)(3) ensure the child receives all needed routine, specialized, and emergency medical care in a timely manner provided by a medical provider who accepts Medicaid payment:~~
- ~~(A) OKDHS authorizes the TFC or ITFC parent and TFC or ITFC administrator in writing, through the placement provider agreement, to consent to routine and ordinary medical care and treatment the child in OKDHS custody needs upon the advice of a licensed physician, per OAC 340:75-14-3.~~
- ~~(B) Prior consultation and consent from OKDHS, the child's parent(s) or guardian, and the court, when applicable, as set out by Section 1-3-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-3-102), are required for:~~
- ~~(i) emergency medical care. When appropriate OKDHS staff cannot be located and the situation is life-threatening, the provider obtains emergency care and treatment and notifies OKDHS at the earliest possible time; and~~
- ~~(ii) any extraordinary medical care and treatment, such as surgery, general anesthesia, blood transfusions, or invasive or experimental procedures requires consent of the:~~
- ~~(I) child's parent or guardian, when the child is in OKDHS emergency or temporary custody;~~
- ~~(II) court of jurisdiction, when the child is in OKDHS emergency or temporary custody, and the treatment is related to the abuse or neglect, or the parent or guardian is unavailable or will not consent; or~~
- ~~(III) court of jurisdiction, when the child is in OKDHS permanent custody.~~
- ~~(C) The provider must comply with OKDHS policy for administering prescribed psychotropic medication found in OAC 340:75-14-3.~~
- ~~(D) The contractor agrees agree to immediately report all emergency medical care to the child's assigned CWS CW specialist and to document the manner of report and response in the child's case record. The contractor ensures that CWS CW specialists, parents, and guardians are advised of physician recommendations regarding the use of psychotropic medications and the contractor must comply with OKDHS policy, per OAC 340:75-14-3. Neither OKDHS, a TFC or ITFC parent, nor TFC or ITFC contractor staff may consent to a child in OKDHS custody undergoing an abortion or sterilization procedure, initiating termination of life support, or implementing a "do not resuscitate" order;~~
- ~~(6)(4) notify the assigned CWS specialist or specialists and the TFC liaison of any accidental or non-accidental injuries the child sustains, per OAC 340:75-3-400 and 340:75-14-3;~~
- ~~(7) ensure the child has opportunity to engage in religious and cultural observances, practices, or beliefs, per OAC 340:75-6-49;~~
- ~~(8) develop and implement written policy and procedures regarding each child's access to legal counsel, court-appointed special advocate (CASA), OKDHS staff, phone, email, mail, and visitation, per OAC 340:75-6-30, 340:75-11-237, and 340:75-14-2. The policy must ensure the:~~

- (A) child has the right to interact with the child's attorney, guardian ad litem, CASA, and OKDHS staff in a manner and setting assuring confidentiality;
- (B) child's attorney, guardian ad litem, and CASA have the opportunity to meet with the child, observe the child in appropriate settings, including the child's current placement, and review the child's documents, reports, records, and other information relevant to the court case; and
- (C) TFC or ITFC parent is advised of his or her right to submit a report to the court for presentation at the review hearing to assist the court in reviewing the child's placement and status;
- (9) develop and implement written policy and procedures regarding the maintenance and safeguarding of each child's clothing, personal items, property, and funds while placed;
- (10) ensure the completion of a clothing and personal item inventory for each child entering and leaving placement and ensure each child leaves the placement with all of his or her clothing and personal items;
- (11) obtain prior OKDHS approval any time the child travels overnight or outside of Oklahoma, per OAC 340:75-6-89;
- (12) may not secure any placement without the prior planning and documented written approval of the CWS specialist.
- (13)(5) develop and implement written policy for the approval and use of volunteers, per Section 404.1 of Title 10 of the Oklahoma Statutes (10 O.S. § 404.1), when the TFC or ITFC contractor ~~utilizes~~ uses volunteers that, at a minimum, require criminal history, Restricted Registry, and sex offender registry checks;
- (14) ~~develop and implement written policy and procedures that prohibit the utilization of any child in OKDHS custody for commercial purposes;~~
- (15)(6) submit written reports to the child's CWS CW specialist or specialists describing the child's stay in placement, progress toward meeting the identified treatment plan, education, and medical care as requested for court hearings, and file a copy of the reports in the child's case record;
- (16)(7) develop and implement written policy and procedures for discipline that comply with OAC 340:75-7-38 and 10A O.S. § 1-7-105;
- (17) ~~ensure each employee and TFC or ITFC parent is trained in an approved passive physical restraint curriculum;~~
- (18) ~~develop and implement written policy and procedures requiring the TFC or ITFC contractor, and all contractor employees, with reason to believe any child in placement was subject to abuse or neglect, to report it to the Oklahoma Abuse and Neglect Hotline the same day of the incident. Failure to report is a misdemeanor and failure to report with prolonged knowledge is a felony, per 10A O.S. § 1-2-101;~~
- (19)(8) develop and implement written policy that prohibits possession or use of tobacco and tobacco products by any child in placement, and prohibits the use of tobacco or tobacco products by employees of the TFC or ITFC contractor in the presence of any child in placement;
- (20) ~~develop and implement written policy and a system for resolving grievances by any child placed and by the TFC or ITFC parent regarding the substance or application of any written or unwritten policy or rule, decision, act, or omission of the TFC or ITFC~~



~~contractor, TFC or ITFC employees, or agents of the contractor, per OAC 340:2-3-49 and 340:2-3-50;~~

~~(21)(9) afford the TFC or ITFC parent the same rights as all foster parents in Oklahoma, per 10A O.S. § 1-9-119;~~

~~(22) ensure each employee and TFC or ITFC parent has reasonable knowledge of the rights of a child in OKDHS custody, per OAC 340:75-14-2 and 10A O.S. § 1-9-119.1;~~

~~(23) develop and implement written policy and procedures regarding communicable disease, per OAC 340:75-1, Part 9;~~

~~(24) develop and implement written policy and procedures that certify compliance in providing or continuing to provide a drug-free workplace, per the Drug-Free Workplace Act of 1988;~~

~~(25) develop and implement written policy and procedures to maintain confidentiality with regard to children in placement to comply with OKDHS rules regarding the protection, use, and release of client information, per 10A O.S. § 1-6-102 and Part 3 of OAC 340:75-1;~~

~~(26)(10) plan and coordinate each child's discharge with the child's CWS assigned specialist or specialists, when different, and provide a minimum of 72-business hours' notice to discharge, except in medical emergencies. On-site crisis intervention is provided prior to any emergency discharge;~~

~~(27)(11) submit a written discharge summary to the child's CWS CW specialists within 30-calendar days of the child's discharge and file a copy in the child's case record.~~

The discharge summary includes:

(A) a summary of treatment services;

(B) child's progress on the treatment plan;

(C) reason for discharge; and

(D) recommendations for future placements and services for the child's treatment needs;

~~(28)(12) ensure compliance with:~~

(A) minimum licensing standards per Child Care Services licensing standards for child-placing agencies; and

(B) staffing requirements per OKDHS Contract Agreement for TFC or ITFC;

~~(29)(13) develop and implement written policy and operating procedures regarding corrective discipline procedures for employees;~~

~~(30)(14) ensure any TFC or ITFC agency staff member responsible for conducting resource family assessments (RFAs) or annual updates attended OKDHS training prior to conducting RFAs or updates. The staff member attends a minimum six hours of mandatory training annually;~~

~~(31) ensure the TFC or ITFC parent maintains a current Life Book for each child, regardless of the child's age that documents the child's stay in care, and provides continuity throughout the child's life, per OAC 340:75-7-37;~~

~~(32)(15) develop and implement written policy and operating procedures to govern the TFC or ITFC parent's maintenance and administration of prescription and non-prescription medication to each child in placement, including transporting prescription and non-prescription medication when the child receives medication any place other than the TFC or ITFC home, such as respite placements, family visits, and medication administered during school hours;~~

~~(33) develop written policy and operating procedures regarding the use of physical force for behavior management of any child placed.~~

~~(A) The use of mechanical restraints and the use of medication for behavior management are prohibited in the care and treatment of the child in OKDHS custody.~~

~~(B) The use of physical force is permitted when it is necessary for the protection of the child or others consistent with an approved passive physical restraint curriculum, such as when the child's behavior poses an immediate danger or threat of danger to self or others and other methods were exhausted;~~

~~(34)~~(16) develop and implement written policy, operating procedures, and supervision guidelines regarding the use of solitary confinement and separation programs, such as restricting the child to his or her own room for a cooling off period. The duration of room restriction is specified at the time of assignment and is consistent with the child's chronological age; developmental level; behavioral, emotional, and medical needs; and availability of supervision;

~~(35)~~(17) for each scheduled review hearing, coordinate with the ~~CWS~~ CW specialist and the TFC or ITFC parent for a youth 14 through 17 years of age to ensure the youth's availability to respond to the court's inquiry, in person, by phone, or by other electronic means, about the youth's plan for skills development and transition to successful adulthood;

~~(36)~~(18) assist the ~~CWS~~ CW specialist and TFC parent with ensuring youth in the eighth, ninth, or tenth grades are enrolled in the Oklahoma's Promise, formerly known as the Oklahoma Higher Learning Access Program, and provide TFC or ITFC parents with information on the program's eligibility, application guidelines, and academic requirements; and

~~(37)~~(19) for any youth 14 years of age and older, assist the ~~CWS~~ CW specialist and youth, as needed, to remedy concerns of identity theft or fraudulent use of the youth's identity noted through a review of the his or her credit report provided by OKDHS.

## **INSTRUCTIONS TO STAFF 340:75-8-6**

**Revised ~~9-15-229-15-23~~**

- 1. Therapeutic foster care (TFC) or intensive therapeutic family care (ITFC) records review. Child Welfare Services (CWS) welfare (CW) specialists, supervisors, and program staff may review TFC or ITFC case documentation when there are questions regarding the care or treatment for a child in Oklahoma Human Services (OKDHS) custody. Review of the TFC or ITFC case documentation occurs in the TFC or ITFC contractor's office.**
- 2. A child's individual treatment plan (TP) is finalized with original signatures and approved by the Oklahoma Health Care Authority within 30-calendar days of placement.**
  - (1) The TP meeting is scheduled no more than 20-calendar days from the time of placement.**
  - (2) The meeting's time, date, and location are established at the time of placement.**

- (3) The TFC or ITFC contractor sends written confirmation via email of the TP meeting to the **CWS CW** specialist and supervisor within 10-business days.
  - (4) The meeting's participants must include **CWS CW** staff and the TFC or ITFC contractor.
  - (5) Other relevant members of the child's team including, but not limited to, TFC or ITFC parents, biological parents or connections, court-appointed special advocate (CASA), tribal representatives, and external services providers may be invited to participate.
  - (6) The TFC or ITFC contractor provides a copy of the finalized TP to the **CWS CW** specialist within two-business days following the TP meeting.
  - (7) The **CWS CW** specialist must provide the TFC or ITFC agency with a copy of the original signature within two-business days of receipt of the finalized TP.
  - (8) TPs are reviewed and revised every 90-calendar days of placement following the same protocol.
3. The TFC or ITFC contractor is required to provide notice of discharge at least 72-business hours prior to scheduled discharge when the contractor determines that it cannot continue a child's placement. When the child is assessed to meet residential treatment criteria and no bed is available, the TFC or ITFC contractor makes arrangements for temporary placement and then issues the 72-business hour notice to discharge. Notice of discharge is provided in a manner that reasonably ensures the assigned **CWS CW** staff receives the notice. Notice of discharge may be provided in person or by phone, but must also be provided in writing via fax or email to the **CWS CW** specialist, CWS supervisor, and district director.
  4. The **CWS CW** specialist must participate face-to-face in the initial treatment planning process. Subsequent meetings are also face-to-face unless the **CWS CW** specialist is driving more than 80 miles one way, then he or she may phone in every other meeting with prior approval from his or her supervisor.
  5. Medication transportation. **CWS CW** specialists transport medication for the child in OKDHS custody, per Oklahoma Administrative Code 340:75-14-3 Instructions to Staff.

**340:75-8-11. Therapeutic foster care (TFC) or intensive treatment family care (ITFC) placement stability**

Revised ~~9-15-22~~9-15-23

(a) **Placement stability assessment.** TFC or ITFC contractors and ~~Child Welfare Services (CWS)~~ child welfare (CW) specialists continually assess a child's placement stability. When indications of instability are identified, the TFC or ITFC contractor and **CWS CW** specialist jointly evaluate the need for additional services and supports to maintain the current placement.

(b) **Supporting placement stability.** The TFC or ITFC contractor and **CWS CW** specialist review the child's current treatment plan and determine the need for modifications including, but not limited to:

- (1) the need for further evaluation;

- (2) specialized treatment services;
- (3) increased communication between team members;
- (4) wraparound services;
- (5) additional supports for the TFC or ITFC parents;
- (6) use of disruption prevention staffing; and
- (7) behavior redirection and crisis management services.

(c) **Foster parent supports for TFC or ITFC.**

~~(1) **Travel reimbursement.** Oklahoma Administrative Code 340:75-7-65 provides for TFC or ITFC parent reimbursement for a child's transportation that meets specific criteria.~~

~~(2) **Foster home insurance.** Liability insurance is provided for TFC or ITFC families for damages caused by the child in Oklahoma Human Services or tribal custody according to the policy terms. TFC or ITFC 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. TFC or ITFC parents are responsible for deductibles.~~

(d) **Placement disruption.** Disruption is an unplanned change in a child's placement and occurs when a child is removed from a TFC or ITFC home and will not return to the same TFC or ITFC home due to the home or contractor being unable or unwilling to continue to serve the child. Disruptions include all placement changes that are not related to a planned movement ~~towards~~ toward the child's identified permanency goal. Unless an emergency exists, the TFC or ITFC:

~~(1) contractor does not move children in TFC or ITFC placement without CWS approval; and~~

~~(2) parent provides a 30-calendar day notice to the TFC or ITFC contractor when requesting a child's removal from the TFC or ITFC home, unless the removal is required to protect the child's or TFC or ITFC family members' health or safety.~~

(e) **Disruption staffing.** A disruption staffing occurs for all unplanned placement changes. When possible, the staffing occurs prior to providing discharge notice to support the TFC or ITFC parent and child, prevent disruption, or assist with transition. When prior planning is not possible, the staffing occurs within the 72-business hours' notice of discharge period. The staffing occurs within 72-business hours following immediate discharge, such as into an inpatient setting. The staffing includes at least the TFC or ITFC therapist, TFC or ITFC parent, ~~CWS~~ CW specialist or supervisor, and tribal worker or supervisor. The child may participate, when able. The staffing may be conducted by conference call or other virtual means. The contractor's TFC or ITFC program director reviews all disruptions and includes copies with the contractor's monthly report to TFC program staff.

(f) **Respite care.** Respite care provides reprieve and support for the TFC or ITFC parent, child, or both. Respite for children in TFC is only provided in certified therapeutic homes. Respite for children in ITFC is only provided in certified ITFC homes. Reprieve for the TFC or ITFC parent with whom a child is placed includes a defined timeframe, not to exceed 14-calendar days, and specifies the date for the child to return. When the need arises to extend the 14-calendar day respite, the TFC or ITFC contractor obtains prior approval from the TFC field manager.

(g) **Respite placement notification.** The TFC or ITFC contractor notifies, via Form 04FT004E, Notice of Child's Location, the ~~CWS~~ CW specialists involved in the placement

and the TFC liaison and liaison supervisor of all placement changes, including respite, for each child in TFC or ITFC placement.

(h) **TFC or ITFC contractor.** The TFC or ITFC contractor:

(1) ensures the respite TFC or ITFC parent is informed of the child's current treatment issues; behavioral, medical, and physical needs; and any child-specific supervision or safety plans;

(2) pre-approves the respite after assessing both the requesting and receiving resources to ensure safety, bed space, and compatibility of children, ~~as well as ensuring and ensures~~ the respite home is not on a written plan of compliance or any other disciplinary action; and

(3) supervises the respite TFC or ITFC parent in implementing in-home treatment strategies identified in the TFC or ITFC contractor's individualized treatment plan for the child.

## **INSTRUCTIONS TO STAFF 340:75-8-11**

**Revised ~~9-15-229-15-23~~**

### **1. Placement reviews.**

(1) Upon receipt of Form 04FT004E, Notice of Child's Location, ~~the Child Welfare Services (CWS) specialist~~ therapeutic foster care (TFC) program staff updates the KIDS Placement Episode screen to reflect changes.

(2) When the ~~therapeutic foster care (TFC)~~ or intensive treatment family care (ITFC) contractor, TFC or ITFC parent, and ~~CWS~~ child welfare (CW) specialists agree the additional stability supports are:

(A) successful in stabilizing the child, the child returns to the TFC or ITFC placement; or

(B) not successful in stabilizing the child and the TFC or ITFC placement is disrupted, the ~~CWS~~ CW specialist immediately plans for the next appropriate placement.

2. Travel reimbursement. When the TFC or ITFC parent is eligible for travel reimbursement, the ~~CWS~~ CW specialist submits approved Form 10AD006E, Travel Claim, per Oklahoma Administrative Code 340:75-7-65.

### **340:75-8-11.1. Contracted foster care (CFC) in therapeutic foster care (TFC) or intensive therapeutic family care (ITFC) homes**

**Revised ~~9-15-229-15-23~~**

(a) **Purpose.** A TFC or ITFC contractor may ~~utilize~~ use certified TFC or ITFC homes to provide ~~contracted foster care (CFC)~~ to children in the legal custody of, or who are voluntarily placed with, Oklahoma Human Services (OKDHS), or a child in an Indian tribe's custody with an OKDHS tribal agreement. TFC or ITFC contractor CFC placements are submitted for approval to the TFC field manager or field administrator prior to admission to CFC placement in a specified home. Approval may be contingent upon funding availability.

(b) **Population served.** Children may be considered for CFC placement in a TFC or ITFC home on a case-by-case basis. ~~Prior approval with a designated time frame~~ The TFC or ITFC contractor determines a designated timeframe when a child:

(1) placed in TFC or ITFC, no longer requires TFC or ITFC 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, who is placed in the home on TFC or ITFC level of care;

(3) needs placement in traditional foster care in the same home with his or her parent, who is in OKDHS or tribal custody, and is placed on a TFC or ITFC level of care;

(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;

(5) appears to meet criteria for placement in TFC or ITFC and needs immediate placement when Oklahoma Healthcare Authority (OHCA) approval is not available because the placement need developed outside OHCA business hours or the business day closed without a return call from OHCA. The contractor may assist with the child's immediate placement. This placement is documented and reimbursed through the contractor's resource family partnership (RFP) contract for traditional foster care placements or by placement in CFC. OHCA approval is obtained the following business day after placement. ~~Once~~ When OHCA approval is obtained, the child is admitted to TFC or ITFC.

(A) When OHCA denies TFC or ITFC placement and when the family agrees to keep the child, the child may remain in the CFC home.

(B) When the family does not agree to keep the child, the contractor and ~~CWS~~ child welfare (CW) specialist immediately coordinate to ensure a new placement referral is initiated for placement in the appropriate level of care; or

(6) a child needing traditional foster care level is placed with a specific TFC or ITFC home due to the home's unique characteristics that meet the child's needs. This placement requires prior approval of the TFC or ITFC contractor and the TFC field manager or field administrator. Examples of unique characteristics include the ability to communicate with the child in a language other than English, specialized medical training, and wheelchair accessible housing and transportation. When funding availability is uncertain, CFC approval may be required. Approval is requested from the TFC field manager or TFC field administrator.

(c) **CFC admission procedure.** ~~All admissions to CFC have prior approval from the TFC field manager or field administrator; are determined on a case-by-case basis; and are subject to funding availability.~~

(1) The TFC or ITFC contractor notifies the child's ~~CWS~~ CW specialist and ~~CWS~~ CW supervisor when the child is determined to no longer meet TFC or ITFC level of care criteria and is appropriate to step down to traditional foster care. The TFC or ITFC contractor and CWS staff, and tribal staff for a child in tribal custody, determine the most appropriate placement option for the child, including possible CFC placement in the current TFC or ITFC placement. ~~When the child's team determines that remaining in the child's current TFC or ITFC home as a CFC level placement is the child's best placement option, the contractor submits the request to the TFC field manager or field administrator for approval, prior to placement.~~

(2) OKDHS may request the TFC or ITFC contractor consider a CFC placement for the child meeting criteria as sibling to a TFC or ITFC child, a child of a parent placed in TFC or ITFC, or a child returning to placement after failed permanency placement. ~~When in agreement with the request for CFC placement, the TFC or ITFC contractor~~

~~submits the request to the TFC liaison or liaison supervisor for approval prior to placement.~~

~~(3) The TFC or ITFC contractor submits the request for CFC placement to the TFC field manager or field administrator, the request 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) criteria identification for CFC placement for a:~~

~~(i) child stepping down from TFC or ITFC, include the date of anticipated step down;~~

~~(ii) child whose parent is in TFC or ITFC or sibling placements, include the name and date of placement of the TFC or ITFC sibling or parent; and~~

~~(iii) return to previous placement, include the child's previous placement and discharge dates from the proposed placement home;~~

~~(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) each proposed foster parent's work schedule and planned child care use while the proposed foster parent is working;~~

~~(F) names, ages, and genders of all children currently living in the home and their relationships to the proposed foster parents;~~

~~(G) number of bedrooms in the home and how the bedrooms will be allocated with an additional child or children in the home; and~~

~~(H) summary of previous abuse and neglect referrals and all plans of compliance or corrective action plans.~~

~~(4) The TFC liaison and liaison supervisor provides a written response for request approval or denial. Email approval is a valid written response. 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 or ITFC contractor provides written notification of the placement date to the TFC liaison and liaison supervisor and the CWS CW specialist by submitting Form 04FT004E, Notice of Child's Location.~~

~~(6)(4) The TFC liaison documents the child's CFC placement in KIDS.~~

**(d) The CFC discharge procedure.**

(1) Discharge planning is coordinated between TFC or ITFC contractor staff and the child's CWS CW specialist and tribal worker.

(2) Discharges from CFC are reported to the TFC liaison and liaison supervisor and the child's CWS CW specialist within five-business days from the date of discharge by submitting Form 04FT004E.

(3) The contractor averts disruption, when possible, through the use of additional services, respite, disruption prevention meetings, and other identified methods to stabilize placement. The child must meet CFC criteria for placement in a new TFC or ITFC home.

(4) The CWS CW 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.

**(e) CFC respite.** The TFC or ITFC contractor ensures resource homes have access to both planned and unplanned respite care providers for children placed in CFC. Respite

care may be ~~utilized~~ used for the same reasons and time periods specified, per Oklahoma Administrative Code (OAC) 340:75-8-11, for respite care for a child in TFC or ITFC placement. Any respite provider is fully informed of a child's special needs and has 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:

- (1) a CFC bed within the TFC or ITFC home in compliance with all certification requirements;
- (2) identification and approval of an alternate caregiver, per OAC 340:75-7-65; 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 paying the daily board rate directly to the foster family providing care for the child. The payment rate is the same daily rate as a traditional foster care maintenance payment per Appendix C-20, Child Welfare Services (CWS) Rates Schedule, including any difficulty of care (DOC) rate in effect for the child.

**(f) TFC or ITFC contractor requirements for CFC.**

- (1) The TFC or ITFC contractor ~~must~~:
  - (A) provides 24-hour support services to homes providing CFC placements including crisis intervention, consultation, training, and referral to services as needed;
  - (B) complies with policies and procedures established for TFC or ITFC placements regarding management of a CFC placement child's property, allowance, funds, and Life Books;
  - (C) ensures the TFC or ITFC contractor or subcontractor staff, CFC foster parents, respite providers, and alternate caregivers comply with OKDHS policy regarding discipline, behavior management, and corporal punishment, per OAC 340:75-7-38;
  - (D) provides written reports to the child's ~~CWS~~ CW specialist or tribal worker on a quarterly basis, or more frequently when ~~requested by~~ OKDHS or the court requests. 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) coordinates with the child's ~~CWS~~ CW specialist to make referrals and obtain needed services for the child; and
  - (F) participates in all OKDHS initiated staffings or meetings regarding the child and may choose to attend court proceedings for the child. The court may mandate TFC or ITFC contractor attendance to some court proceedings.
- (2) The TFC or ITFC contractor staff:
  - (A) immediately reports to the Oklahoma Abuse and Neglect Hotline (Hotline) at 1-800-522-3511, any allegations or suspicions of abuse or neglect of a child, per Section 1-1-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-1-105) and OKDHS policy. The TFC or ITFC contractor ensures CFC foster parents



understand and acknowledge that failure to report is a misdemeanor offense, failure to report with prolonged knowledge is a felony, and upon conviction, is punishable, per 10A O.S. § 1-2-101, and may result in discontinued use of the home to provide placement for children in OKDHS custody;

(B) cooperates with CWS on any referral regarding alleged abuse or neglect assessed or investigated per OKDHS 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. CWS program staff notifies the TFC or ITFC contractor of the assessment conclusion or investigation finding and jointly determines if a written plan of compliance, training, or assessment is needed prior to the home's continued use; and

(C) establishes 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, CWS has the right to decline the use of the home.

(3) TFC or ITFC contractor makes the child's records and resource file available for review by ~~CWS~~ CW specialists, CWS TFC program staff, or tribal worker assigned to the child.

**(g) Foster parent supports for CFC.**

(1) **Child care.** OAC 340:75-7-65 provides 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.

(2) **Travel reimbursement.** OAC 340:75-7-65 provides for CFC parent reimbursement for a child's transportation that meets specific criteria.

(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.

**(h) Foster home insurance.** Liability insurance is provided for TFC, ITFC, and CFC foster families according to the policy terms. Foster families have the right to receive a copy of the liability insurance policy, per ~~Section 1-9-119 of Title 10A of the Oklahoma~~ 10A O.S. § 1-9-119. Foster parents are responsible for deductibles.

**(i) Child safety.**

(1) The TFC or ITFC 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. The TFC or ITFC contractor and foster parent immediately follow protocol in OAC 340:75-8-6(4) to notify CWS staff and law enforcement in the event a child is:

(i) is removed by anyone without authorization;

(ii) is taken into custody by law enforcement officials;

(iii) leaves without authorization or runs away; or

(iv) ~~otherwise~~ cannot otherwise be located;

(C) ~~CWS~~ Child Welfare Services is notified of any changes in the coordinated 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 and TFC or ITFC contractor comply with OAC 340:75-7-18 to immediately complete assessment of new household members; and

(E) the CFC, TFC, or ITFC home is not providing routine child care as a licensed or unlicensed child care provider.

(2) The TFC or ITFC contractor, the foster parent, or both obtain CWS permission before taking a child in OKDHS custody out-of-state for an overnight stay.

(3) ~~CWS~~ CW specialist reports all concerns for abuse or neglect in a CFC home to the ~~Oklahoma Abuse and Neglect~~ Hotline at 1-800-522-3511.

(4) The TFC or ITFC contractor participates in regularly scheduled staffings on all child abuse and neglect referrals with ~~CWS~~ CW program staff, per OAC 340:75-3-410. Each foster care resource file must contain a log of all investigations and screened-out referrals for use as a continual assessment of safety and resource home developmental needs.

(5) TFC program staff reports to the TFC or ITFC 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 or ITFC contractor reports resolution of the concerns to the TFC liaison supervisor within 15-calendar days of the report of violations or concerns.

## **INSTRUCTIONS TO STAFF 340:75-8-11.1**

**Revised ~~9-15-229-15-23~~**

**1. The ~~Child Welfare Services (CWS)~~ (CW) specialist assists the contracted foster care (CFC) parent to access child care services in compliance with Oklahoma Administrative Code (OAC) 340:75-7-65 and Instructions to Staff.**

**2. The ~~CWS~~ CW specialist ensures the child is pre-approved for CFC by the therapeutic foster care (TFC) field manager and documents the new CFC placement episode with the contracted agency and CFC home.**

**3. The ~~CWS~~ CW specialist assists the TFC or intensive treatment family care (ITFC) contractor to locate available respite in traditional foster homes. The ~~CWS~~ CW 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 or ITFC contractor when respite is available;**

**(2) assists the TFC or ITFC 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 or ITFC contractor to determine the reimbursement amount the CFC contractor pays to the respite provider in compliance with Oklahoma Human Services ~~OKDHS~~ 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 CFC parent is eligible for travel reimbursement, the **GWS CW** 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 **GWS CW** specialist enters the DOC recommendation in KIDS and obtains approval, per OAC 340:75-7-53.**
6. **When the TFC or ITFC contractor fails to satisfactorily resolve reported concerns, the **GWS CW** specialist reports all contract and policy violations, and concerns for child safety and child well-being that do not meet the criteria for abuse or neglect referral to the TFC liaison.**