

COMMENT DUE DATE: January 15, 2024

Date: December 15, 2023

Mark Carson, Programs Manager
Holli Kyker, Programs Administrator
Brandi Smith, Policy Specialist

918-607-0308
405-982-2217
405-982-2703

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:

Chapter 75. Child Welfare Services

Subchapter 1. General Provisions of Child Welfare Services

Part 15. Child Welfare Specialist Training

340:75-1-232 [AMENDED]

340:75-1-233 [AMENDED]

Subchapter 3. Child Protective Services

Part 1. Purpose, Definitions, and Child Abuse and Neglect Hotline Protocol

340:75-3-140 [AMENDED]

Subchapter 6. Permanency Planning

Part 5. Permanency Planning Services

340:75-6-31.3 [AMENDED]

Part 7. Family and Child Individualized Service Planning Components

340:75-6-40.4 [AMENDED]

340:75-6-40.5 [AMENDED]

Part 11. Permanency Planning and Placement Services

340:75-6-86 [AMENDED]

Subchapter 7. Foster Home Care

Part 2. Development of Resource Families

340:75-7-14 [AMENDED]

340:75-7-18 [AMENDED]

Part 4. Role and Responsibilities

340:75-7-37 [AMENDED]

Part 5. Eligibility and Payments

340:75-7-65 [AMENDED]

Part 8. Resource Home Continuous Quality Assessment

340:75-7-94 [AMENDED]

Part 30. Enhanced Foster Care

340:75-7-303 [AMENDED]

Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services

Part 3. Developmental Disabilities Services for Children in Custody

340:75-8-36 [AMENDED]

Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care

Part 1. Eligibility for Substitute Care Services and Claims for Payment

340:75-13-9 [AMENDED]

Part 2. Title IV-E Eligibility And Reimbursability

340:75-13-12 [AMENDED]

340:75-13-13 [AMENDED]

340:75-13-21 [AMENDED]

Part 7. Medical Services

340:75-13-61 [AMENDED]

340:75-13-63 [AMENDED]

340:75-13-80 [AMENDED]

Subchapter 15. Adoptions

Part 14. Post Adoption Services

340:75-15-128.4 [AMENDED]

(Reference WF 24-75)

SUMMARY:

The proposed amendments to Chapter 75 Subchapter 1 include: (1) clarifying procedures, requirements, and exemptions for the Child Welfare Specialist Development Plan (CORE); and (2) deleting language with regard to defunct case management groups for Child Welfare Services (CWS) supervisors.

The proposed amendment to Chapter 75 Subchapter 3 clarifies legal base and authority for conducting Child Abuse and Neglect Information System searches for private adoptive applicants.

The proposed amendments to Chapter 75 Subchapter 6 include: (1) clarifying time frame requirements for trial reunification, extension and case closure, including guidelines for return of custody to the parent, per SB 178 (2023); (2) placing emphasis that voluntary service participation by a parent or legal guardian does not constitute admission or evidence of guilt, per SB 159 (2023); (3) establishing requirements when a child in Oklahoma Human Services (OKDHS) custody is placed in a Qualified Residential Treatment Program (QRTP), per HB 1072 (2023); and (4) updating requirements of notification to foster parents when an investigation results in the removal of a child in OKDHS custody from placement.

The proposed amendments to Chapter 75 Subchapter 7 include: (1) deleting the requirement to evaluate foster parent continuing in-service training specific to each year of service, consistent with requirements of Child Care Services (CCS); (2) ensuring proper and secure storage of medication, cleaning supplies, and other hazardous materials during assessment of a prospective foster home; (3) updating the requirement of prospective foster home applicants to provide documentation of current rabies vaccinations, and that such be administered by a licensed veterinarian; (4) emphasizing foster parent grievances are confidential and the foster parent has a right to be free from harrassment and retaliation, per SB 533 (2023); (5) clarifying the process for reassessment of a previously closed foster home; and (6) clarifying processes regarding service and support plans for Enhanced Foster Care (EFC).

The proposed amendment to Chapter 75 Subchapter 8 removes the requirement to initiate a needs assessment for Developmental Disabilities Services (DDS) to reflect current administrative processes.

The proposed amendments to Chapter 75 Subchapter 13 include: (1) updating the process for obtaining birth certificates following a child's removal and placement in OKDHS custody; and (2) clarifying process to determine Title IV-E medical eligibility, including time frames for determination, eligibility factors, and tribal responsibilities.

The proposed amendment to Chapter 75 Subchapter 15 deletes examples of recruitment efforts for children with a special needs determination.

Permanent rulemaking approval is requested.

LEGAL AUTHORITY:

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

Chapter 75 Subchapter 1: 10A O.S. §§ 1-1-105 et seq.; Title IV-E of the Social Security Act, as amended by the Multiethnic Placement Act of 1994, Interethnic Provisions of 1996, Adoption and Safe Families Act of 1997, Fostering Connections to Success and Increasing Adoptions Act of 2008, and Family First Prevention Services Act, Public Law (P.L.) 115-123.

Chapter 75 Subchapter 3: 10 O.S. § 7505-5.3; 10A §§ 1-1-102, 1-2-105 through 1-2-107, 1-3-104, 1-4-203, 1-7-111, and 1-8-102.

Chapter 75 Subchapter 6: 10A O.S §§ 1-1-102, 1-4-703, 1-4-704, 1-4-805, 1-4-806, and Title IV-E of the Social Security Act, as amended by the Family First Prevention Services Act, Public Law (P.L.) 115-123.

Chapter 75 Subchapter 7: 10A O.S §§ 1-7-101, 1-7-109, 1-9-116, and 1-9-119.

Chapter 75 Subchapter 8: 10A O.S §§ 1-1-105, 1-3-102, 1-7-103, 1-9-110, and 1-9-119.1.

Chapter 75 Subchapter 13: Oklahoma Indian Child Welfare Act 10A O.S §§ 1-4-203, 1-9-119.1, Federal Indian Child Welfare Act, per Section 1901 et seq. of Title 25 of the United States Code and Title IV-E of the Social Security Act.

Chapter 75 Subchapter 15: 10 O.S. §§ 40 et seq., 7501-1.1 et seq., 7700-102, 7700-204; 10A O.S. § 1-4-706; 18 U.S.C. § 16; 25 U.S.C. 1901 et seq., Adoption and Safe Families Act, P.L. 105-89, Multiethnic Placement Act of 1994, as amended by the Interethnic Provisions of 1996 (MEPA/IEP), P.L. 96-272, Titles IV-E and XX of the Social Security Act; Section 1355.20 of Title 45 Chapter XIII of the Code of Federal Regulations (45 C.F.R. § 1355.20), 45 C.F.R. § 1356.



OKLAHOMA DEPARTMENT OF HUMAN
SERVICES



Rule Impact Statement

To: Programs administrator
Legal Services

From: Tricia Howell, Director

Date: March 23, 2023

Re: CHAPTER 75. CHILD WELFARE SERVICES

Subchapter 1. General Provisions of Child Welfare Services

Part 15. Child Welfare Specialist Training

340:75-1-232 [AMENDED]

340:75-1-233 [AMENDED]

Subchapter 3. Child Protective Services

Part 1. Purpose, Definitions, and Child Abuse and Neglect Hotline Protocol

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340:75-7-65 [AMENDED]

Part 8. Resource Home Continuous Quality Assessment

340:75-7-94 [AMENDED]

Part 30. Enhanced Foster Care

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340:75-13-13 [AMENDED]
340:75-13-21 [AMENDED]
Part 7. Medical Services
340:75-13-61 [AMENDED]
340:75-13-63 [AMENDED]
340:75-13-80 [AMENDED]
Subchapter 15. Adoptions
Part 14. Post Adoption Services
340:75-15-128.4 [AMENDED]
(Reference WF 24-75)

Contact: Mark Carson, Policy & Forms Programs Administrator, 918-607-0308

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

The proposed amendments to Chapter 75 Subchapter 1 include: (1) clarifying procedures, requirements, and exemptions for the Child Welfare Specialist Development Plan (CORE); and (2) deleting language with regard to defunct case management groups for Child Welfare Services (CWS) supervisors.

The proposed amendment to Chapter 75 Subchapter 3 clarifies legal base and authority for conducting Child Abuse and Neglect Information System searches for private adoptive applicants.

The proposed amendments to Chapter 75 Subchapter 6 include: (1) clarifying time frame requirements for trial reunification, extension and case closure, including guidelines for return of custody to the parent, per SB 178 (2023); (2) placing emphasis that voluntary service participation by a parent or legal guardian does not constitute admission or evidence of guilt, per SB 159 (2023); (3) establishing requirements when a child in Oklahoma Human Services (OKDHS) custody is placed in a Qualified Residential Treatment Program (QRTP), per HB 1072 (2023); and (4) updating requirements of notification to foster parents when an investigation results in the removal of a child in OKDHS custody from placement.

The proposed amendments to Chapter 75 Subchapter 7 include: (1) deleting the requirement to evaluate foster parent continuing in-service training specific to each year of service, consistent with requirements of Child Care Services (CCS); (2) ensuring proper and secure storage of medication, cleaning supplies, and other hazardous materials during assessment of a prospective foster home; (3) updating the requirement of prospective foster home applicants to provide documentation of current rabies vaccinations, and that such be administered by a licensed veterinarian;

(4) emphasizing foster parent grievances are confidential and the foster parent has a right to be free from harassment and retaliation, per SB 533 (2023); (5) clarifying the process for reassessment of a previously closed foster home; and (6) clarifying processes regarding service and support plans for Enhanced Foster Care (EFC).

The proposed amendment to Chapter 75 Subchapter 8 removes the requirement to initiate a needs assessment for Developmental Disabilities Services (DDS) to reflect current administrative processes.

The proposed amendments to Chapter 75 Subchapter 13 include: (1) updating the process for obtaining birth certificates following a child's removal and placement in OKDHS custody; and (2) clarifying process to determine Title IV-E medical eligibility, including time frames for determination, eligibility factors, and tribal responsibilities.

The proposed amendment to Chapter 75 Subchapter 15 deletes examples of recruitment efforts for children with a special needs determination.

Purpose.

Actions to implement the Pinnacle Plan goals led OKDHS to develop 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. These amendments revise policy to address practice changes that address the Pinnacle Plan goals and FFPSA criteria.

Strategic Plan Impact.

The proposed amendments to Chapter 75 Subchapter 1 achieve OKDHS goals by ensuring policy clearly reflects standards of practice in CORE training which benefit existing and prospective staff.

The proposed amendment to Chapter 75 Subchapter 3 achieves OKDHS goals by ensuring policy reflects statutory requirements related to child abuse and neglect system searches which benefits children, adoptive families, and staff.

The proposed amendments to Chapter 75 Subchapter 6 achieve OKDHS goals by ensuring policy reflects statutory changes related to trial reunification, voluntary service plan participation and QRTP placements which benefit children, parents, placement providers, and staff.

The proposed amendments to Chapter 75 Subchapter 7 achieve OKDHS goals by clarifying process for assessment, support, and reassessment of foster homes which benefit children, placement providers, and staff.

The proposed amendment to Chapter 75 Subchapter 8 achieves OKDHS goals by ensuring consistency in needs determination for DDS which benefits children, parents, placement providers, and staff.

The proposed amendments to Chapter 75 Subchapter 13 achieve OKDHS goals by simplifying the process of obtaining original birth certificates and ensuring policy

reflects accurately procedures for determining eligibility for federally funded medical services which benefit children, parents, placement providers, and staff.

The proposed amendment to Chapter 75 Subchapter 15 achieves OKDHS goals by clarifying recruitment processes for placements which benefit children, placement providers, and staff.

Substantive changes.

Subchapter 1. General Provisions of Child Welfare Services

Part 15. Child Welfare Specialist Training

Oklahoma Administrative Code (OAC) 340:75-1-232 is amended to update language to emphasize the requirement of a skills assessment, rather than certification test, at the conclusion of training for new CWS staff.

OAC 340:75-1-233 is amended to update language by striking language related to case management groups which are no longer offered.

Subchapter 3. Child Protective Services

Part 1. Purpose, Definitions, and Child Abuse and Neglect Hotline Protocol

OAC 340:75-3-140 is amended to include language regarding child abuse and neglect searches for private adoptive applicants.

Subchapter 6. Permanency Planning

Part 5. Permanency Planning Services

OAC 340:75-6-31.3 is amended to clarify time frames for trial reunification, including the court may close the case at any time after the child is returned to the parent's home, per SB 178 (2023).

Part 7. Family and Child Individualized Service Planning Components

OAC 340:75-6-40.4 is amended to explicitly indicate a parent's participation in services prior to adjudication is not an admission of guilt and cannot be used as evidence for purpose of adjudication, per SB 159 (2023).

OAC 340:75-6-40.5 is amended to reflect responsibility to submit to the court an assessment completed by a qualified individual to support determination to place a child in a qualified residential treatment program, per HB 1072 (2023).

Part 11. Permanency Planning and Placement Services

OAC 340:75-6-86 is amended to include requirements to notify foster parents if a child is removed from the foster home due to a child abuse or neglect investigation.

Subchapter 7. Foster Home Care

Part 2. Development of Resource Families

OAC 340:75-7-14 is amended to delete the requirement to track continuing in-service training each year based on date of certification.

OAC 340:75-7-18 is amended to include updated requirements for assessment of prospective foster homes.

Part 4. Role and Responsibilities

OAC 340:75-7-37 is amended to delete the foster parent responsibility to complete continuing in-service training each year based on date of certification.

Part 5. Eligibility and Payments

OAC 340:75-7-65 is amended to include language to emphasize the confidential nature of foster parent grievances and prohibit harassment and retaliation as a result of filing a grievance, per SB 533 (2023).

Part 8. Resource Home Continuous Quality Assessment

OAC 340:75-7-94 is amended to reflect current process of reassessing a previously closed foster home.

Part 30. Enhanced Foster Care

OAC 340:75-7-303 is amended to specify participants and process for service and support plans for enhanced foster care.

Subchapter 8. Therapeutic Foster Care and Developmental Disabilities Services

Part 3. Developmental Disabilities Services for Children in Custody

OAC 340:75-8-36 is amended to reflect current practice of needs assessments being conducted at an administrative level.

Subchapter 13. Other Child Welfare Services and Medical Services for Children in Out-of-Home Care

Part 1. Eligibility for Substitute Care Services and Claims for Payment

OAC 340:75-13-9 is amended to reflect current procedure for obtaining original birth certificates following a child's removal and placement.

Part 2. Title IV-E Eligibility and Reimbursability

OAC 340:75-13-12 is amended to clarify language regarding determination of IV-E eligibility.

OAC 340:75-13-13 is amended to clarify the timeframe for determination of IV-E eligibility.

OAC 340:75-13-21 is amended to specify responsibility for determination of IV-E eligibility for an Indian child.

Part 7. Medical Services

OAC 340:75-13-61 is amended to clarify documentation process and timeframes, consistent with other CWS policy.

OAC 340:75-13-63 is amended to correct the website link to the Oklahoma Health Care Authority.

OAC 340:75-13-80 is amended to update legal authority regarding a child who is undocumented or unqualified and to delete outdated language regarding youth in voluntary placement.

Subchapter 15. Adoptions

Part 14. Post Adoption Services

OAC 340:75-15-128.4 is amended to delete language regarding examples of recruitment efforts for children with a special needs determination.

Reasons.

Chapter 75 Subchapter 1: The proposed amendments aligns rule with current procedures in the Child Welfare Training Program.

Chapter 75 Subchapter 3: The proposed amendment clarifies responsibility for child abuse and neglect information searches for private adoptive applicants.

Chapter 75 Subchapter 6: The proposed amendments reflect state statutory changes.

Chapter 75 Subchapter 7: The proposed amendments align with current guidance on assessment and reassessment of foster homes, and reflect state statutory change with regard to foster parent grievances.

Chapter 75 Subchapter 8: The proposed amendment reflects changes to protocols for needs assessments for DDS.

Chapter 75 Subchapter 13: The proposed amendments reflect changes to protocols regarding obtaining birth certificates and determination of IV-E eligibility.

Chapter 75 Subchapter 15: The proposed amendment deletes language of possible recruitment efforts that was not intended as an exhaustive list.

Repercussions.

Chapter 75 Subchapter 1: The proposed amendments reflect procedural changes that improve outcomes for children in OKDHS custody and parents.

Chapter 75 Subchapter 3: The proposed amendment reflects changes to protocols that improve outcomes for children.

Chapter 75 Subchapter 6: The proposed amendments reflect statutory changes regarding trial reunification, voluntary service participation and QRTP placement that improve outcomes for children, parents and placement providers.

Chapter 75 Subchapter 7: The proposed reflect current practice in assessment of foster homes and statutory change with regard to foster parent grievances that improve outcomes for children and placement providers.

Chapter 75 Subchapter 8: The proposed amendment reflects current protocol for needs assessment for DDS that improves outcomes for children.

Chapter 75 Subchapter 13: The proposed amendments reflects update to protocol to obtain birth certificates and determination of IV-E eligibility that improve outcomes for children.

Chapter 75 Subchapter 15: The proposed amendment clarifies language regarding foster home recruitment for children with a special needs determination that improves outcomes for children.

Legal authority.

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

Chapter 75 Subchapter 1: 10A O.S. §§ 1-1-105 et seq.; Title IV-E of the Social Security Act, as amended by the Multiethnic Placement Act of 1994, Interethnic Provisions of 1996, Adoption and Safe Families Act of 1997, Fostering Connections to Success and Increasing Adoptions Act of 2008, and Family First Prevention Services Act, Public Law (P.L.) 115-123.

Chapter 75 Subchapter 3: 10 O.S. § 7505-5.3; 10A §§ 1-1-102, 1-2-105 through 1-2-107, 1-3-104, 1-4-203, 1-7-111, and 1-8-102.

Chapter 75 Subchapter 6: 10A O.S §§ 1-1-102, 1-4-703, 1-4-704, 1-4-805, 1-4-806, and Title IV-E of the Social Security Act, as amended by the Family First Prevention Services Act, Public Law (P.L.) 115-123.

Chapter 75 Subchapter 7: 10A O.S §§ 1-7-101, 1-7-109, 1-9-116, and 1-9-119.

Chapter 75 Subchapter 8: 10A O.S §§ 1-1-105, 1-3-102, 1-7-103, 1-9-110, and 1-9-119.1.

Chapter 75 Subchapter 13: Oklahoma Indian Child Welfare Act 10A O.S §§ 1-4-203, 1-9-119.1, Federal Indian Child Welfare Act, per Section 1901 et seq. of Title 25 of the United States Code and Title IV-E of the Social Security Act.

Chapter 75 Subchapter 15: 10 O.S. §§ 40 et seq., 7501-1.1 et seq., 7700-102, 7700-204; 10A O.S. § 1-4-706; 18 U.S.C. § 16; 25 U.S.C. 1901 et seq., Adoption and Safe Families Act, P.L. 105-89, Multiethnic Placement Act of 1994, as amended by the Interethnic Provisions of 1996 (MEPA/IEP), P.L. 96-272, Titles IV-E and XX of the Social Security Act; Section 1355.20 of Title 45 Chapter XIII of the Code of Federal Regulations (45 C.F.R. § 1355.20), 45 C.F.R. § 1356.

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 1: The classes of persons most likely to be affected by the proposed amendment are CWS staff. The affected classes bear no costs associated with the implementation of the rule.

Chapter 75 Subchapter 3: The classes of persons most likely to be affected by the proposed amendment are CWS staff, children, and families. The affected classes bear no costs associated with the implementation of the rules.

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

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 implementation of the rule.

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 implementation of the rule.

Chapter 75 Subchapter 13: The classes of persons most likely to be affected by the proposed amendments are CWS staff and children in OKDHS custody. The affected classes bear no costs associated with the implementation of the rule.

Chapter 75 Subchapter 15: The classes of persons most likely to be affected by the proposed amendments are CWS staff, children in OKDHS custody, and adoptive parents. The affected classes bear no costs associated with the implementation of the rule.

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

Chapter 75 Subchapter 1: The classes of persons who will benefit are CWS staff.

Chapter 75 Subchapter 3: 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.

Chapter 75 Subchapter 13: The classes of persons who will benefit are CWS staff and children in OKDHS custody.

Chapter 75 Subchapter 15: The classes of persons who will benefit are CWS staff, adoptive parents, 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 nonregulatory 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 May 12, 2023; modified November 20, 2023

SUBCHAPTER 1. GENERAL PROVISIONS OF CHILD WELFARE SERVICES

PART 15. CHILD WELFARE SPECIALIST TRAINING

340:75-1-231. Child Welfare Specialist Development Plan [ITS ONLY]

Revised 9-15-15

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

INSTRUCTIONS TO STAFF 340:75-1-231

Revised ~~9-15-20~~ 9-14-24

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

(1) CW CORE training.

(A) Schedule. CORE sessions are presented multiple times each year. Schedules are located on the training website <https://cwtraining.oucpm.org>. The CORE Companion Guide, ~~used by the~~ specialists, supervisors, and mentors, use is located on the <https://cwtraining.oucpm.org> website.

(B) Enrollment. Upon notification of a new CW specialist's start date, the immediate supervisor enrolls the CW specialist in CORE training by completing the online form at <https://cwtraining.oucpm.org/core-enrollment-request/>.

(i) Each CW specialist begins CORE training module 1 pre-requisite only learning no later than six weeks after his or her enter on duty date. The new CW specialist does not receive caseload assignments until he or she completes CORE training and the Comprehensive Skills Assessment.

(ii) When the new CW specialist is enrolled in CORE, the CORE coordinator sends the CW supervisor ~~receives~~ a confirmation email ~~from the CORE coordinator~~.

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

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

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

(iii) The CW supervisor emails the CORE coordinator and program administrator or supervisor immediately upon learning the CW specialist will be absent from CORE training and communicates as necessary regarding other absences.

(D) Make-up days. The program ~~administrator/supervisor~~ administrator or supervisor and CW supervisor, determine the best course of action based on the number of training day absences, content missed, and CW

specialist's progress in training, ~~determine whether CORE make-up training days are necessary.~~

(E) Punctuality. The CORE coordinator and program administrator or supervisor reports the CW specialist's tardiness that exceeds a total of 30 minutes in any week of classroom training to the CW supervisor.

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

(G) Pre-CORE activities. When the new CW specialist does not complete required pre-CORE activities and the CORE Checklist found in the *Core Companion Guide* ~~are not completed by the new CW specialist~~ prior to the start of the CORE training program, the specialist's CORE training is delayed. The CW specialist reports to the district office and attends the next scheduled CORE training session, when the pre-CORE activities and CORE Checklist are completed.

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

(i) complete the activities listed in the *OJT Specialist Workbook CORE Companion Guide*. Recommendations for when to complete OJT activities during CORE are included in the *Workbook Guide*;

(ii) practice newly acquired skills in the work environment through OJT activities; and

(iii) ~~complete the OJT activities assigned during CORE training~~ debrief completed OJT activities with their mentor or supervisor to ensure understanding and connections to daily practice.

(I) Rehire employee training exemption. A district director or field manager may approve an exemption from CORE training for an individual who was previously employed as a CW specialist. The supervisor assesses the rehire's skillset to best determine what training may be needed prior to assuming a caseload. The two exemptions for rehire training are detailed in (i) and (ii) of this subparagraph.

(i) Training Exception #1: A rehired employee returning to work within the same program or track as previously worked.

(ii) Training Exception #2: A rehired employee returning to work in a different program or track than previously worked, or a newly hired employee with experience in child welfare in another state.

(2) Structured mentoring.

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

(B) Mentor assignment.

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

(ii) The mentor is a CW specialist from the same supervisory group unless a qualified CW specialist is not available, necessitating the assignment of a CW specialist from another group.

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

(C) Mentor qualifications. A mentor is:

(i) ~~is~~ an OKDHS ~~CW~~ Child Welfare Services (CWS) professional with one or more years of ~~CW~~ CWS experience and has completed CW specialist III certification;

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

(iii) a professional who understands and models the purpose and philosophy of ~~CW~~ CWS policy and practice; and

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

(D) Mentor responsibilities. Specific responsibilities and instructions for mentors are found in the *OJT Workbook for Supervisors* and the *CORE Companion Guide*.

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

(3) Mandatory specialized training. Each CW specialist completes mandatory Level 1 training for the assigned program after completing CORE training. Remaining Level 1 trainings are completed but within 18 months of the CW specialist's enter on duty date. The CW specialist is automatically enrolled in mandatory Level 1 training upon completion of the Comprehensive Skills Assessment. Requirements for Level 1 trainings are found on the training website <http://cwtraining.oucpm.org/>.

(4) Intensive supervision for new CW specialists. The CW supervisor provides intensive supervision for the new CW specialist during CORE training and through completion of Certification Phase 3. Intensive ~~CW~~ CWS supervision responsibilities are listed in (A) through (C).

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

(i) does not assign the new CW specialist a caseload;

(ii) reviews pre-CORE training information with the CW specialist and explains the ~~New CW Specialist Development Plan~~ CORE format;

(iii) completes the activities on the pre-CORE Checklist found in the *CORE Companion Guide*;

(iv) assigns a mentor to the CW specialist, recognizing that the mentor has great influence on the specialist's attitude and philosophy and

- ensures the mentor is familiar with ~~his or her~~ the mentor's responsibilities;
- (v) allows the CW specialist to shadow experienced CW specialists on a variety of job assignments as described in the ~~OJT Specialist Workbook~~ CORE Companion Guide; and
- (vi) discusses with the CW specialist the:
- (I) role of CORE training;
 - (II) the CORE training—evaluation Comprehensive Skill Assessment; and
 - (III) the Specialist Certification required during the CW specialist's probationary period.
- (B) During CORE, the CW supervisor:
- (i) provides and explains OJT assignments and monitors completion of each activity;
 - (ii) discusses OJT activities with the CW specialist, completes the OJT document, and signs documentation forms as required;
 - (iii) verifies that the CW specialist completed OJT assignments, with required approvals, for return to CORE training; and
 - (iv) assists the CW specialist with filing the mileage and per diem claims, when appropriate. The CORE workshop announcement is used to document travel.
- (C) After the CW specialist completes CORE training, post-CORE Level trainings, and is provisionally certified, the CW supervisor:
- (i) assigns the CW specialist no more than 50 percent of a caseload;
 - (ii) completes coaching and observations required for completion of Certification Phase 2;
 - (iii) assigns the CW specialist 75 percent of a caseload six months post-CORE training;
 - (iv) completes coaching and observations required for completion of Certification Phase 3;
 - (v) assigns the CW specialist 100 percent of a caseload at nine months post-CORE training;
 - (vi) ensures required Level 1 training for the CW specialist is completed;
 - (vii) schedules and conducts weekly conferences;
 - (viii) does not allow the CW specialist to perform a new activity, such as supervising visits or creating an Individualized Service Plan, when the specialist has not shadowed an experienced CW specialist on a similar activity; and
 - (ix) reviews the accountabilities on the specialist's ~~Form HCM-111 with the CW specialist~~ Performance Management Process.

340:75-1-232. Specialized training for the experienced Child Welfare (CW) specialist, supervisor, and programs staff person

Revised ~~7-1-13~~ 9-14-24

The Oklahoma Department of Human Services provides ongoing professional development for the Child Welfare (CW) specialist, supervisor, and programs staff person through in-service training opportunities as a component of the employee's professional development plan. ■ 1 through 6

(1) **Training requirements for the experienced CW specialist.** After completing each New CW Specialist Development Plan (CORE) requirement, that includes successful completion of the ~~post-CORE training certification test~~ CORE Comprehensive Skill Assessment and Level I and II training, the CW specialist completes a minimum of 40 hours of Level III job-related training per performance evaluation period until Level III training is complete. Thereafter, the 40 hours of required training per evaluation period is job-related to meet the specialist's needs. ■ 3

(2) **Training requirements for the programs staff person without supervisory responsibility.** The programs ~~Programs~~ staff person who does not have supervisory responsibility completes a minimum of 40 hours of job-related training per performance evaluation year. ■ 3, 4, & 7

(3) **Training requirements for the CW supervisor and programs staff person with supervisory responsibility.** Each CW supervisor and programs staff person completes a minimum of 40 hours of job-related training during each performance evaluation period. Per Section 840-3.1 of Title 74 of the Oklahoma Statutes each:

(A) employee appointed to his or her first supervisory position completes 24 hours of management training within 12 months of assuming the supervisory position; and

(B) supervisor completes 12 hours of management training during each performance evaluation period. ■ 2 through 7

INSTRUCTIONS TO STAFF 340:75-1-232

Revised ~~9-15-20~~ 9-14-24

1. ~~Performance management process~~ **Management Process (PMP).** The child welfare (CW) supervisor documents the ~~child welfare~~ **CW specialist's** yearly training plan on ~~Form HCM-111, the specialist's Performance Management Process (PMP), Section F, Summary/Development Plan.~~ The yearly training plan is based on mandatory training requirements and job-related training needs ~~identified by the CW specialist and supervisor~~ **identify.**

2. CW specialists I - IV must complete certification.

3. Qualified training courses.

(1) **CW Child Welfare Services (CWS) Training Program** workshops. All specialized workshops offered through CW Training are considered job-related and count toward training-hour requirements.

(2) Other mandatory training. Training designated as mandatory for the **CW CWS** employee is credited toward his or her training-hour requirements.

(3) Training during staff meetings. Formalized training that exceeds one hour in length, during staff meetings qualifies as job-related training. Program maintenance agenda items, such as memorandum or statistical, report review, or project updates do not qualify as training.

- (A) The person in charge of the meeting obtains and maintains all necessary training documentation, including a content outline and completed Form 11PE203E, Training Attendance Record.
- (B) ~~The CW CWS staff person~~ enters the training session into the KIDS Non-CWCTP screen and requests approval for training-hours from the appropriate supervisor.
- (4) National Resource Center for Youth Services (NRCYS). Each NRCYS workshop is considered job-related training and is credited toward training hour requirements and is entered into the KIDS Non-CWCTP screen.
- (5) Training credit for other approved training courses and workshops. When the employee's supervisor approves other job-related training, courses, workshops, or seminars, the employee receives credit for successful completion of the session and the supervisor documents the approval in KIDS non-CWCTP screens.
- (A) Trainings offered through, but not limited to, state or private agencies, conferences, or seminars may be approved for credit through the KIDS Non-CWCTP screen.
- (B) When determined job-related, college and university courses count for only the number of credits given for the course and not the actual number of classroom hours involved.
4. Training schedules. Requirements for Level 2 and 3 workshops are found on the training website <https://cwtraining.oucpm.org/>. The training schedule for the entire fiscal year is found on the training website <https://cwtraining.oucpm.org/> website. Training enrollment is completed through the Learning Management System (LMS) at <https://www.okdhslearning.org/login/index.php>.
- (1) The CW specialist does not enroll in Level 3 training until the specialist completes all required Level 1 and 2 training.
- (2) The CW specialist and supervisor determine the CW specialist's training needs and the CW specialist enrolls in the Level 3 sessions relevant to his or her job duties and level of expertise.
5. New Supervisor Academy. The new mandatory Supervisor Academy and program training is for each CW supervisor and any individual who has not been a supervisor for more than 12 months. The academy provides training to expand the supervisor's management and supervisory knowledge, skills, and abilities and provides an opportunity for cross training.
6. Training at the annual CW supervisors' meeting. The annual CW supervisors' meetings are mandatory for each CW supervisor and programs staff person. The meeting is designed to provide training, share information, maintain open lines of communication within Child Welfare Services, and provide a support system for CW supervisors. Training credit is approved for breakout sessions only and attendance is tracked in LMS.
7. Attendance requirements for CW Training workshops. Full participation in the workshops is critical to the ~~CW CWS~~ professional's development. The participant who misses more than a total of 30 minutes of a ~~CW CWS~~ Training workshop does not receive credit for the training. Partial attendance is reported

to the immediate supervisor. When a CW specialist has a subpoena or order to appear in court for any day during specialized training and cannot change the hearing date, the CW specialist reschedules the training for another date.

(1) Punctuality. A participant who arrives late, leaves early, or returns late from lunch or breaks is advised by the training coordinator to return to his or her duty station for the duration of the training.

(2) Inability to attend or complete a training session.

(A) Prior to, or during a training session, a participant who becomes ill, has an ill family member who requires the participant's care, or chooses to leave the training session for any reason, notifies the training coordinator and the participant's immediate supervisor.

(B) When the training session is mandatory, such as the CW CORE Training Specialist Development Plan (CORE), the participant makes arrangements with the appropriate CORE coordinator to attend the training at a later date.

(C) When the training is non-mandatory, such as specialized training, and the participant is unable to attend, the participant enrolls in a later training session.

(3) Inclement weather. In case of inclement weather, the participant is notified of cancellations as early as possible. ~~Hazardous~~ The Training Unit and Oklahoma Human Services monitors weather conditions ~~are monitored by the Training Unit and Oklahoma Human Services.~~ A decision to delay start times or cancel and reschedule trainings is communicated by email. When a Training workshop is canceled, the participant is expected to be at his or her duty station or take appropriate leave. The participant is not required to travel when he or she believes travel is unsafe. Notices regarding weather are included on the training website: <https://cwtraining.oucpm.org/>.

(A) A supervisor with a specialist who chooses not to attend CORE training due to inclement weather ~~must notify~~ notifies the Training Unit to explore options to make-up the missed training.

(B) A specialist attending other Level trainings ~~must notify~~ notifies notify his or her supervisor and the Training Unit to cancel attendance.

(4) Scheduling make-ups. ~~A The CORE coordinator automatically schedules a make-up session for CORE and Level 1 training is automatically scheduled for the new CW specialist by the CORE coordinator.~~ The participant schedules needed make-up sessions for Level 2 or Level 3 training by emailing the Training Unit.

(5) ~~CW~~ CWS Training. Attendance at ~~CW~~ CWS Training is tracked in LMS. ~~Attendance The CWS Training Section contractor obtains attendance information is obtained by the CW Training Section contractor from the workshop sign-in logs at the time of training.~~ Attendance records are available on LMS within 30-calendar days after the workshop.

(6) Non-CWCTP training. Attendance at non-CWCTP training is tracked through KIDS. ~~The CW CWS staff person attending the training enters the workshop information in KIDS Non-CWCTP Training screen and requests~~

supervisor approval. ~~The training hours for the participant are then approved by the CW Training program supervisor.~~

(7) Individual staff training records. Current training records that include both ~~CW~~ CWS Training and non-CWCTP training are available in KIDS Training Reports and LMS. Individual training records through KIDS date back to July, 1995.

340:75-1-233. Support services for the Child Welfare Services employee

Revised ~~7-1-13~~ 9-14-24

~~(a) Critical incident debriefings.~~ ~~OKDHS Oklahoma Human Services~~ provides critical incident debriefings when requested for the Child Welfare Services (CW) employee exposed to a critical incident such as a child death, serious injury of a child, or workplace violence. ■ 1

~~(b) Case management services.~~ OKDHS provides clinical case management groups, conducted by master of social work or doctorate level clinicians, for the CW supervisor to enhance CW practice through consultation and training. ■ 2

INSTRUCTIONS TO STAFF 340:75-1-233

Revised ~~10-8-13~~ 9-14-24

1. ~~Critical incident debriefing.~~ Debriefing services are provided promptly when needed within Child Welfare Services (CWS) to assist employees ~~deal~~ dealing with the stress associated with the occurrence of a critical incident. The ~~CWS~~ child welfare supervisor or district director contacts the CWS Training Section Unit to arrange debriefing services.

2. ~~(a) Clinical case management services.~~ ~~Each clinical case management session focuses on critical thinking and decision-making regarding issues, such as:~~

~~(1) why a child was removed from his or her home;~~

~~(2) whether a recommendation to terminate parental rights is appropriate;~~

~~(3) whether a recommendation to return a child to his or her home is appropriate; and~~

~~(4) barriers that have prevented the achievement of the child's case plan goal during the previous 12 months.~~

~~(b) Clinical case management group attendance.~~ Participation in a clinical case management group is mandatory for CWS supervisors.

~~(1) Enrollment in a case management group is completed through the CWS Training Section.~~

~~(2) CWS supervisors receive two hours of supervisory management training credit for each session attended.~~

340:75-1-240. Child Welfare Professional Enhancement program [ITS ONLY]

Revised 7-1-13

The Oklahoma Department of Human Services (OKDHS) partners with the University of Oklahoma to support employee education through the Child Welfare Professional Enhancement program (CWPEP). CWPEP provides tuition, fees, and required textbooks for employees. OKDHS employees may request authorization for up to 20 days of paid

educational leave per calendar year. Annual leave may be approved when appropriate for additional classroom days. ■ 1

INSTRUCTIONS TO STAFF 340:75-1-240

Revised ~~9-15-20~~ 9-14-24

1. (a) **Master of Social Work (MSW) degree scholarships.** The MSW degree scholarships are available only through the University of Oklahoma (OU) School of Social Work. Scholarships are limited to Oklahoma Human Services (OKDHS) employees currently in or willing to transfer to Child Welfare Services (CWS) and are committed to a career in CWS. The scholarship program is available through a cooperative effort between the OKDHS and the OU School of Social Work.
 - (1) MSW scholarships are awarded by OU and include tuition and books only. Tuition payment is made directly to OU.
 - (2) Scholarships are restricted to the MSW degree only as the MSW degree is preferred for CWS positions.
 - (3) The scholarship program may be discontinued at any time based on the availability of federal funds.
 - (4) When a scholarship is received, the employee signs a contract defining the employee's responsibilities and commitments.
 - (5) Employees who have a master's degree in psychology, sociology, juvenile justice, guidance and counseling, ~~human/family~~ human or family relations, family and child development, or a closely related field, are not eligible for the MSW scholarship.
 - (6) Award and obligation. Each MSW scholarship is awarded for a one year period and requires a commitment of 15 months of service to CWS per year 30 credit hours of scholarship support. Failure to complete the service requirement requires the employee to repay the cost of tuition and books.
 - (7) Job placement. The employee remains in his or her current job assignment and attends MSW school:
 - (A) part-time during the first year, second year, or both; and
 - (B) full-time during the ~~second~~ final year. During the ~~second~~ final year, the employee completes a full-time practicum. The employee uses a combination of educational and annual leave to attend classes.
- (b) **MSW application procedures.**
 - (1) A Each year, CWS issues a numbered memorandum ~~is issued by CWS each year~~ announcing the MSW scholarship program application period and the selection criteria.
 - (2) The CWS employee makes application for admission to the OU Graduate School and School of Social Work when desired. OKDHS and CWS are not in the selection process of MSW students admitted to the school.

SUBCHAPTER 3. CHILD PROTECTIVE SERVICES

PART 1. PURPOSE, DEFINITIONS, AND CHILD ABUSE AND NEGLECT HOTLINE PROTOCOL

340:75-3-140. Child Abuse and Neglect Information System (CANIS) ~~also known as KIDS~~

Revised ~~9-15-20~~ 9-14-24

(a) **Legal Base ~~basis~~ for KIDS CANIS**. The Child Abuse and Neglect Information System, ~~also known as KIDS,~~ is a permanent, computerized record-keeping system ~~maintained by~~ Child Welfare Services maintains, per Section 1-2-108 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-108) that requires *the maintenance of all reports of child abuse, sexual abuse, and neglect made pursuant to the provisions of the Oklahoma Children's Code*. Only authorized Oklahoma ~~Department of~~ Human Services (~~DHS~~) (OKDHS) staff may inquire and report to the information system.

(b) **Fees for CANIS search**. ~~DHS~~ OKDHS may charge a fee, up to \$35.00, for each CANIS search conducted for a prospective guardian of a child not in ~~DHS~~ OKDHS custody and all other household members 18 years of age and older. The court receives a background check for a prospective guardian and all other household members 18 years of age and older, consisting of a review of a national fingerprint-based criminal background check, a search of the Oklahoma Department of Corrections' files maintained per the Sex Offenders Registration Act, and a search of the child abuse and neglect information system maintained for review by authorized entities by the ~~DHS~~ OKDHS, per 30 O.S. § 2-101.

(c) **CANIS search for court-appointed special advocate (CASA) volunteers**. A OKDHS conducts a CANIS search ~~is conducted by DHS~~ for any person making application to become a ~~court-appointed special advocate (CASA)~~ volunteer or to be employed by the local CASA program, per 10A O.S. § 1-8-102. ■ 1 through 3

(d) **CANIS search for private adoptive applicants**. OKDHS conducts a CANIS search for private adoptive applicants and all other adult household members 18 years of age and older, per 10 O.S. § 7505-5.3. ■ 4

INSTRUCTIONS TO STAFF 340:75-3-140

Revised ~~9-15-20~~ 9-14-24

1. **Purpose of Child Abuse and Neglect Information System (KIDS)**. The purpose of the KIDS, the permanent, computerized record-keeping system Child Welfare Services uses and maintains, is to:

- (1) provide central storage of information pertaining to reports of child abuse and neglect in Oklahoma;
- (2) serve as a tracking system for reports of child abuse and neglect; and
- (3) provide raw data for statistical analysis of child abuse and neglect reports.

2. (a) **Inquiring and reporting to KIDS**. Only authorized Oklahoma ~~Department of~~ Human Services (~~DHS~~) (OKDHS) staff may inquire and report to the information system. Authorized staff and functions are listed in (1) through (4) (5) of this subsection.

- (1) Child Welfare Services (CWS) staff, assessing or investigating reports of suspected child abuse and neglect, ~~must inquire~~ inquires and ~~make~~ makes reports to the information system.

(2) ~~DHS OKDHS~~ foster and adoptive home staff ~~must inquire~~ inquires into the information system to determine if any persons in the household, applying to become a foster or adoptive home, were involved in any child abuse or neglect allegations assessed or investigated by ~~DHS OKDHS~~.

(3) Reasons CWS staff may inquire into the information system are:

(A) for internal administrative purposes;

(B) to respond to inquiries from persons who, as a part of their official duties, have responsibilities directly connected with child abuse laws, prosecution, or delivery of services, such as the district attorney (DA), law enforcement, or another state's ~~child protective services~~ Child Protective Services (CPS) agency; or

(C) to respond to a non-custodial parent's inquiry about a child abuse assessment or investigation involving his or her child. The inquiring parent ~~must provide~~ provides verification of his or her identity and that he or she is the child's parent. Verification is in the form of a written, notarized statement or other proof, including the child's birth certificate, court order, or other such document.

(i) When there is a pending investigation or other current CWS involvement with the parent's child, the parent is referred to the assigned CWS child welfare (CW) specialist and supervisor.

(ii) When the parent is aware that he or she was the subject of a previous assessment or investigation for which the parent did not receive notification of the assessment conclusions or investigative findings, the appropriate letter of conclusions or findings, per Oklahoma Administrative Code (OAC) 340:75-3-520(b), is sent to the parent.

(iii) When CWS staff previously assigned to the case is still employed in CWS within that county, the parent is referred to that CW specialist and supervisor to request a copy of Form 04KI019E, Notification Concerning Finding(s) of Child Abuse/Neglect.

(iv) When CWS staff previously assigned to the case is no longer employed in that county or position, the CWS CANIS staff provides the Form 04KI019E, Notification Concerning Finding(s) of Child Abuse/Neglect to the parent upon verification of identity. CWS CANIS staff verifies identity by:

(I) comparing demographic information the parent provides with what is listed in OKDHS record(s) including but not limited to dates of birth, Social Security number, and prior address; and

(II) reviewing Oklahoma driver license, other state issued identification, or passport identification.

~~(iii)~~(v) The parent is advised that a court order is required to release any other confidential CWS information except in the circumstances in this Instruction.

(4) Child Care Services (CCS) licensing staff may inquire into the information system to determine if any person who signs the application for family child care home license or the owner of a child care facility has had a previous

report of child abuse, neglect, or both. CCS staff may inquire only when the applicant submits a signed Form 07LC004E, Request for License – Child Care Facility.

(5) Office of Client Advocacy has access to KIDS to document reports of abuse and neglect in above-foster care settings.

(b) Assessment or investigation inquiry and reporting. CWS staff involved in child abuse assessments or investigations ~~follow~~ follows the procedures outlined in (1) through (3) of this subsection for inquiring and reporting to the information system.

(1) CWS staff ~~must inquire~~ inquires into the information system on each report of suspected child abuse, neglect, or both, as soon as possible after receiving the report. CWS staff or authorized clerical personnel access this information by checking KIDS.

(2) The ~~CWS~~ CW specialist enters a record of all child abuse and neglect assessments or investigations on KIDS. Assessments or investigations determined to be the result of an exercise of reasonable parental discipline are not maintained as a permanent record in the information system, per OAC 340:75-3-140 Instructions to Staff #2. All other assessments or investigations are permanently maintained. When there is an existing or ongoing assessment or investigation and a new report regarding the family is received, the report is entered into KIDS.

(3) When an assessment or investigation shows the reported incident is the result of reasonable parental discipline, the CPS Programs Unit staff is notified by KIDS. ~~A CPS Programs Unit staff conducts a review of the assessment or investigation is conducted by CPS Programs staff.~~ If CPS programs Programs Unit staff agrees the determination was made in accordance with CPS guidelines, the district office is notified through KIDS that the referral and investigation information will be expunged. Expungement CPS Programs Unit staff makes expungement arrangements are made by CPS Programs staff.

(c) All entries on KIDS related to the documentation of the assessment or investigation, particularly in the KIDS Abuse/Neglect Information and Investigation Findings screens, are considered the information system, per the Oklahoma Children's Code.

3. Inquiries from ~~non-DHS~~ non-OKDHS entities and out-of-state CPS agencies. All inquiries and requests for child abuse and neglect background searches or placement assessment for safety planning purposes from ~~non-DHS~~ non-OKDHS entities within Oklahoma and from out-of-state ~~district attorney~~ DA offices, law enforcement agencies, CPS agencies, or other entities are referred to the CWS ~~CPS Programs~~ CANIS Unit for search purposes and response.

(1) Inquiries are submitted on official agency letterhead and include identifying information for the persons being searched. A stated reason for the information request is included in the letter.

(2) Requests are emailed to CANISCPS@OKDHS.ORG.

4. Inquiries by guardianship applicants for a child not in OKDHS custody. OKDHS conducts a KIDS search for private guardianship applicants and adult

household members 18 years of age or older. The prospective guardian and adult household member:

(1) completes a written request for a KIDS search using Form 04MP077E, Request for Child Abuse and Neglect Information System Search; and

(2) submits Form 04MP077E with verification of the court filings to the CWS CANIS Unit as directed on the form. Search results are forwarded to the court and judge presiding over the private guardianship case within 30-calendar days of receipt of all required documents.

5. Inquiries by private adoptive applicants for a child not in OKDHS custody. OKDHS conducts a KIDS search for private adoption applicants and adult household members 18 years of age or older. The private adoptive applicant, adoption agency, or other person authorized to conduct home-study investigations:

(1) completes a written request for a KIDS search using Form 04AN028E, Request for Child Abuse and Neglect Information System Search; and

(2) submits Form 04AN028E, with verification of adoption filings, to the CWS CANIS Unit as directed on the form. Search results are forwarded to the agency or authorized person conducting the home-study for the private adoption within 30-calendar days of receipt of all required documents.

6. Inquiries by CASA agencies for volunteer or employee applicants. OKDHS conducts a KIDS search for all court-appointed special advocate (CASA) volunteers or those to be employed by CASA programs.

(1) The CASA applicant completes a written request for a KIDS search using Form 04MP079E, Request for Child Abuse and Neglect Information System Search and returns it to the prospective CASA agency.

(2) The CASA agency submits the form to the CWS CANIS Unit as directed on the form. Search results are forwarded to the CASA agency or authorized person conducting CASA requests within 30-calendar days of receipt of all required documents.

PART 3. CHILD SAFETY EVALUATION CRITERIA AND PROCEDURE

340:75-3-300. Child safety evaluation ■ 1 through 15 [ITS ONLY]

Revised 2-1-22

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

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

(1) the court issues a child-specific emergency custody order; or

(2) OKDHS completes a safety evaluation, concludes the child faces an imminent safety threat, and the court issues a child-specific emergency custody order.

(c) **Protective custody for victims of human trafficking.** Any peace officer, district court, juvenile bureau, or Office of Juvenile Affairs employee, who has reasonable suspicion that a minor may be a victim of human trafficking and is in need of immediate protection, assumes protective custody over the minor and immediately notifies OKDHS. A child believed to be a victim of human trafficking is not considered in OKDHS emergency custody solely upon identification, but is transferred to OKDHS emergency custody, per 10A O.S. § 1-4-201.

(d) **Child safety meeting.** A child safety meeting is a collaborative decision-making process conducted to address each child's needs related to safety and to determine if the child's condition warrants a safety intervention including, but not limited to, a change in placement, and:

(1) includes, at a minimum, appropriate OKDHS staff, the child's parents and, when the parent requests, an advocate or representative, as participants; and

(2) to protect the safety of those involved and to promote efficiency, OKDHS may limit participants as determined to be in the child's best interests.

(e) **Alternatives to protective or emergency custody in cases of serious abuse or neglect.** When an alternative to protective or emergency custody is determined appropriate in circumstances where serious neglect or abuse is documented, an OKDHS form for a Safety Plan, is completed and implemented when the person responsible for the child's (PRFC) health, safety, or welfare agrees to cooperate with OKDHS efforts to ensure the child's safety. The Safety Plan describes the present danger the child welfare (CW) specialist identifies and addresses actions to take to ensure the child's safety until a thorough safety evaluation is completed. The PRFC and identified safety monitors sign the Safety Plan and agree to cooperate with OKDHS oversight to ensure the child's safety.

(f) **Safety planning without court involvement in cases of serious abuse or neglect.** In circumstances where serious neglect or abuse is documented, upon completion of a thorough safety evaluation, and when an alternative to OKDHS custody is appropriate, an OKDHS form for a Safety Plan is completed and implemented, when the PRFC agrees to cooperate with OKDHS efforts to ensure the child's safety.

(1) The Safety Plan is developed and implemented by agreement without court intervention and describes the impending danger the CW specialist identified and addresses actions to take to control or eliminate any identified safety threat.

(2) The implementation of a short-term Safety Plan does not preclude OKDHS from recommending court involvement.

(3) When the parent of a child in a Safety Plan is unavailable, the Safety Plan monitor may authorize medical or dental treatment or examinations if necessary for the child's well-being, per 10A O.S. § 1-3-104.

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

(1) in-home safety responses are not available or acceptable;

(2) the PRFC appears unable or unwilling to protect the child;

(3) an emergency exists that prohibits the timely arrangement of resources or services to reduce risk and threats of abuse or neglect, or such resources or services are unavailable; or

(4) continued placement in the home is contrary to the child's health, safety, and welfare.

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

(1) Siblings are placed together in the same home when appropriate and possible.

(2) Placement decisions are made with the child's long-term best interests in mind.

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

(j) **Emergency removal of a child not in OKDHS custody.**

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

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

(B) child's circumstances or surroundings are such that continuation in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent safety threat to the child and is contrary to his or her welfare.

(2) Law enforcement may remove a child from the home without a court order when the child is in surroundings that pose an immediate threat to the child. When law enforcement declines to remove the child, or when OKDHS is responding to a referral without law enforcement involvement, and the child is believed to be in need of immediate protection due to an imminent safety threat, OKDHS prepares an affidavit to present to the district attorney (DA) to request that the DA consider filing an application with the court to obtain an emergency custody order, per 10A O.S. § 1-4-201.

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

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

(2) it is believed assuming custody of the child from the hospital, school, or child care program can occur without risk to the child or the OKDHS employee.

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

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

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

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

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

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

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

(n) Post-petition removal of the child in OKDHS custody. OKDHS may remove the child in OKDHS custody directly from the child's home when continued placement in the home is contrary to the child's health, safety, or welfare. OKDHS notifies the court prior to removal, or when an emergency exists, as soon as possible, following the child's removal.

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

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

(o) Child who left Oklahoma. When the child who is the subject of an emergency custody or a pick-up order left Oklahoma prior to the order's execution, the other state enforces the emergency custody or pick-up order and recognizes Oklahoma's jurisdiction to return the child to Oklahoma. Each circumstance is managed according to the laws and procedures in the state where the child is located.

(p) Standardized assessment. Every child taken into OKDHS custody is given a standardized assessment evaluating his or her physical, developmental, medical, mental health, and educational needs within 21-calendar days of entering OKDHS custody, per 10A O.S. § 1-4-208. The assessment is updated on a consistent basis and is considered when making placement and service plans.

INSTRUCTIONS TO STAFF 340:75-3-300

Revised ~~2-1-22~~ 9-14-24

1. Evaluating child safety.

(1) Form 04KI030E, Assessment of Child Safety, is the tool used to document the safety evaluation. Form 04KI030E focuses on six key questions to gather information regarding family functioning to determine if a child is safe or unsafe and whether Child Protective Services (CPS) intervention is required.

(A) Maltreatment. The child welfare (CW) specialist assesses the extent of the alleged maltreatment to determine if the child was abused or neglected. The CW specialist considers what is occurring or occurred, such as hitting or injuries. Information gathered in Section I, Six Key Questions Used in Gathering Information, Form 04KI030E, provides evidence to support or rule out the child maltreatment allegations. The information gathered includes:

- (i) the maltreatment type;
- (ii) the maltreatment severity;
- (iii) the maltreatment history or duration;
- (iv) a description of specific events;
- (v) a description of emotional and physical symptoms;
- (vi) identification of the child and the maltreating person responsible for the child's (PRFC) health, safety, and welfare;
- (vii) the child victim's explanation of the maltreatment; and
- (viii) collateral knowledge of the maltreatment.

(B) Circumstances. The CW specialist assesses the circumstances surrounding the alleged maltreatment and considers the nature of what behaviors or conditions surround the maltreatment. This key question addresses what is or was occurring at the time the maltreatment occurs or occurred and, includes the:

- (i) PRFC's intent concerning the maltreatment;
- (ii) PRFC's explanation of family conditions;
- (iii) PRFC's acknowledgement of and attitude about the maltreatment;
- (iv) PRFC's history or pattern of maltreatment of the subject child or others;
- (v) PRFC's criminal history;
- (vi) presence of other problems occurring in association with the maltreatment, such as PRFC's substance use or abuse or behavioral health;
- (vii) PRFC's and the subject child's sibling's explanation of the maltreatment;
- (viii) collateral information related to the circumstances and history; and
- (ix) any prior or current court involvement.

(C) Child functioning. The CW specialist assesses the child's well-being, how the child functions or behaves on a daily basis, and the child's role in the family. The CW specialist considers the child's general behavior, emotions, temperament, and physical capacity.

- (i) This key question determines:
 - (I) if the child's individual needs are being met;
 - (II) if there are any unusual child behaviors;
 - (III) the child's sense of security;
 - (IV) the child's physical health and medical needs;
 - (V) the child's vulnerability;
 - (VI) if there are signs of positive interaction with PRFC(s); and

- (VII) if there is any collateral information related to child functioning.
- (ii) Information gathered in this phase of the safety assessment includes the child's:
 - (I) capacity for attachment;
 - (II) general mood and temperament;
 - (III) intellectual functioning;
 - (IV) communication and social skills;
 - (V) expressions of emotions and feelings;
 - (VI) behavior;
 - (VII) peer relations;
 - (VIII) school performance and educational needs;
 - (IX) motor skills;
 - (X) physical and behavioral health;
 - (XI) functioning within cultural norms;
 - (XII) developmental functioning; and
 - (XIII) gender identity and sexual orientation.
- (iii) The child's functioning, including physical, developmental, medical, behavioral health, and educational needs, is evaluated regularly and is considered when making the child's placement and service plans.
- (D) Parenting – discipline. The CW specialist assesses the disciplinary approaches the PRFC uses and the circumstances for using the discipline. Information gathered in this phase of the safety assessment includes:
 - (i) the discipline methods the PRFC uses and their frequency;
 - (ii) the PRFC's concept and purpose of discipline, such as providing direction, managing behavior, or teaching;
 - (iii) the context in which discipline occurs;
 - (iv) the PRFC's emotional state when disciplining;
 - (v) if the PRFCs agree on the type and use of discipline;
 - (vi) the PRFC's perception of the effectiveness of utilized the PRFC's disciplinary approaches;
 - (vii) the PRFC's view of his or her own discipline experience as a child;
 - (viii) if the PRFC's discipline is based on reasonable expectations of the child;
 - (ix) the influence of cultural practices on discipline;
 - (x) the child's perception of the discipline methods; and
 - (xi) collateral information obtained related to family discipline.
- (E) Parenting - general. The CW specialist gathers information to evaluate the overall family values and cultural influences within the family.
 - (i) The CW specialist assesses PRFC's parenting practices to determine if the:
 - (I) PRFC's primary parenting practices are developmentally appropriate;
 - (II) PRFC expresses empathy for the child; and

- (III) PRFC recognizes danger or threats of danger to the child.
- (ii) Information gathered in this phase of the safety assessment includes the PRFC's:
 - (I) reasons for being a parent;
 - (II) satisfaction in being a parent;
 - (III) knowledge and skill in parenting and child development;
 - (IV) expectations and empathy for the child;
 - (V) general parenting style;
 - (VI) protective capacities; and
 - (VII) collateral information related to parenting.

(F) Adult functioning. The CW specialist assesses adult functioning by considering how the PRFC feels, thinks, and acts on a daily basis, with a focus on adult functioning and coping skills.

- (i) This key question determines if the PRFC:
 - (I) is committed to the child's safety;
 - (II) is willing to do what is necessary and required within the Safety Plan;
 - (III) understands why the child is unsafe; or
 - (IV) is impeded by behavioral health or substance use or abuse issues in offering protection to the child.

- (ii) Information gathered in this phase of the safety assessment includes the PRFC's:
 - (I) coping and stress management abilities;
 - (II) self-control in relationships and discipline;
 - (III) problem-solving abilities;
 - (IV) judgment and decision-making abilities;
 - (V) home and financial management;
 - (VI) employment history;
 - (VII) domestic violence or substance use or abuse histories;
 - (VIII) behavioral health;
 - (IX) physical health and capacity; and
 - (X) collateral information related to adult functioning.

(2) Critical thinking is used when applying the safety threshold and evaluating the PRFC's protective capacities.

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

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

(5) CPS history is considered when determining safety.

(6) When present danger exists, a Safety Plan is implemented to remove the child from harm using Form 04MP078E, Family Service Agreement (FSA)/Safety Plan, while the safety evaluation is completed.

~~(i)~~(A) The CW specialist completes Form 04MP078E, Part B, Safety Intervention Identified Safety Threats, applying the safety threshold to identify safety threats that are:

- ~~(i)~~(i) specific;

- ~~(II)~~(ii) severe;
- ~~(III)~~(iii) observable;
- ~~(IV)~~(iv) occurring now or likely to occur in the near future;
- ~~(V)~~(v) out-of-control; and
- ~~(VI)~~(vi) applicable to a vulnerable child.

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

- ~~(I)~~(i) Form 04KI030E Sections IV, Safety Decision, and V, Safety Threat Intervention; and
- ~~(II)~~(ii) Form 04MP078E, or Form 04CP008E, Child Protective Services Affidavit, when an alternative to emergency custody is not possible.

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

- (1) an assessment of child safety is completed and no safety threats were identified;
- (2) the safety threshold was correctly applied;
- (3) the PRFC demonstrates adequate protective capacities to keep the child safe;
- (4) an assessment was properly upgraded to an investigation, when applicable;
- (5) the proper substantiation protocol was applied; and
- (6) a safe determination is not made solely as a result of a guardianship or a power of attorney with a relative or non-relative caregiver.

3. Present danger.

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

(A) When present danger exists, steps are taken to protect the child by implementing a short-term Safety Plan.

(B) The Safety Plan is designed to protect the child while the safety evaluation is completed.

(C) Present danger includes, but is not limited to, circumstances, such as when a child is found in:

- (i) the street and a PRFC cannot be located, thus requiring a Safety Plan to identify adequate supervision for the child; or
- (ii) an unsanitary home infested with vermin, the PRFC may choose to use a Safety Plan to voluntarily place the child in a safe location with relatives for short-term care.

(2) When present danger exists and the Safety Plan requires a child's temporary placement outside of the child's home, out-of-home safety planning protocol, per Oklahoma Administrative Code (OAC) 340:75-3-300 Instructions to Staff (ITS) # 7 through # 9 are followed.

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

- (4) Upon the safety evaluation's completion, the Safety Plan is dissolved when present and impending danger no longer exist.
4. Impending danger.
- (1) Impending danger means the presence of a threatening family condition that is:
- (A) specific;
 - (B) severe;
 - (C) observable;
 - (D) occurring now or likely to occur within the next few days;
 - (E) out-of-control; and
 - (F) applicable to a vulnerable child.
- (2) Impending danger includes specific threats to the child's safety that:
- (A) are harmful, but are not immediate, obvious, or active at the onset of CPS intervention;
 - (B) are identified and understood after evaluating individual and family conditions and functioning;
 - (C) result in severe harm if a safety intervention does not occur and is not sustained; and
 - (D) require the development of a Safety Plan implemented through services to the family or court intervention monitored by CPS until the impending danger is under control.
- (3) Neither a guardianship nor a power of attorney is considered an adequate control for impending danger and the processes in (2)(D) of this ITS may be required.
5. Child safety meeting (CSM). A CSM is a collaborative decision-making process for determining the child's needs and the best intervention strategy to meet the child's safety needs.
- (1) Oklahoma Human Services (OKDHS) makes reasonable efforts to provide a trained facilitator to guide the decision-making process.
- (A) Those involved in the collaborative decision-making process include, at a minimum:
- (i) a CW specialist and CW supervisor;
 - (ii) birth parents of the child or any other PRFC; and
 - (iii) any supports or appropriate OKDHS staff.
- (B) If PRFCs refuse to attend or are unable to attend after reasonable efforts are made to accommodate their attendance, the CSM proceeds to determine the recommendation.
- (2) Any determination that a CSM is not possible or is unnecessary requires a district director's approval and the reasons supporting the decision are documented in the KIDS Referral Contact screen.
- (3) The CSM occurs prior to the emergency (show cause) hearing, but no later than two-business days from the intervention date. When the CSM occurs after two-business days, it is documented as a family meeting and not as a CSM.

(4) A CSM is held any time the child's current safety condition warrants consideration of a safety intervention by moving a child, having a parent leave the home, or having a monitor move in.

(5) The CSM's goal is to reach consensus about what steps ~~will be taken to take~~ to ensure child safety; however, Child Welfare Services (CWS) maintains legal responsibility for child safety and ~~must make~~ makes a decision when the full team cannot reach consensus.

(6) The CW specialist explains the CSM's purpose to the parent(s) before the meeting occurs and ~~encourages~~ assists the PRFC in identifying and inviting others, such as relatives, friends, or neighbors, who care about the child or could help keep the child safe.

(7) The CSM aims to determine the least-restrictive, least-intrusive intervention to ensure the child is safe.

(8) A child 12 years of age and older is expected to participate in parts of the CSM, at least. For a child younger than 12 years of age, participation is considered and, when not attending the meeting, the CPS specialist develops a plan for eliciting the child's point of view and brings the child's point of view to the CSM.

(9) When the participants at the CSM cannot come to a consensus regarding the safety decision, the facilitator asks the assigned CPS specialist and supervisor to make the decision. ~~When the facilitator or any other OKDHS staff participant does not feel the decision made is in the child's best interest, a request is then made for the district director to be called into the meeting to review the CSM decision. If OKDHS staff or any other member of the CSM team do not agree with the safety decision of the CPS specialist and supervisor, the CSM facilitator requests review from the district director.~~ Reasons for calling a review include the:

(A) recommended case type is not appropriate;

(B) placement decision is not in the child's best interest;

(C) safety decision will or could result in serious harm; or

(D) when poor prognosis indicators exist and the case type of family-centered services (FCS) is recommended, and a staffing with the district director regarding poor prognosis indicators was not held prior to the CSM.

(10) When domestic violence is a concern, two separate CSMs are held, one with the alleged batterer and one with the adult domestic violence victim. These meetings occur at a time and location where it is unlikely the alleged batterer and adult victim will make contact.

(11) ~~In most cases, a guardianship~~ Guardianship is not an appropriate plan to secure a child(ren)'s safety CSM recommendation. The child's safety in the guardianship is assessed. Refer to OAC 340:75-3-300 and OAC 340:75-4-12.1.

(12) The Safety Plan implemented when present danger was found ~~can~~ may be modified during the CSM as necessary to secure the child's safety.

(13) The CSM facilitator documents the CSM summary and outcome in a KIDS Case Contact.

(14) The CSM facilitator uploads form 04CP009E CSM summary, into the KIDS document management system and provides a copy to the family.

6. Evaluating need for protective or emergency custody.

(1) Law enforcement may place a child in protective custody.

(2) When emergency custody is indicated, OKDHS staff prepares and presents Form 04CP008E, Child Protective Services Affidavit, to the district attorney (DA) documenting:

(A) the imminent safety threat;

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

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

(3) When Form 04CP008E is presented to the DA and declined, the CW supervisor requests to meet with the DA the same day to further articulate the imminent safety threat, reasonable efforts made to prevent removal, and why the child's continuation in the home is contrary to his or her welfare.

(A) After the CW supervisor meets with the DA, if the DA continues to deny the request for emergency custody of the child, the district director requests to speak to the DA regarding the request.

(B) When the DA continues to deny the request after being contacted by the district director, the CW specialist, supervisor, district director, and regional director staff the case to determine further case planning. Poor prognosis indicators as outlined in OAC 340:75-4-12.1 are considered. The staffing is documented in a KIDS Case Contact.

(C) When the DA denies a request for emergency custody, and the safety threat is determined to be manageable through a Safety Plan and family-centered services (FCS), the CW specialist attempts to engage the family in a Safety Plan and FCS.

(D) When it is not possible to engage the family in a Safety Plan and FCS due to either an unmanageable safety threat or the family's unwillingness, the CW specialist completes Form 04KI003E, Report to District Attorney, within five-calendar days requesting court intervention by recommending a deprived petition. When court intervention is requested, the CW specialist documents the DA's comments on Form 04KI003E in a KIDS Case Contact.

(E) When Form 04KI003E requests court intervention by recommending a deprived petition, the DA denies the request, and OKDHS is unable to work the case preventatively, the DA is notified in writing that OKDHS is closing ~~CW~~ CWS involvement with the court intervention recommendation, and no longer engages with the family on an ongoing basis.

(F) When closing the case, OKDHS provides the PRFCs with all necessary contact and referral information for pertinent service providers. The service recommendations are documented in a KIDS Case Contact.

(4) A law enforcement entity, or district court, juvenile bureau, or Office of Juvenile Affairs (OJA) employee may place a child that is believed to be a victim of human trafficking in protective custody. Upon notification from the agency

assuming protective custody, OKDHS immediately begins conducting a safety analysis and prepares and presents Form 04CP008E to the DA within 23 hours of the notification requesting emergency custody of the child.

(A) An emergency custody (show cause) hearing is conducted, per Section 1-4-203 of Title 10A of the Oklahoma Statutes and OAC 340:75-3-300.

(B) A joint investigation is conducted with law enforcement, per OAC 340:75-3-110, and may involve coordination with other states when the child is not an Oklahoma resident.

(C) OKDHS staff works jointly with the entity that assumed protective custody to determine the child's safest placement option. OKDHS staff considers the safety of the victim and other children and the victim's behavioral needs.

(i) The child ~~can~~ may be in OKDHS emergency custody and in the parent's or legal guardian's physical care when there is no reason to suspect the parent or legal guardian contributed to the exploitation or other abuse, neglect, or both.

(ii) A National Crime Information Center (NCIC) search is requested for every child that is recovered.

(iii) A child who is not an Oklahoma resident may remain in detention as a runaway child until arrangements are made for the state of residence to pick up the child.

(D) The child is provided a medical evaluation and behavioral health services while in emergency custody.

(E) Notification is sent to the CPS Programs Unit staff.

(F) OKDHS staff may release the child from OKDHS emergency custody to a parent or legal guardian after an investigation, when it is determined a safety threat is not present including, but not limited to, further exploitation. Written permission from the court of jurisdiction is required.

(G) When it is determined the child warrants continued OKDHS custody, protocol related to human trafficking victims is followed, per OAC 340:75-3-400.

(H) When the final determination confirms the child is a victim of human trafficking, OKDHS staff notifies the law enforcement entity, or district court, juvenile bureau, or OJA employee who assumed protective custody of the child.

(5) The CW specialist consults with the CW supervisor throughout the evaluation process and documents the decision in the case record.

(6) The CW specialist considers poor prognosis indicators as outlined in OAC 340:75-4-12 ITS.

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

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

- (B) An infant has bruising or burns on any part of the body and the injuries are suspicious for, or consistent with, child abuse or neglect.**
- (C) The child is 5 years of age and younger and the PRFC demonstrates no attachment to the child and has dangerously inappropriate parenting skills.**
- (D) The child was systematically tortured or inhumanely punished. For example, the child was locked in a closet for long periods, forced to eat unpalatable substances, or forced to squat, stand, or perform other unreasonable acts as a means of torture.**
- (E) The PRFC's reckless disregard for the child's safety caused or could have caused serious injury. For example, the PRFC left a young child in the care of an obviously irresponsible or dangerous person.**
- (F) The home's physical condition is dangerous and poses an immediate threat of serious injury to the child. For example, exposed electrical wiring or other materials create an extreme danger of fire or there are gas leaks in the home.**
- (G) The child was sexually abused or sexually exploited and the perpetrator has access to the child.**
- (H) The PRFC purposefully or systematically withheld essential food or nourishment from the child. For example, the child was denied food for extended periods as a form of punishment for real or imagined misbehavior.**
- (I) The PRFC refuses to obtain or consent to medical or psychiatric care that is immediately required for the child, as documented by medical evaluation, to prevent or treat a serious injury or disease. The child's physical condition shows signs of severe deterioration and the PRFC seems unwilling or unable to respond.**
- (J) The PRFC appears to suffer from mental illness, intellectual disability, or substance use or abuse so severe that he or she does not provide for the child's basic needs, such as the PRFC who is demonstrably out of touch with reality or significantly intoxicated.**
- (K) The PRFC abandoned the child and made no safe and appropriate plans for the child's care.**
- (L) There is reason to suspect, based on a history of frequent moves or of hiding the child from outsiders, the PRFC may flee with the child and the child is in danger.**
- (M) There is specific evidence the PRFC's anger and discomfort about the report and subsequent investigation will result in serious retaliation against the child. The information is gained through:**
- (i) a review of the PRFC's past behavior;**
 - (ii) the PRFC's statements and behaviors during the investigative interview; or**
 - (iii) reports from others who know the PRFC and family.**
- (N) A baby is born to the PRFC who is currently involved in an open permanency planning (PP) case and has not successfully corrected conditions that resulted in court intervention or there is a pending motion to terminate parental rights.**

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

(P) The child has a developmental or physical disability and the PRFC demonstrated an inability or unwillingness to address the child's special needs. For example, the PRFC does not:

(i) apply for or follow through with appropriate developmental services or resources for the child and the child is negatively impacted;

(ii) seek routine, on-going, or follow-up medical care for the child's specific disability; or

(iii) consistently or adequately maintain the child's physical care needs, such as hygiene or nutrition that impacts the child's well-being.

(Q) The PRFC routinely fails to seek all needed or recommended medical or behavioral health treatment for a child with a diagnosed chronic condition requiring routine follow-up. For example, the PRFC does not:

(i) provide the child with preventative asthma medications and the child has multiple hospitalizations for asthma exacerbation;

(ii) provide consistent oversight of a child with diabetes blood sugar levels and ensure the child takes the prescribed medication to control the disease; or

(iii) ensure that a child with a history of behavioral health issues has consistent access to a licensed practitioner to address the child's needs and his or her functioning is adversely effected.

7. Safety Plan.

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

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

(B) A Safety Plan does not preclude OKDHS recommending court intervention and supervision.

(C) The Safety Plan may be used with or without court involvement and is:

(i) ~~is utilized~~ used when the child is determined unsafe and court-ordered removal of the child from the home is not requested;

(ii) ~~is utilized~~ used when the safety evaluation is completed and present, impending danger is identified, or both;

(iii) ~~is completed~~ when the family agrees to collaborate with OKDHS to control and manage identified safety threats; and

(iv) ~~may be utilized with or without court involvement; and~~

(v) ~~is~~ documented on Form 04KI030E and detailed on Form 04MP078E.

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

- (i) a monitor is identified;
 - (ii) Form 04MP078E, Family Service Agreement (FSA)/Safety Plan, is completed; and
 - (iii) protocols for determining service needs are followed, per OAC 340:75-4-12.1.
- (2) A Safety Plan's purpose is to control safety threats immediately. The Safety Plan:
 - (A) specifies what safety threats exist to establish what must be controlled;
 - (B) identifies how the safety threat will be managed and controlled, including:
 - (i) by whom;
 - (ii) under what circumstances and agreements;
 - (iii) within what time frame; and
 - (iv) the availability, accessibility, and suitability of those involved; and
 - (C) includes how CPS or others monitor and oversee the plan.
- (3) Engaging kin in safety planning creates more options for support. The CW specialist:
 - (A) identifies as many kin as possible to support the family;
 - (B) engages those who know the child best; and
 - (C) facilitates a CSM.
- (4) When safety planning, decisions are made at the CSM with the family's input regarding the child's safety including his or her physical and emotional well-being.
- (5) Following guidelines, per OAC 340:75-4-12.1 and OAC 340:75-4-12.1 ITS, the CW specialist:
 - (A) assesses the PRFC's reliability, willingness to cooperate, commitment, and alliance to the Safety Plan;
 - (B) ensures all necessary arrangements for the Safety Plan are made and agreed to by each participant; and
 - (C) contacts, no less than weekly, persons responsible for the Safety Plan until the safety threats in the family are significantly reduced.
- 8. Safety Plan factors. Questions (1) through (7) of this Instruction are considered when evaluating the relative's, kinship monitor's, or non-perpetrator PRFC's protective capacities for adequately protecting the child from the perpetrator.
 - (1) Does the relative, kin, or non-perpetrator PRFC believe that abuse or neglect occurred? If not, has the relative, kin, or non-perpetrator PRFC demonstrated behaviors related to protective capacities? If not, adequate protection may not be provided.
 - (2) Is the non-perpetrator PRFC strongly dependent on the perpetrator for financial and emotional support for the child? If so, it may initially be difficult for the non-perpetrator PRFC to overcome his or her own needs and protect the child.
 - (3) Is the non-perpetrator PRFC a victim of domestic violence or emotional abuse by the perpetrator? If so, the non-perpetrator PRFC may be fearful of the perpetrator and unable to protect the child until services begin.

(4) Did the relative, kin, or non-perpetrator PRFC fail to protect the child from abuse or neglect or fail to heed serious warning signs that abuse occurred? If so, the relative, kin, or non-perpetrator PRFC may not see a threat to the child when the perpetrator wants unauthorized contact with the child.

(5) Does the relative, kin, or non-perpetrator PRFC display a willingness to control and manage the safety threats; or is his or her agreement to participate in the Safety Plan only to avoid the child's removal? When there is no willingness to seek help to alleviate the concerns that led to the abuse or neglect, relying on the relative, kin, or non-perpetrator PRFC is not an adequate Safety Plan.

(6) Is the non-perpetrator PRFC planning to seek action in civil court to change custody? If so, custody change ~~must be~~ is evaluated to determine if it ~~will~~ can adequately protect the child. It is likely that family time will continue even with a change in custody. An action in civil court does not ensure that all information regarding the abuse or neglect is heard and considered in custody and family time decisions.

(7) Does the relative, kin, or non-perpetrator PRFC have difficulties due to substance use or abuse? If so, these difficulties may prevent the relative, kin, or non-perpetrator PRFC from adequately protecting the child.

9. Assessing Safety Plan participants.

(1) Prior to engaging individuals as Safety Plan monitors or caregivers, the CW specialist assesses the individual's:

(A) protective capacities;

(B) willingness to collaborate with OKDHS to ensure the child's safety; and

(C) alignment with the Safety Plan.

(2) When a Safety Plan is implemented, checks ~~must be~~ are completed on an in-home or out-of-home Safety Plan or caregiver. The CW specialist:

(A) uses Form 04AF007E, Record Check Documentation, as a guide to review CWS records to determine if the prospective Safety Plan monitor or any adult residing in the prospective monitor's home has a history of child abuse or neglect;

(B) completes and submits Form 04AD003E, Request for Background Check, to the OKDHS Office of Background Investigations (OBI) to request a name-based criminal history records search for the prospective Safety Plan monitor and each adult household member;

(C) determines if whether the prospective Safety Plan monitor or caregiver ~~and~~ or any adult household member:

(i) is subject to the Oklahoma Sex Offender Registration Act, the Mary Rippy Violent Crime Offender Registration Act, or both. Refer to OAC 340:75-7-15 ITS;

(ii) has convictions for specified felony offenses. Refer to OAC 340:75-7-15;

(iii) is or was a party in any court action by searching the Oklahoma State Courts Network including Oklahoma District Court Records; and or

- (iv) is subject to the Restricted Registry, also called Joshua's List. Refer to OAC 340:110-1-10.1; and
- (D) does not utilize use individuals convicted of the felony offenses of:
- (i) physical assault, battery, or a drug-related offense within the preceding five-year period;
 - (ii) child abuse or neglect;
 - (iii) domestic abuse;
 - (iv) a crime against a child including, but not limited to, child pornography or child exploitation; or
 - (v) a crime involving violence including, but not limited to, rape, sexual assault, or homicide. Homicide includes manslaughter. A crime involving violence means an offense that:
 - (I) has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
 - (II) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; and
- (E) does not utilize use an individual who is a registrant on the Restricted Registry;
- (F) conducts a search, no later than the next business day, to see if the Safety Plan monitor is subject to the:
- (i) Community Services Worker Registry: <https://cswrpublic.okdhs.org/cswrpublic/>; or
 - (ii) Nontechnical Services Worker Registry: https://www.ok.gov/health/Protective_Health/Health_Resources_Development_Service/Nurse_Aide_and_Nontechnical_Services_Worker_Registry/#NTSW; and
- (G) performs a Juvenile Online Tracking System (~~JOLTS~~) check on any child in the prospective home who is 13 through 17 years of age;
- (H) uses Form 04AF004E, House Assessment, as a guide when determining the home's physical safety on an out-of-home Safety Plan;
- (I) contacts, no later than the next business day, other states in which the Safety Plan monitor or adult household members resided, and requests ~~CW~~ CWS history for each adult in the household;
- (J) may preliminarily approve an individual(s) with any criminal or CW history found in his or her background search, such as protective order petitions, police reports, or judgements and sentences, as a Safety Plan monitor with the district director's approval. The individual(s) is only preliminarily approved when the criminal or ~~CW~~ CWS history occurred more than five years prior to the assessment date as a monitor and the individual(s) resided in Oklahoma for the past five-consecutive years. The CW specialist begins obtaining copies of all records the next business day after preliminary approval;
- (K) may approve an undocumented person as a Safety Plan monitor when the CW specialist completes diligent checks on any additional sources available to OKDHS, including:

(i) gathering all previous addresses, names, and aliases and checking with law enforcement;

(ii) conducting searches on OSCN, ODCR or both, and all other registries using all aliases identified per (C) through (F) of this ITS;

(iii) speaking with relevant collaterals regarding any known criminal or child welfare history; and

(iv) identifying how long they have been an undocumented resident. how long they have been an undocumented resident. After gathering all information, approval from the district director is required and is documented as a case contact; and

(L) reviews the ~~CW~~ CWS and criminal history of the prospective Safety Plan monitor and each adult household member with the CW supervisor or district director. The district director may grant exceptions for certain felony convictions but does not grant exceptions for felony convictions, relevant misdemeanors, or registrants on Restricted Registry, per OAC 340:75-7-15;

~~(L)~~**(M)** when the Safety Plan monitor is approved, ensures that each adult household member submits fingerprints to OBI within five-business days of running the name-based criminal history records search through OBI, regardless of the type of background search requested. OBI is notified when the Safety Plan monitor is denied; and

~~(M)~~**(N)** documents information obtained regarding the assessment of the Safety Plan monitor, household members, and other Safety Plan participants as a Contact in KIDS and files copies of the completed forms in the KK case file associated with the CPS investigation. Records are not stored in the document management system.

(3) When a child is placed in protective or emergency custody, the guidelines in OAC 340:75-7-15 are followed prior to the child's placement in a kinship home.

(4) A Safety Plan monitor may seek medical or dental treatment for a child placed in a Safety Plan when the:

(A) ~~the~~ medical or dental care is in the best interest of the child's well-being; and

(B) ~~the~~ CW specialist made diligent, good faith efforts to locate and obtain consent from the biological and legal parents or guardians, and one of the conditions (i) through (v) is present. The child's parent or guardian:

(i) is incapacitated due to a health condition or cognition functioning and is unable to provide consent;

(ii) is incarcerated and the CW specialist is unable to obtain the parent's or guardian's consent after diligent good faith attempts with the penal institution;

(iii) ~~was~~ is admitted to inpatient treatment and after diligent, good faith attempts, the CW specialist is unable to obtain consent;

(iv) ~~abandoned~~ abandons the child with the Safety Plan monitor; or

(v) is deceased.

10. OKDHS authority to execute an emergency custody order. An order issued by the district court placing a child in OKDHS emergency custody is executed and the child is taken into custody by law enforcement or a court employee; however, a CW specialist may remove a child from a hospital, educational facility, or a child care program when the criteria in (1) through (5) of this Instruction ITS are met prior to removal.

(1) The CW specialist and supervisor establish that the removal is necessary to protect the child from safety threats resulting in serious abuse or neglect.

(2) The CW specialist prepares and submits Form 04CP008E to the DA who obtains a written emergency custody court order that includes a statement that the CW specialist may remove the child ~~may be removed~~ from the hospital, educational facility, or a child care program ~~by the CW specialist~~ to protect the child from safety threats.

(3) The CW supervisor and district director determine that the child's removal from the hospital, educational facility, or child care program ~~can~~ may occur without disruption to the facility or program; or hostility, risks, or threats to the child or CW specialist.

(4) The CW specialist provides a copy of the written emergency custody court order to the hospital, educational facility, or child care program at the time of the removal.

(5) The CW specialist notifies the PRFC of the removal the same day and immediately provides the PRFC with a copy of the written emergency custody order, either when the PRFC is present or as soon as possible. When the notification ~~will place~~ places the specialist in danger, law enforcement assistance is requested.

(6) Following execution of a court order to remove the child, the child's removal and placement are entered in KIDS as soon as possible, but no later than two-business days after the child was physically placed in OKDHS custody.

11. Preparation for removal. When the decision is made to remove a child from the child's home, the CW specialist makes efforts to reduce the trauma and stress for the child and family by properly preparing all persons involved. Preparing the family as well as the child is crucial when removal occurs.

(1) The CW specialist prepares the family by:

(A) explaining the reasons for the child's removal and placement;

(B) answering questions about court procedures;

(C) making clear the intent is to reunify the child with the family, when appropriate, as soon as the home is safe for the child;

(D) encouraging the parent, ~~once~~ when he or she understands and accepts the reasons for the placement, to help explain the reasons for the placement to the child. This may comfort and reassure the child that the parent will work with the CW specialist to facilitate the child's return to the home;

(E) asking the parent to provide in-depth information regarding the child's schedule, routines, likes and dislikes, and medical needs to help the placement provider maintain continuity for the child. The CW specialist:

- (i) completes Form 04MP012E, Receipt and Release of Prescription and Over-the-Counter Medication(s), with the parent when the child takes medication or has medical needs or allergies;
 - (ii) asks the parent to provide a copy of the child's birth certificate or to bring it to the next court appearance. When the parent fails to provide a copy within 20-calendar days, the CW specialist completes Application for Search and Certified Copy of Birth Certificate to obtain a full-certified copy of the child's birth certificate and submits the form to Child Welfare Services Finance and Business Operations (FBO) for a certified copy, per OAC 340:75-13-9. This form is located on the OKDHS InfoNet under Non-OKDHS forms and is available at the Oklahoma State Department of Health Division of Vital Records website:
http://www.ok.gov/health2/documents/VR_BCRequest_interactive.pdf;
 - (iii) asks the parent to complete Form 04MP015E, Important People in the Child's Life, to document and maintain the child's ongoing relationships; and
 - (iv) enters information obtained from Form 04MP015E or other sources into the Family/Kinship Connections screen in KIDS. Form 04MP015E is scanned and saved into KIDS DMS; and
- (F) acknowledging the parent's anger and grief in response to the loss of his or her child, and expecting the parent to be initially resistant;
- (G) encouraging the parent's involvement in all aspects of the planning and placement process;
- (H) encouraging the parent, when appropriate, to make recommendations of potential homes where the child may be placed;
- (I) providing OKDHS Publication No. 99-27, A Parent's Guide to Working with Child Welfare, to the parent; and
- (J) arranging the initial meeting between the parent and the foster parent.
- (2) Adequately preparing the child for the placement serves several important purposes.
- (A) The CW specialist alleviates many of the child's anxieties and reduces the child's stress by providing the child with information regarding the need for placement and by familiarizing the child with aspects of the setting where the child is moving.
 - (B) When the CW specialist does not know the child well, the CW specialist uses the preparation period to better assess the child's strengths and needs. The information is communicated to the placement provider to assist the provider receiving the child and making his or her transition into the new setting easier.
 - (C) Working with the child during the preparation phase helps the child establish a supportive relationship with the CW specialist.

12. (a) Placement considerations.

(1) The child's functioning including physical, developmental, medical, behavioral health, and educational needs is evaluated regularly and is considered when making the child's placement and service plans.

(2) Placement with the non-perpetrating parent, relatives, or kin is considered and siblings are placed together in the same home when appropriate and possible. Per ITS # 8 of this Section, relative or kinship placements are assessed in terms of the child's safety and long-term needs.

Relatives or kin are only considered, when the:

(A) child will be safe with the relative or kin. The family's history is explored extensively with the child's PRFC and the relative or kin considered for placement; and

(B) relative or kin:

(i) can provide a home that does not pose an obstacle to reunification plans as demonstrated by the relative's or kin's willingness to work with OKDHS and the family toward reunification;

(ii) is willing to accept placement of a sibling so the siblings are not separated or the relative or kin is willing to facilitate contact between the siblings; and

(iii) could potentially provide long-term care for the child. The CW specialist considers the relative's or kin's abilities and willingness to meet the child's day-to-day, individual needs if the placement becomes long-term.

(3) When a child was seriously abused or neglected, the perpetrator may have been a victim of abuse or neglect within his or her own family. His or her relatives or kin may have been victims of or impacted by abuse or neglect within the family. This kind of family history may place the child in an unsafe situation in the relative's or kin's home.

(b) Placement in foster family care. When an emergency foster family placement is made, the placement is evaluated quickly and arrangements are made to make a more appropriate placement as soon as possible. When it is determined that foster family care is the best placement option for the child, considerations include, but are not limited to, if the:

(1) foster parent has the ability and willingness to meet the child's day-to-day and individual needs, such as providing a stimulating environment and ensuring the child the opportunity to participate in extracurricular activities;

(2) other children placed in the foster family home pose a safety threat to the child considered for placement; and

(3) foster family is able to accept sibling placement or facilitate contact between the siblings.

(c) Initial placement. The placement made at the time of the child's initial removal from the home has a significant impact on the child's safety and ultimately the possibility for successful reunification with the family or alternative permanent plans for the child.

(d) Sibling placement. Every reasonable attempt is made to place siblings together when appropriate and possible. When it is not possible to place

siblings together initially, efforts begin the next business day and actively continue to place the siblings in the same home.

(e) Adoption dissolution notification. The CW specialist notifies the adoption specialist and the Post-Adoption Services staff of the child's placement in out-of-home care when the child:

- (1) receives adoption assistance; or
- (2) is placed in, or returned to, OKDHS custody due to the dissolution of an OKDHS - or other type of adoption.

(f) Placement of a medically fragile or disabled infant.

(1) Factors that determine if an infant in OKDHS custody is medically fragile or disabled include:

- (A) prematurity;
- (B) a history of respiratory distress;
- (C) oxygen dependency;
- (D) a diagnosis requiring special care beyond routine infant care;
- (E) being 6 weeks of age and younger; and
- (F) medical conditions or illnesses that may result in increased episodes of illness, prolonged hospitalization, and increased cost for care.

(2) An appropriate placement for an infant who is medically fragile or disabled includes an approved foster or kinship home, health care facility, or shelter that meets the criteria in (A) through (C) of this paragraph. The placement:

- (A) provider for the infant has undergone all necessary training required to meet the infant's medical needs;
- (B) setting has all ~~of the~~ necessary equipment required to meet the infant's medical needs, the placement provider knows how to use the equipment, and the equipment is in operating condition; and
- (C) provider is willing and able to:
 - (i) follow all medical requirements and orders as given by the infant's physician;
 - (ii) transport the infant to all medical appointments; and
 - (iii) keep the infant's CW specialist fully apprised of the infant's condition.

(3) The CW specialist at the time of placement gives the placement provider all medical and other related information about the infant's condition and updates the placement provider concerning any new information as it occurs.

13. Foreign nationals. A child's removal from the home is based on safety considerations without regard to citizenship or immigration status. When the child who is a foreign national is removed from the home, the CW specialist notifies the foreign consul by completing Form 04MP016E, Notice to Foreign Consul of Child Welfare Proceedings, per OAC 340:75-1-31 ITS. A copy of Form 04MP016E is forwarded to OKDHS Legal Services.

14. Protective services alert. A protective services alert is requested by contacting the CPS Programs Unit staff after diligent, yet unsuccessful efforts were made to locate the family, when:

- (1) a report indicates the child's safety is or will be at risk;
- (2) it appears the family relocated within Oklahoma or to another state; and
- (3) the child and family's address and whereabouts are unknown; or
- (4) the child was abducted from OKDHS custody; or
- (5) the CW specialist is aware of a pregnancy involving a mother or father who is a party to an open permanency—planning PP case and the whereabouts of the mother or father are unknown.

15. Child who left Oklahoma. When a child, for whom emergency custody or a pick-up order was requested, left Oklahoma prior to the order's execution, the other state enforces the custody order and recognizes Oklahoma's jurisdiction to have the child returned. Each situation is treated according to the laws and procedures of the state where the child is located.

(1) When the child's location is unknown, the:

(A) CW specialist:

- (i) contacts the CPS Programs Unit staff to issue a protective service alert;
- (ii) immediately staffs with the CW supervisor to determine if national search efforts will be initiated;
- (iii) when it is decided that a national search will be initiated, completes Form 04MP026E, Abducted Child Report, within one-business day of the staffing with his or her supervisor. An incomplete form delays the report to National Center for Missing and Exploited Children (NCMEC);
- (iv) immediately emails completed Form 04MP026E to the CW supervisor for review and approval. Upon approval, the CW supervisor emails Form 04MP026E to the district director to report the missing child; and
- (v) follows the National Center Information Center reporting guidance, per OAC 340:75-6-48.3; and

(B) district director reports the missing child to NCMEC.

(2) When the child's location is known, the CW specialist with the information about the allegations and investigation contacts the CPS agency in the county or state where the child is located, and sends a copy of the pick-up or emergency custody order to the CPS agency along with other requested written documentation. Information may be shared with another CPS agency under these circumstances.

(3) Some CPS agencies, based on the information received, will enforce Oklahoma's order by taking the child who is in danger into custody.

(4) When the child is taken into custody, the court of jurisdiction in Oklahoma is notified that based on the information and Oklahoma's order, the child was taken into custody in the other state or jurisdiction. Oklahoma CWS staff secures a court order from the other state or jurisdiction releasing the child to OKDHS custody in order to return him or her to Oklahoma.

(5) When a CPS agency is unwilling or unable to assist, Oklahoma law enforcement is contacted and the Oklahoma court order is faxed to the law enforcement entity where the child is located.

(6) The Oklahoma judge and DA are notified when the CPS agency or law enforcement in the other state or jurisdiction is unwilling or unable to assist. In some circumstances, the judge or DA may contact the court or law enforcement in the other state or jurisdiction for assistance.

SUBCHAPTER 6. PERMANENCY PLANNING

PART 5. PERMANENCY PLANNING SERVICES

340:75-6-31.1. Family meeting (FM) process [ITS ONLY]

Revised 9-15-20

The FM's purpose is to facilitate planning, team decision-making, and engaging the family of the child in Oklahoma Department of Human Services custody.

(1) The court may require facilitation of a meeting no later than 30-calendar days prior to a permanency hearing when a child was in out-of-home care for 12 months or longer, per Section 1-4-810 of Title 10A of the Oklahoma Statutes and an FM is used for this purpose.

(2) An FM includes parents, caregivers, children, relatives, family friends, child welfare specialists, service providers, community group members, and other appropriate community partners, when appropriate.

INSTRUCTIONS TO STAFF 340:75-6-31.1

Revised ~~9-15-20~~ 9-14-24

1. (a) Family meeting (FM) purpose and requirements. The FM is designed to assist the child welfare (CW) specialist with achieving timely permanency for the child in Oklahoma Department of Human Services (DHS) (OKDHS) custody or under ~~DHS~~ OKDHS supervision.

(b) FM process. The FM process is initiated for each child in ~~DHS~~ OKDHS custody or under ~~DHS~~ OKDHS supervision who is placed in his or her own home or outside of the parent, legal guardian, or custodian's home including out-of-state Interstate Compact on the Placement of Children (ICPC) placements.

(1) FM participants include, but are not limited to, the:

(A) child;

(B) child's:

(i) ~~parents~~ birth parents;

(ii) legal guardian, when any;

(iii) extended family and kinship relations as ~~requested by the family~~ requests;

(iv) caregivers;

(v) court-appointed special advocate (~~CASA~~) or guardian ad litem, when applicable;

(vi) tribal representative, when applicable;

(vii) attorney; and

(viii) assigned CW specialist, CW supervisor, and assigned successful adulthood specialist, when appropriate; and

(C) service providers;

- (D) Developmental Disabilities Services staff, when applicable;
 - (E) SoonerStart staff, when applicable;
 - (F) post-adjudication review board (PARB) member;
 - (G) district attorney;
 - (H) other family supports;
 - (I) Systems of Care; and
 - (J) Comprehensive Home-Based Services (CHBS).
- (2) Prior to case discussion, the FM facilitator:
- (A) explains the confidential nature of the meeting;
 - (B) requests all team members sign the confidentiality section of Form 04MP046E, Family Meeting Report; and
 - (C) uses Form 04MP046E as a reference source for discussion by the team.
- (3) The process addresses placement issues and essential case elements including efforts to place the:
- (A) child with relatives; and
 - (B) siblings together. At each FM:
 - (i) a placement review is conducted for each sibling to determine if each child is placed with relatives and if all siblings are placed together;
 - (ii) when siblings are not placed together, a plan is developed or updated to reunite the siblings, when feasible, in placement; and
 - (iii) when placing siblings together is not feasible, a plan is developed or updated to maintain, when possible, sibling connections.
- (c) Required FM. An FM is held:
- (1) within ~~60-calendar days~~ 30-calendar days of the child's removal or petition filing date, whichever is earlier;
 - (2) within 30-calendar days following the assessment of child safety when an in-home or out-of-home ~~safety plan~~ Safety Plan is necessary. The FM purpose in this situation is to engage families in identifying supports or resources that can assist in keeping the child safely in the home or assist in the identification of possible kinship caregivers for the child when necessary;
 - (3) within 30-calendar days after the court determines reasonable efforts to reunite the child with the parent are not required;
 - (4) a minimum of once every six months to continue to engage the PRFCs person responsible for the child (PRFC);
 - (5) as part of the ongoing assessment process and Individualized Service Plan (ISP) development to:
 - (A) identify barriers to the child's permanent placement; and
 - (B) propose and implement solutions to the barriers; and
 - (6) when a decision is made to actively implement concurrent planning or an alternate permanency permanent plan to ensure the family understands the poor prognosis indicators for reunification and the need to identify an alternate permanent caregiver;

- (7) prior to reunification when a decision is made to reunify the child and the ~~person responsible for the child (PRFC)~~, to identify the supports the PRFC needs from the extended family to enhance child safety;
 - (8) for every youth 14 years of age and older to develop a successful adulthood plan, per Oklahoma Administrative Code (OAC) 340:75-6-110.
 - (A) The youth is present at the FM.
 - (B) The youth is given the opportunity to invite the supportive connections of his or her choosing to the FM; and
 - (9) within 120-calendar days before a youth ages out of care. The 90-calendar day plan is then incorporated into a report to deliver to the court within 90-calendar days of the youth aging out of care; and
 - (10) before the supervisor approves the goal of PAPP is ~~approved by the supervisor~~. The FM's purpose at this time is to meet with the child and all identified permanent connections, CW specialist, and CW supervisor to discuss and agree upon the permanency plan that is in the child's best interests. The FM report ~~must include~~ includes a detailed description of how and why all other permanency options were are ruled out and what ongoing steps ~~will be~~ are being taken to achieve permanency for the child.
2. FM responsibility. The county with court jurisdiction coordinates and conducts the FM. The CW specialist in the county of jurisdiction:
- (1) contacts the appropriate persons to participate as FM members for each case;
 - (2) obtains input from each district involved when more than one district provides services ~~are provided~~ to the child and family ~~by more than one district~~;
 - (3) informs any FM member, who is unable to attend the meeting that written or verbal information from the member provided to the CW specialist at least 24 hours prior to the FM, is presented at the meeting;
 - (4) documents the FM results in KIDS Contacts screen no later than 30-calendar days after completion of each FM; and
 - (5) reports FM results to the court.
3. FM documenting and reporting. The CW specialist:
- (1) documents the FM in KIDS Contacts screen no later than 30-calendar days after the completion of each FM;
 - (2) summarizes the FM results in the KIDS Contacts screen and at a minimum, includes:
 - (A) attendees;
 - (B) discussions regarding each identified barrier to permanency;
 - (C) action steps identified, the name of the person responsible for completing the action step, and the completion time requirement for each action step; and
 - (D) all FM purpose options in KIDS that apply; and
 - (3) attaches Form 04MP046E or includes a summary of the FM on Form 04KI014E, Individualized Service Plan (ISP) Progress Report, for the next court hearing following the FM; and

- (4) scans uploads the completed FM forms into KIDS File Cabinet the KIDS document management system (DMS).
4. FM, permanency meeting, and permanency report. When an FM is held as a permanency meeting to discuss recommendations regarding the child's permanency plan, information gathered during the meeting is included in Form 04KI014E, per OAC 340:75-1-18.1. The progress report includes, but is not limited to:
- (1) parental efforts and progress by the child's parent to:
 - (A) comply with the ISP requirements;
 - (B) change behaviors or conditions; and
 - (C) develop protective capacities; and
 - (2) the status of the child including the child's behavioral, physical, and emotional health.
5. FM during trial reunification. An FM is not required for the child placed in trial reunification unless the court orders an extension of trial reunification beyond six months. During the trial reunification FM, the team:
- (1) identifies issues and concerns that necessitated the trial reunification extension; and
 - (2) proposes a plan to address the issues including, but not limited to:
 - (A) recommendations for services;
 - (B) initiation or modification of safety plans; and
 - (C) other strategies to meet identified family needs as applicable and appropriate.
6. FM and adoption criteria staffing. When the child's foster parent requests adoption of the child, a local adoptive placement criteria staffing is required.
- (1) The criteria staffing may occur concurrently with the FM when the FM is held within 30-calendar days of the foster parent's request. The adoption specialist's attendance at the FM is mandatory.
 - (2) The CW specialist in the county of jurisdiction completes Forms 04MP046E and 04AN020E, Adoptive Placement Criteria Staffing Documentation, are completed by the CW specialist in the county of jurisdiction. Upon completion of the FM, the CW specialist provides a copy of Form 04AN020E to the adoption specialist in attendance for processing.
7. (a) Case transfer meetings. Ensuring a continuity of services for the child and family is important when cases are transferred. The case plan goal drives all decision-making. All Child Protective Services (CPS) functions, including setting up the transfer meeting, are completed within 10-calendar days of the emergency custody hearing or petition filing, whichever is earlier, and the case is transferred to a PP specialist. An initial case transfer meeting between CPS and PP is completed within 10-calendar days of the emergency custody hearing or petition filing, and:
- (1) includes the CPS and PP specialists, both supervisors, the family, and Indian child welfare (ICW) worker, when applicable;
 - (2) is preferably held in person or by teleconference, when the case is transferred to another district;

(3) includes discussion of the Safety Plan, when applicable, and how safety threats are managed and controlled; and

(4) includes a discussion of, but not limited to, the:

(A) safety threats to the child and safety plan, when applicable;

(B) referrals made for services and Safety Plan any barriers to service provision for the child or family;

(C) child's placement;

(D) demographic information;

(E) child's educational needs;

(F) child's medical and immunization histories;

(G) family's Native American heritage;

(H) previous court hearing results;

(I) next court date and any requests by the court or parties for specific information or action;

(J) Family Time Plan and the date the last visit occurred;

(K) diligent search and family-finding efforts for relatives;

(L) initial meeting (IM) with the resource family, when applicable; and

(M) FM outcomes, when applicable.

(b) Transfer meeting between PP specialists. The transfer meeting between PP specialists includes the family. Points of discussion include those listed in (a)(4) of this ITS and:

(1) an articulation of the specific adult behaviors that are safety threats to the child requiring OKDHS involvement with the family;

(2) a description of interventions in place to affect behavioral changes in the family;

(3) a description of specific behavioral changes needed in the family;

(4) a discussion of successful and previous intervention attempts; and

(5) a written case summary including the case history, legal history, and placement information.

(c) Case transfer meeting between CPS and family-centered services (FCS).

(1) The case transfer meeting between the CPS specialist and FCS specialist is completed within 10-calendar days after a Safety Plan is established and Form 04MP078E, Family Service Agreement, is signed and includes:

(A) the CPS specialist and FCS specialist; both supervisors; the family; service providers; Safety Plan monitors; kin; informal supports; and the ICW worker, when applicable;

(B) a discussion of the:

(i) results of Form 04KI030E, Assessment of Child Safety; and

(ii) Safety Plan and how the safety threats are being managed and controlled; and

(C) a discussion of, but not limited to, the:

(i) referrals made for services and any barriers to service provision for the child or family;

(ii) remaining safety threats;

(iii) behavioral changes the PRFC demonstrates;

(iv) child's needs;

(v) action steps identified during the meeting, the name of the person responsible for completing each step, and the amount of completion time assigned to each step; and

(vi) a Family Time Plan is developed for the child involved in an out-of-home Safety Plan using Form 04MP047E, Family Time Plan, to ensure purposeful visits occur between the child, sibling(s), and PRFC. The Family Time Plan is updated as progress is made and the PRFC's protective capacities increase. A copy of the Family Time Plan is uploaded into the KIDS DMS.

(2) The CPS specialist enters a KIDS contact with a purpose of "Family Accepted FCS" and changes the case type to FCS.

(d) Case transfer meetings are documented in KIDS Contacts with a purpose of "Transfer Meeting." The contact includes a summary of the meeting discussion, first and last names of everyone involved, meeting location, and resulting action steps.

8. IM and process. The IM is an opportunity for the biological and resource parents to talk about the child's needs, share family information, build positive and supportive relationships between the parents, and develop the child and resource family support plan to assist with placement stability. The IM is held for children placed in all family-like settings including kinship, traditional, and therapeutic foster homes. (1) through (4) of this Instruction detail the CW specialist's role and responsibilities during the IM process.

(1) The assigned CW specialist schedules and conducts an IM within 30-calendar days of each placement. The IM is scheduled around the placement provider, parents, and child. Mandatory participants are:

(A) the assigned CPS specialist, supervisor, or both at the first placement;

(B) the assigned PP specialist, supervisor or lead specialist, or both for all subsequent placements;

(C) the assigned resource specialist, resource family partner specialist or supervisor(s), or both for the current and previous placements;

(D) all biological parents. In cases of domestic violence (DV), separate IMs are conducted for the victim and the batterer. In cases where a child is in the permanent custody of OKDHS, the CW specialist assesses if including the biological parents is in the child's best interest; and

(E) the current and previous resource parent(s), when appropriate.

(2) The assigned CW specialist schedules the first IM and schedules IMs for all subsequent placement changes.

(A) An IM is held in a neutral location on a date and time with due consideration of the placement provider's, parents', and child's schedules.

(i) Every effort is made to change the meeting date and time to accommodate the parents' schedules; however, when a parent is unable to attend, the specialist works to secure his or her presence by phone or virtual conference.

(ii) When parent participation is impossible, the CW specialist gathers important information about the child to incorporate the youth's voice into the meeting.

(iii) For absent parents, extensive and diligent efforts to locate the parent are made and documented prior to the meeting. Child information is gathered from the people who are caring for the child.

(iv) In DV cases, two separate IMs are conducted, one with the victim and one with the batterer when the dynamic within the DV warrants this. The victim may invite his or her advocate to attend all meetings.

(v) When all parents are not in attendance, the IM documentation contains valid reasons why they did not attend.

(vi) Every effort is made to change the meeting date, place, or time to accommodate resource parent schedules; however, when resource parents are unable to attend, the specialist works to secure their participation by phone or virtual conference. When that is not possible, the meeting is rescheduled.

(vii) When the current placement provider refuses to attend in any capacity, the resource specialist or facility liaison addresses this with the placement provider and includes the information in the IM documentation.

(B) All parties are contacted and given the meeting date, time, and location. The specialist discusses the IM's purpose, the child's likes, dislikes, and needs with each attendee. All other discussions are conducted in different meetings. When a party is unable to attend the IM, the specialist makes an effort to ensure the party participates by phone or virtual conference.

(C) Form 04PP024E, Child and Resource Family Plan, is provided with the CW specialist's contact information to the biological and resource parents to answer any questions they have about the process.

(D) Extensive diligent search efforts are conducted to locate any absent parents and are documented in KIDS.

(3) During the IM, the CW specialist:

(A) reviews the meeting's purpose and ground rules that emphasize the meeting is:

(i) conflict free;

(ii) child friendly; and

(iii) focused on the child's needs; and

(B) facilitates a discussion of:

(i) the child's routine, likes and dislikes, needs, education, sleeping and eating habits;

(ii) any current allergies, medication, medical conditions or needs; (iii) extracurricular activities, community and family connections, including contact information for any connections; and

(iv) techniques or items that provide security and comfort to the child; and

(C) establishes goals, boundaries, and methods to facilitate an ongoing line of communication between biological and resource parents and those present;

(D) discusses what supports the resource parents may need for the child moving forward including, but not limited to, child care, transportation, services, respite, and contact with other parties;

(E) uses Form 04MP015E, Important People in the Child's Life/Family Tree;

(F) develops and documents a child and resource family support plan using Form 04PP024E, Child and Resource Family Support Plan, and uploads the form into the KIDS DMS;

(G) provides a copy of Form 04PP024E, to each of the mandatory IM participants listed in (a)(1) of this Instruction;

(H) reviews the support plan with the resource specialist at least quarterly to make sure all services, resources, and supports are in place to ensure placement stability. When the support plan needs updating, the PP specialist schedules an FM with the resource specialist, child, biological family, and resource family to discuss changes;

(I) discusses and completes the child's educational needs using Form 04MP072E, The Best Interest Determination, per OAC 340:75-6-50; and

(J) discusses the child's sleeping arrangements, per OAC 340:75-7-18. For a child 12 months old and younger, safe sleep consideration is essential.

(4) Within five-business days of the IM date, the CW specialist documents the meeting in KIDS Contacts and includes:

(A) Contact Type: Face-to-Face, Phone, or Virtual Conference;

(B) Staff Participants: First and last names and job titles of staff attending;

(C) Non-client or non-collateral participants including the resource parents' first and last names; and

(D) Purpose: Select Initial Meeting – Bridge and Support Plan; and within the body of the contact documents:

(i) the efforts made to ensure all parties attended the IM;

(ii) the details from the IM guide about the child(ren);

(iii) the details from the IM guide about the child and resource family support plan; and

(iv) identifying the staff responsible for implementing the child and resource family support plan.

340:75-6-31.3. Trial home reunification ■ 1 through 10

Revised 7-1-13 9-14-24

(a) **Trial home reunification - supervision of child in Oklahoma Department of Human Services (OKDHS) custody. ■ 1 through 10** Per Sections 1-4-806 and 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. §§ 1-4-806 and 1-7-103), the court may order a trial home reunification and return by returning the child to the care of the parent or legal guardian from whom the child was removed ~~for a period not to exceed and~~

~~setting a date for review within six months, provided when determined necessary, the court may extend the period of trial reunification to a specific date, by entering an extension order prior to the expiration of the initial six-month trial reunification period. At any time during trial reunification, when reunification appears successful, the court may return legal custody to the parent or legal guardian and relieve OKDHS of legal custody. If the court determines to extend trial reunification, the court sets a new date for review. The child spends no longer than a total of twelve months in trial reunification.~~ During the trial reunification period, OKDHS:

- (1) retains legal custody of the child, permitting OKDHS to visit the child in the parent's home, at school, in a child care facility, or any other setting OKDHS deems necessary and appropriate;
- (2) continues to provide appropriate services to the parent, when eligible, and the child;
- (3) terminates ~~the trial home~~ reunification and removes the child to out-of-home placement, without court order or authorization, when necessary to protect the child's health, safety, or welfare; and ■ 10
- (4) advises the court and parties within three-judicial days of the termination of ~~the trial home~~ reunification when terminated by OKDHS without a court order.

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

- (1) ~~upon completion of the six-month~~ if the court determines to continue supervision after twelve months of trial home reunification period or any extension of ~~the trial home~~ reunification, the court may extend supervision of the child in the home by awarding award legal custody of the child to the parent or legal guardian with whom the child is reunited and order OKDHS to provide supervision per OAC 340:75-6-48; and ■ 3
- (2) the duration of the extended supervision may not exceed six months except in circumstances the court finds appropriate and necessary to protect the child's health, safety, or welfare.

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

(d) **Required criminal background check prior to trial home reunification.** Per 10A O.S. § 1-4-806, Prior to trial reunification, OKDHS conducts a criminal background check of any adult in the home, who is not a parent, legal guardian, or custodian ~~prior to any trial reunification period.~~ The background check includes inquiries into Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) records for a national criminal history record check, per provisions of 74 O.S. § 150.9. OKDHS notifies the court that the parent received a copy of the national criminal history record check results. ■ 5

(e) **Notice to individual subject to criminal background checks.** OKDHS provides Form 04MP060E, Notice to Individual Being Fingerprinted, per Section 50.12 of Title 28 of the Code of Federal Regulations (28 C.F.R. §50.12) to individuals requiring fingerprinting. Form 04MP060E notifies the individual being fingerprinted:

- (1) the fingerprints are used to check the criminal history records of the FBI;

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

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

- (1) an individual's fingerprints due to the individual's disability; or
- (2) legible fingerprints due to low quality fingerprint characteristics as a result of the individual's age, occupation, or otherwise resulting in the inability for the national crime information databases (NCID) to provide results. ■ 6

(g) **Confidentiality of national criminal history record check obtained for trial home reunification consideration.** The report of the national criminal history record check obtained prior to trial home reunification is confidential, per 28 C.F.R. § 50.12, used only for purposes related to trial reunification, and ~~cannot~~ may not be disseminated outside OKDHS or authorized entities such as the court. The report of the national criminal history record check is placed in a separate envelope for each individual and maintained in a locked file cabinet. ■ 1

INSTRUCTIONS TO STAFF 340:75-6-31.3

Revised ~~9-15-20~~ 9-14-24

1. Trial home reunification – Oklahoma Human Services (OKDHS) custody.

(1) **Family meeting (FM) required prior to reunification recommendation.** Per Oklahoma Administrative Code (OAC) 340:75-6-31.1, an FM is held prior to a recommendation for trial reunification to identify the supports the parent, legal guardian, or custodian needs from the extended family to enhance child safety.

(2) **Court approval for trial reunification.** When requesting court approval for the child's reunification with a parent, legal guardian, or custodian the child welfare (CW) specialist recommends on Form 04KI014E, Individualized Service Plan (ISP) Progress Report, that the child remain in ~~Oklahoma Human Services (OKDHS)~~ custody for up to six months, to continue the child's Title IV-E eligibility. Trial reunification is recommended when:

(A) the child's parent or legal guardian is actively complying with the Individualized Service Plan (ISP); and

(B) there appears to be a good prognosis for successful reunification.

(3) **Required national criminal history record check prior to trial home reunification.** A criminal background check of any adult, who is not the child's parent, legal guardian, or custodian, residing in the home where trial

reunification for the child is considered, is conducted prior to the start of the trial reunification.

(A) Section 150.9 of Title 74 of the Oklahoma Statutes (74 O.S. § 150.9) states, *"a national criminal history record check means a check of criminal history records entailing the fingerprinting of the individual and submission of the fingerprints to the United States Federal Bureau of Investigation (FBI) for the purpose of obtaining the national criminal history record of the individual from the FBI. A criminal history record check may be obtained only when a check is authorized or required by state or federal law."*

(B) 10A O.S. § 1-1-105 defines a custodian as *"an individual other than a parent, legal guardian, or Indian custodian to whom legal custody of the child has been awarded by the court."*

(C) When an adult is in the household more than 30-calendar days per year or engages in a pattern of overnight visitation of more than two nights per month, the adult is subject to a national criminal history record check prior to the trial reunification.

(D) When trial reunification does not occur within six months of receipt of the national criminal history search results or is contemplated for a second time in the same household during the pendency of the same deprived case, a new national criminal history search is not required, but a new name-based Oklahoma State Bureau of Investigation (OSBI) background check is necessary.

(4) Confidentiality of national criminal history record check obtained in anticipation of trial reunification. Per Section 50.12 of Title 28 of the Code of Federal Regulations (28 C.F.R. § 50.12), an individual's national criminal history record check obtained under this Section of law may be used solely for the purpose the criminal records check was requested and the record ~~cannot~~ may not be disseminated outside OKDHS unless ordered by the court.

(A) A copy of the FBI report regarding the individual may be provided to the individual who has been fingerprinted. The CW specialist advises the individual that the ISP contains a standard "To-Do" requiring, that upon the court's request, the parent, legal guardian, or custodian coordinate the release of each adult household member's FBI report to the court.

(B) OKDHS does not provide a copy of the national criminal history record check to:

- (i) the child's attorney;
- (ii) the district attorney (DA) or any assistant district attorney (ADA);
- (iii) the court-appointed special advocate;
- (iv) the tribal representative;
- (v) the attorney for the parent, legal guardian, or custodian;
- (vi) the child's court-appointed guardian ad litem;
- (vii) the placement provider;
- (viii) the other members of the household where trial reunification occurs; or

- (ix) any individual providing services to the family or other household member; or
 - (x) any other person associated with the deprived case.
- (5) OSBI name-based search for the parent, legal guardian, or custodian. OSBI name-based search results may be obtained for the child's parent, legal guardian, or custodian as necessary in circumstances such as, when:
- (A) the ISP addresses substance abuse, domestic violence, or other circumstance that may have resulted in a current or past law violation; and
 - (B) confirmation of Oklahoma criminal history is needed to develop an appropriate ISP to ensure existing criminal history will not negatively impact the child's safety.
- (6) Trial reunification supervision and documentation. When the court authorizes trial reunification and the child remains in OKDHS custody:
- (A) ~~OKDHS supervises the trial reunification placement for a minimum of three months. At any time after the three month period during trial reunification when the child is determined safe reunification appears successful, the CW specialist recommends OKDHS be relieved of legal custody, supervision, or both. An exception to the trial reunification supervision time requirement may be granted by the CW supervisor in consultation with the district director. The exception is documented in KIDS Contacts screen by the CW supervisor.~~
 - (B) The CW specialist:
 - (i) end dates the current KIDS placement episode with the exit reason of Trial Reunification (TR);
 - (ii) enters a KIDS TR placement episode. The case turns blue in the CW specialist's workload prior to the expiration of the TR episode and remains blue until action is taken to either extend or end date the TR episode. When no action is taken, the TR episode and removal are automatically end dated in KIDS two weeks after the TR end date;
 - (iii) ~~changes the KIDS case type to Aftercare – permanency planning, effective the date of the court order granting permission to return the child to a parent or legal guardian. When any child of a family with more than one child remains in out-of-home care, the case type is changed to Aftercare – permanency planning, when the last child in the family has returned home or obtained some other form of permanency;~~
 - (iv) follows OAC 340:75-6-48 for contact requirements. When case circumstances indicate, contacts are conducted more frequently;
 - (v)(iv) documents changes in the family's household. When changes in the family household occur, the CW specialist documents the pertinent information and obtains an OSBI records check only on the new adult member of the household;
 - (l) The results of the OSBI records check are reviewed upon receipt.

- (II) When child safety threats are indicated, the CW specialist develops a voluntary safety plan Safety Plan or takes appropriate action to remove the child from the home when necessary; and ~~(vi)~~(v) immediately notifies the court, the DA, and the child's attorney when a change in the family household results in a child-safety concern;
- ~~(vii)~~(vi) updates Form 04K1030E, Assessment of Child Safety;
- ~~(viii)~~(vii) follows OAC 340:75-6-48.3 Instructions to Staff (ITS) when contact cannot be made with the family; and
- ~~(ix)~~(viii) prepares Form 04KI014E, Individualized Service Plan (ISP) Progress Report, for review hearings.
2. Trial home reunification protocol - OKDHS custody successful. At any time during trial reunification, when the reunification process appears successful, the CW specialist asks the court to return legal custody to the parent, legal guardian, or custodian and relieve OKDHS of legal custody and supervision. The CW specialist:
- (1) end dates the KIDS TR episode with the exit reason of Reunification and closes the CW Child Welfare Services case when OKDHS is relieved of legal custody, supervision, or both. The removal episode automatically end dates; or
 - (2) follows OAC 340:75-6-48 for contact requirements when the court orders OKDHS to continue custody, supervision, or both.
3. Extended trial visit ordered by court prior to receipt of FBI report. When the court extends a trial visit or returns the child to the parent, legal guardian, or custodian's home with no expectation for the child to return to out-of-home care prior to receipt of the national criminal history record check, the CW specialist:
- (1) enters a begin date in the KIDS Placement/Trial Visit icon;
 - (2) notifies the appropriate district personnel who approve the payment of resources, of the begin date of the trial visit to deduct the appropriate trial visit days from the monthly foster care maintenance payment; and
 - (3) enters an end date in the trial visit icon when the court orders trial reunification or the child returns to care.
4. Re-use of FBI report for trial home reunification purposes. When a child is removed from a trial home reunification episode, and is later returned to the same home for a subsequent trial reunification episode, the appropriate CW specialist reviews the national criminal history record for potential child safety threats. The CW specialist reviews records obtained for each adult in connection with the previous trial reunification, along with all OSBI arrest and prosecution (RapBack) information for each individual ~~is reviewed for potential child safety threats by the appropriate CW specialist, per OAC 340:75-6-31.3 ITS.~~ When OSBI RapBack criminal history information is received, the CW specialist:
- (1) discusses the information with the applicable CW supervisor, and consults with the district director, Permanency Planning Programs, and OKDHS Legal Division staff as needed; and
 - (2) documents the OSBI open-record information in the Crime Information section in the KIDS Client – General Info. – Other Details tab.

5. Fingerprinting method options. OKDHS may utilize use either the electronic or card submission fingerprinting method for the adult, who is not a parent, legal guardian, or custodian but resides in the home where trial reunification is recommended. When available, the electronic submission method is preferable.

(1) Electronic submission fingerprinting is only available through Idemia via www.IdentoGO.com. The CW specialist contacts the individual to be fingerprinted by phone or in-person to schedule the fingerprinting appointment because detailed information is required.

(A) To schedule a fingerprinting appointment for the adult, the CW specialist:

- (i) requests the adult household member sign the printed electronic Request for Background Check or Form 04AD003E, Request for Background Check, to authorize the OSBI and FBI records searches;
- (ii) goes to www.IdentoGO.com to register an individual for fingerprinting;
- (iii) selects "Oklahoma" in "Search for Services by State";
- (iv) selects "Digital Fingerprinting";
- (v) selects "Register for In-State Digital Fingerprinting Services";
- (vi) enters service code for "2B7KV3" Trial Reunification;
- (vii) reads and answers the questions and agreements;
- (viii) enters the Zip code where the individual lives or works;
- (ix) selects the Idemia site to schedule an appointment; and
- (x) enters the individual information to complete the registration process.

(B) After the appointment is scheduled, the CW specialist:

- (i) submits an electronic Request for Background Check, <https://bids.prod.okdhs.int/requestinternal.aspx> or faxes completed Form 04AD003E to the Office of Background Investigations (OBI) at 405-702-5053. The CW specialist checks "Trial Reunification" as the background check purpose. Failure to mark Form 04AD003E correctly delays background check results;
- (ii) files a copy of Form 04AD003E and Form 04PP020E, U.S. Mail Delivery Authorization of National Criminal History Records Search Results, in the paper case record; and
- (iii) stores the national criminal history records check report for each individual in a separate manila envelope with the name and permanency KK case number written on the outside of the envelope, in a locked file cabinet.

(2) Card submission fingerprinting is available through local law enforcement and some fingerprinting agency vendors. The CW specialist:

(A) requests that each individual being fingerprinted sign the printed electronic Request for Background Check or Form 04AD003E to authorize the OSBI and FBI records searches, and Form 04PP020E, U.S. Mail Delivery Authorization of National Criminal History Records Search Results, for mail delivery of fingerprint results;

- (B) provides two fingerprint cards to each individual;
- (C) provides an automated fingerprinting authorization obtained through Finance AS400;
- (D) instructs the individual to be fingerprinted to:
 - (i) take the authorization and fingerprint cards to local law enforcement or a fingerprinting agency for fingerprinting services; and
 - (ii) return the fingerprint cards to the CW specialist when fingerprinting is completed; and
- (E) when the fingerprint cards are returned, checks the cards for accuracy and forwards the cards with Form 04AD003E or the printed electronic Request for Background Check, <https://bids.prod.okdhs.int/requestinternal.aspx> to OBI for the OSBI records and FBI national criminal history records search. The completed fingerprint cards and Form 04AD003E are:
 - (i) placed, along with Form 04PP020E, in a sealed manila envelope marked confidential; and
 - (ii) sent via inter-office mail to OBI; and
- (F) files a copy of Forms 04AD003E and 04PP020E in the paper case record;
- (G) returns the OSBI-rejected fingerprint cards and instructs the individual to take the cards to the original vendor, who reprints the individual at no additional charge. After the second OSBI rejection, the CW specialist provides a letter and instructs the individual to go to OSBI to be fingerprinted for a third time; and
- (H) stores the national criminal history record check report for each individual in a separate manila envelope with the name and permanency KK case number written on the outside of the envelope, in a locked file cabinet.

(3) When the FBI rejects fingerprints ~~are rejected twice by the FBI~~, OSBI requests a national name search from the FBI.

(4) Completed Form 04PP021E, In-Person Delivery Acknowledgement of Receipt of National Criminal History Records Search Results, is used in special circumstances, such as when an individual misplaced the fingerprint results or the individual reports the fingerprint results were not received by mail.

(A) A copy of the national criminal history records search results and original Form 04PP021E is delivered in-person to the individual fingerprinted.

(B) A copy of completed form 04PP021E is placed in the paper case record.

6. Exception to fingerprinting procedures.

(1) When the FBI rejects the prospective caretaker's fingerprint impressions ~~are rejected by the FBI~~ due to low quality fingerprint characteristics or because an individual does not have fingers, the FBI conducts an alternate procedure ~~to conduct~~ a name-based check of the National Criminal

Information Database (NCID) ~~is conducted by the FBI~~ to obtain a national criminal history record check. The alternative results are used for limited and case-specific situations. The alternative background check results are not acceptable when fingerprint impressions are of low quality due to lack of technological capacity or use of improper techniques.

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

(B) ~~When the FBI rejects fingerprints are rejected twice by the FBI,~~ OSBI requests a national name search from the FBI.

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

(A) The CW or resource specialist submits an email to OBICW@okdhs.org requesting an exception to fingerprinting for the severely disabled non-caretaker and provides the medical justification that states why the individual is physically unable to participate in the fingerprint process.

(B) When the exception is approved by the OKDHS Director's designee, OBI conducts an OSBI criminal history check.

(C) When the background check is complete, OBI notifies the CW specialist by email and a copy of the document granting the exemption to the fingerprint requirement is sent to the CW specialist.

(D) The Foster Care Program Unit enters a KIDS contact with the determination.

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

7. Adult household member's failure to submit to national criminal history record check. When the adult household member fails to submit to a national criminal history record check for purposes of trial reunification, the CW specialist:

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

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

(3) does not request court approval for trial reunification without a national criminal history record check of each adult household member, excluding the parent, legal guardian, or custodian; and

(4) reports the details of the failure to obtain the national criminal history record check in Form 04KI014E, Individual Service Plan (ISP) Progress Report, to the court, DA, and child's attorney for the next scheduled court hearing.

8. Assessment of national criminal history records check report obtained for trial home reunification.

(1) The report of the national criminal history records check regarding each adult in the household, excluding the parent, legal guardian, or custodian is:

(A) reviewed by the CW specialist. When the report contains misdemeanor or felony arrests or convictions, the CW specialist consults with the CW supervisor who consults with the district director, Permanency Planning Program Unit, and the OKDHS Legal Services as

needed to determine whether any potential safety threats are present and whether arrests or convictions are discussed with the adult household member.

- (i) Only public records, such as the OSBI report regarding an adult household member, are discussed with the parent, legal guardian, or custodian. The results of the adult household member's national criminal history records check is not discussed with the parent, legal guardian, or custodian.
- (ii) The national criminal history records check report is discussed in detail with the person who is the subject of the report when necessary, when the nature of the arrest or conviction is for:
 - (I) child abuse or neglect;
 - (II) physical assault, battery, or a drug-related offense within the five-year period preceding the national criminal history record check;
 - (III) domestic abuse;
 - (IV) a crime against a child including, but not limited to, child pornography;
 - (V) a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in this unit. Homicide includes manslaughter;
 - (VI) a criminal offense involving violence that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another or by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense; or
 - (VII) a misdemeanor or felony arrest or conviction that occurred after the child's removal from the home; and
- (B) prior to discussing the criminal history with the parent or adult household member, evaluated after the CW specialist obtains additional information regarding the criminal history including:
 - (i) the in or out-of-state police report of the incident;
 - (ii) whether the out-of-state arrest or conviction is an open record in that state, when applicable, by conducting a Clear records search. Clear obtains only criminal records from jurisdictions where the information is publically available; and
 - (iii) the official disposition of the arrest or conviction from court or police records; and
- (C) addressed in a report to the court when the results indicate a safety threat or risk to the child with a plan to implement safety measures or a recommendation to modify the ISP when necessary to address the safety concerns;
- (D) not used as the sole basis for withholding a trial reunification recommendation unless child safety cannot be resolved; and
- ~~(F)~~(E) not documented in KIDS.

(2) When the decision is made, after consultation with the CW supervisor to discuss the national criminal history records search report of the arrest or conviction with the adult household member, the individual's response to:

(A) information obtained under this or another state's open records is freely documented in the KIDS contact screens and the ISP progress report; and

(B) the confidential information found only in the national criminal history records search report is carefully documented in the KIDS contact screens and in the ISP progress report to not reveal that the information was obtained from the FBI report. The information documented whether from open or confidential records includes:

(i) the individual's explanations of the criminal history; and

(ii) the CW specialist's assessment of the charges detailing any potential child safety threats.

(3) When an out-of-state arrest or conviction is determined not to be an open record in the state of occurrence, the CW specialist takes care when documenting in the KIDS Contacts screen not to reveal the information recorded is based on the FBI report because:

(A) the FBI report is confidential and may not be disclosed; and

(B) certain persons, who are not authorized to receive the FBI report, are authorized to review OKDHS records without a court order.

(4) The CW specialist assesses the adult household member's criminal history including, but not limited to, the:

(A) type of crime committed;

(B) time elapsed since the crime or conviction;

(C) length of the deferment or length and type of sentence imposed;

(D) completion date of the sentence;

(E) assignment of a probation or parole officer and the officer's information;

(F) positive changes the individual has made in his or her lifestyle and the individual's description of how and why the changes occurred; and

(G) provisions for the child's safety and well-being in the home due to the criminal history.

9. OSBI RapBack maintained reports. RapBack is a service offered by OSBI to Oklahoma non-criminal justice government agencies for non-criminal justice purposes, such as trial home reunification and resource parent application decisions.

(1) The RapBack service is not associated with national criminal history and details only subsequent Oklahoma arrests after an individual's fingerprints were submitted to OSBI and FBI for non-criminal justice purposes.

(2) OSBI receives RapBack reports are received and distributed by OBI and distributes them to the appropriate CW or resource specialist when a trial reunification or resource case is open. The OSBI RapBack program is automated and is not used in place of a new name-based background search.

10. Protocol followed when child ~~must be~~ is removed from the home while in trial home reunification status.

(1) When removal of the child from trial home reunification is necessary due to abuse, neglect, or both, the CW specialist completes a referral and investigation, per OAC 340:75-3.

(A) When the child is in OKDHS custody, the CW specialist completes for the court, prior to or within one-business day after the removal of the child, Form 04PP002E, Request for Termination of Trial Reunification, with the reasons trial reunification ~~must be~~ is terminated.

(i) The CW specialist requests an ex parte order authorizing OKDHS to terminate the trial reunification and offers to the court Form 04PP003E, Order Terminating Trial Reunification. Form 04PP003E is ~~utilized~~ used at the court's discretion.

(ii) The court's authorization to terminate trial reunification is required for continued eligibility for Title IV-E funding. The CW specialist provides to the custody specialist within five-calendar days of the child's removal a copy of the order terminating trial reunification.

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

(i) The CW specialist presents Form 04PP002E, Request for Termination of Trial Reunification, to the DA who prepares an application for an emergency custody order.

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

(2) Title IV-E redetermination. After the child is removed from the home, Title IV-E eligibility is re-determined, per OAC 340:75-13-16.

PART 7. FAMILY AND CHILD INDIVIDUALIZED SERVICE PLANNING COMPONENTS

340:75-6-40. Case plan [ITS ONLY]

Revised 7-1-13

The case plan consists of multiple reports that comprise the individualized service plan. ■ 1 & 2 The information contained in the reports document the identified safety threats, the family's functioning, and the behaviors or conditions that require change for the child to remain safely in or return to the home or obtain permanency through adoption or guardianship.

INSTRUCTIONS TO STAFF 340:75-6-40

Revised ~~9-16-21~~ 9-14-24

1. Case plan components. The case plan components are:

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

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

- (3) Form 04KI030E, Assessment of Child Safety, per OAC 340:75-6-40.3;
 - (4) Form 04KI012E, Individualized Service Plan (ISP), per OAC 340:75-6-40.4;
 - (5) Form 04KI009E, Court Report, Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, per OAC 340:75-6-40.5;
 - (6) Form 04KI046E, Connections Worksheet;
 - (7) KIDS Contacts screen information, per OAC 340:75-6-40.6; and
 - (8) family time information, per OAC 340:75-6-30.
2. **Qualified residential treatment program (QRTP).** For a child placed in a QRTP, the assigned specialist ~~must document~~ documents in the child's case plan:
- (1) Oklahoma Human Services' (OKDHS) reasonable and good faith effort to identify and include all individuals required to be on the child's family and permanency team, per OAC 340:75-14-1;
 - (2) all current contact information for members of the child's family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;
 - (3) evidence that family meetings with the family and permanency team, including meetings related to the required 30-calendar day assessment of the QRTP's appropriateness, are held at a time and place convenient for family;
 - (4) when reunification is the child's case plan goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team;
 - (5) evidence that the required 30-calendar day assessment of the QRTP's appropriateness is determined in conjunction with the family and permanency team;
 - (6) the family and permanency team's placement preferences related to the required 30-calendar day assessment recognizes children are placed with their siblings unless the court finds that such placement is contrary to the child's best interest; and
 - (7) when the family and permanency team's and child's placement preferences were not the placement setting recommended by the qualified individual conducting the assessment of the QRTP's appropriateness, the reasons their preferences were not recommended.
3. **Case planning for pregnant and parenting youth in OKDHS custody. Case planning and specialized services are provided to youth in OKDHS custody who are pregnant, per OAC 340:75-6-92.**

340:75-6-40.4. Individualized Service Plan (ISP) ■ 1 through 7, and 9 through 11

Revised ~~9-15-17~~ 9-14-24

(a) **Written ISP requirement.** Form 04KI012E, Individualized Service Plan (ISP), and Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, are components of the case plan. Per Section 1-4-704 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-704), ~~the Oklahoma Department of Human Services (DHS)~~ (OKDHS):

- (1) prepares and maintains a written ISP for the child who is adjudicated deprived;
- (2) furnishes the plan to the court within 30-calendar days after the adjudication; and

(3) makes a copy of the ISP available to each party to the case including any applicable tribe or court-appointed special advocate (CASA).

(b) ISP preparation, content, disputes, and modifications. Per 10A O.S. § 1-4-704, the ISP is based upon a comprehensive assessment and evaluation of the child and family and is developed with the participation of the child, when appropriate, and the child's parent, legal guardian, legal custodian, attorney, guardian ad litem, and tribe, when applicable. The health and safety of the child is the paramount concern in the ISP development.

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

(2) The ISP is signed by:

(A) the child's parent or parents or legal guardian;

(B) the attorney for the child's parent or parents or legal guardian;

(C) the child's attorney;

(D) the child's guardian ad litem, when any, that may be a ~~court-appointed special advocate~~ CASA;

(E) a representative of the child's tribe, when applicable;

(F) the child, when possible; and

(G) ~~DHS~~ OKDHS.

(3) Each ISP is individualized and specific to each child and the child's family.

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

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

(6) The ISP is measurable, realistic, and consistent with other court-ordered requirements.

(c) ISP content for the parent or legal guardian. Per 10A O.S. § 1-4-704, the ISP for the parent or legal guardian includes, but is not limited to:

(1) a history of the child and family, including identification of the problems or conditions leading to the deprived child adjudication and changes each parent must make for the child to safely remain in, or return to the home;

(2) the permanency plan for the child, the reason for selection of that plan, and a description of the ~~DHS~~ OKDHS steps to finalize the permanency plan;

(3) identification of time-limited reunification services provided to the parent, legal guardian, legal custodian, stepparent, other adult person living in the home, or other family members;

(4) a schedule of the frequency of services and the means by which delivery of the services is assured or, as necessary, the proposed means by which support services or other assistance is provided to enable the parent or child to obtain the services;

(5) the name of the child welfare specialist assigned to the case;

(6) a projected date for the ISP completion;

- (7) performance criteria that measures the child and family progress toward completion of the ISP including, but not limited to, time requirements for achieving objectives and addressing the identified problems;
- (8) the sequence and time requirements for services provided to the parent to facilitate the child's return home;
- (9) a description of services or resources requested by the child's parent or legal guardian since the date of the child's placement, and if those services or resources were provided and when not, the basis for the denial of the services or resources;
- (10) efforts to be made by the child's parent and ~~DHS~~ OKDHS to enable the child to return to his or her home;
- (11) a plan and schedule for regular and frequent visitation for the child and the child's parent or legal guardian and siblings, unless the court determined visitation, even when supervised, would be harmful to the child;
- (12) provisions for the child's safety, per state and federal law, and clearly defined actions or precautions necessary to provide for the safety and protection of the child;
- (13) the statement: TO THE PARENT: THIS IS A VERY IMPORTANT DOCUMENT. ITS PURPOSE IS TO HELP YOU PROVIDE YOUR CHILD WITH A SAFE HOME WITHIN THE REASONABLE PERIOD SPECIFIED IN THE PLAN. IF YOU ARE UNWILLING OR UNABLE TO PROVIDE YOUR CHILD WITH A SAFE HOME OR ATTEND COURT HEARINGS, YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS MAY BE RESTRICTED OR TERMINATED OR YOUR CHILD MAY NOT BE RETURNED TO YOU; and
- (14) whenever a child in ~~DHS~~ OKDHS custody or under ~~DHS~~ OKDHS protective supervision is committed for inpatient behavioral health or substance use or abuse treatment pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act, the ISP is amended as necessary and appropriate including, but not limited to, identification of the treatment and services to be provided to the child and child's family upon the child's discharge from inpatient behavioral health or substance use or abuse treatment.

(d) **Voluntary ISP participation.** Prior to adjudication, the parent or legal guardian may voluntarily participate in services related to the behaviors and conditions that led to the filing of a deprived petition. Participation in such services is not an admission of guilt and participation itself is not be used as evidence for the purposes of adjudication or disposition.

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

~~(e)~~(f) **ISP for successful adulthood youth.** Federal law requires the initiation of a successful adulthood plan for the youth in ~~DHS~~ OKDHS custody and out-of-home placement upon reaching 14 years of age, Oklahoma Administrative Code 340:75-6-110. This plan includes a description of how the following objectives will be met:

- (1) education, vocational, or employment planning;
- (2) health care planning and medical coverage;

- (3) transportation including, where appropriate, assisting the child in obtaining a driver license;
- (4) money management;
- (5) planning for housing;
- (6) social and recreational skills; and
- (7) establishing and maintaining connections with the child's family and community.

INSTRUCTIONS TO STAFF 340:75-6-40.4

Revised ~~9-15-20~~ 9-14-24

- 1. Initiation of the individualized service plan (ISP). The ISP:**
 - (1) is initiated as soon as the parent is willing to begin the process. A plan is developed prior to the dispositional hearing or no later than 60-calendar days from the child's removal or the petition's filing, whichever comes first, so services may begin to correct the conditions that created the child safety threats;**
 - (2) addresses the behaviors and conditions the parent, legal guardian, legal custodian, stepparent, or other adult person living in the home must change to alleviate the safety threats to the child and the conditions of deprivation set out in the petition; and**
 - (3) lists all risk-related needs and safety threats. The allegations in the deprived petition are the safety threats that must be addressed.**
- 2. Parent or legal guardian ISP. The child welfare (CW) specialist and family develop the initial Form 04KI012E, Individualized Service Plan (ISP), after the permanency planning (PP) specialist completes Form 04KI030E, Assessment of Child Safety, ~~is completed by the permanency planning specialist.~~**
 - (1) Form 04KI013E, Individualized Service Plan (ISP) Dispositional Report, is furnished to the court within 30-calendar days after the adjudication of the child as a deprived child or earlier when ordered by the court.**
 - (2) Prior to the adjudication hearing, the ISP is initiated with the parent or legal guardian on a voluntary basis. Voluntary participation in services is in and of itself not an admission of guilt and participation is not used as evidence for purposes of adjudication or disposition.**
 - (3) The ISP includes documentation, when applicable, that the parent or legal guardian is unwilling to participate in the development or implementation of the plan.**
 - (4) Refer to Oklahoma Administrative Code (OAC) 340:75-6-40.4(a) through (e) for ISP required information.**
 - (5) An ISP is not required for the parent or legal guardian when:**
 - (A) a request for immediate termination of parental rights or guardianship is filed; or**
 - (B) the court finds efforts to reunite the child and family are not required.**
- 3. Age-appropriate child's participation in the ISP development. Participation or input from the parent; legal guardian; child, when appropriate; child's attorney; and, when applicable, the child's tribe and guardian ad litem is ~~utilized~~ used in ISP development. An age-appropriate child is:**

- (1) 10 years of age and older with the exception of a child with severe intellectual disabilities; or
 - (2) younger than 10 years of age who is intellectually capable of understanding and communicating ideas and opinions concerning the development and completion of the plan.
4. **ISP estimated completion dates.** Each ISP has an estimated completion date. The parent's or legal guardian's ISP estimated completion date is not changed when adequate time is given to the parent or legal guardian and the parent or legal guardian fails to complete the plan. The parent or legal guardian is informed:
- (1) services have time constraints due to statutory requirements;
 - (2) of the psychological and emotional harm that may occur to the child in out-of-home placement; and
 - (3) the child, when age appropriate, is advised of the parent's or legal guardian's progress on the ISP.
5. **ISP modification at dispositional hearing.**
- (1) The CW specialist recommends the ISP ~~is recommended to the court by the CW specialist~~ at the first dispositional hearing on Form 04KI013E.
 - (2) Per Section 1-4-704 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-704), when any part of the plan is disputed or not approved by the court, an evidentiary hearing may be held and at its conclusion, the court determines the ISP content in accordance with the evidence and the child's best interests.
 - (3) The CW specialist revises the ISP after the first dispositional hearing to conform to the court's dispositional order.
6. **ISP signatures and distribution.**
- (1) Form 04KI013E, is signed prior to submission to the court by the:
 - (A) parent;
 - (B) child, when age-appropriate;
 - (C) CW specialist; and
 - (D) CW supervisor.
 - (2) Form 04KI013E, after modification by the court, when any, is:
 - (A) incorporated and made a part of the dispositional order;
 - (B) revised by Oklahoma Human Services (OKDHS); and
 - (C) signed by and distributed to the:
 - (i) child's parent, legal guardian, or custodian;
 - (ii) attorney for the child's parent, legal guardian, or custodian;
 - (iii) child's attorney;
 - (iv) child's guardian ad litem, who may be a court-appointed special advocate, when applicable;
 - (v) Indian child welfare (ICW) worker, when applicable;
 - (vi) child, when possible; and
 - (vii) CW specialist.
7. **Updating the ISP.** The ISP is updated by ~~utilizing~~ using Form 04KI014E, Individualized Service Plan (ISP) Progress Report, and is:

(1) used to document the parent's progress toward completion of the ISP every six months or prior to every review and dispositional hearing, whichever is earlier; and

(2) submitted to the court at least three-judicial days prior to the hearing unless the court of jurisdiction requires a different submission requirement.

8. Permanency ISP.

(1) The CW specialist develops a permanency ISP addressing permanency for the child when a determination is made that:

(A) return of the child to the child's own home is no longer the permanency plan;

(B) reasonable efforts were made and failed to reunite the child and family or are not required per a finding by the court; or

(C) a petition or motion for termination of parental rights was or will be filed.

(2) The permanency ISP is developed with participation or input from the:

(A) placement provider;

(B) child, when age-appropriate;

(C) child's attorney;

(D) ICW worker, when applicable; and

(E) child's guardian ad litem, when applicable.

(3) When the child is in OKDHS permanent custody, the permanency ISP is updated as necessary and used as the basis for completing Form 04KI014E.

(4) When the permanency plan for the child is adoption or other permanent placement, the permanency ISP is updated and the information is provided to the court on Form 04KI014E regarding child-specific recruitment efforts, such as:

(A) relative searches conducted; and

(B) the use of state, regional, and national adoption exchanges, including electronic exchange systems to facilitate timely and orderly intrastate and interstate placements.

(5) The permanency ISP and Form 04KI014E document the steps OKDHS takes to:

(A) find an adoptive family or other permanent living arrangement for the child;

(B) place the child:

(i) with an adoptive family;

(ii) with a fit and willing kinship relation;

(iii) with a permanent guardian; or

(iv) in another planned permanent living arrangement; and

(C) finalize the adoption, permanent guardianship, or other permanent placement.

(6) OKDHS recommends the permanency plan and, when applicable, the concurrent permanency plan. The use of Form 04MP040E, Concurrent Planning Determination Tool, assists to determine poor prognosis indicators during the safety analysis, functional assessment, and through ongoing work with the family. OKDHS recommends the permanency plan to the court

and requests the court make a judicial finding regarding "reasonable efforts to finalize the permanency plan."

(A) The recommendation for the permanency plan and recommendation for the judicial finding ~~must be~~ is consistent.

(i) When OKDHS recommends the court modify the permanency plan, the recommended modification and a concise explanation supporting the reason for the modification is provided in the Recommendations section of Form 04KI009E, Court Report, and Form 04KI014E, as applicable.

(ii) The permanency plan is updated consistent with the modified finding of the court. Inconsistency between the judicial finding and the permanency plan occurs when the CW specialist requests the court enter a finding that reasonable efforts failed, but the permanency plan is return the child to own home.

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

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

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

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

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

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

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

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

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

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

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

(5) DHS OKDHS recommends changes when one of the circumstances in (A) through (C) exists.

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

(B) Additional underlying causes, such as substance use or abuse requiring treatment, are discovered.

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

(6) When the court orders ISP modification, OKDHS revises the plan to include the modified requirements.

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

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

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

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

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

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

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

(D) develops an ISP that addresses:

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

(ii) the placement provider's role and responsibility;

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

(iv) measures to ensure the child's basic needs are met.

340:75-6-40.5. Court reports ■ 3 through 5, & 7 through 10

Revised ~~7-1-13~~ 9-14-24

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

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

(2) when Oklahoma Department of Human Services (OKDHS) documents a compelling reason why a petition to terminate parental rights to a child is not in the best interests of the child, based upon consideration that the child is presently not capable of functioning in a family setting. The court reevaluates the status of the child every 90-calendar days until there is a final determination the child cannot be placed in a family setting;

(3) per 10A O.S. § 1-4-811, to determine the child's appropriate permanency goal and to order completion of all steps necessary to finalize the permanent plan. A permanency hearing may be held concurrently with a dispositional or review hearing. The permanency hearing is held no later than six months after placing the child in out-of-home placement and every six months thereafter. A child is considered to have entered out-of-home placement on the earlier of the:

(A) adjudication date; or

(B) date that is 60-calendar days after the date the child is removed from the home; and

(4) ~~thirty~~ 30-calendar days after a ~~determination by~~ the court determines that reasonable efforts to return a child to either parent are not required.

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

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

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

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

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

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

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

(4) a description of:

(A) each parent's progress toward correcting the conditions that caused the child to be adjudicated deprived;

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

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

- (5) a description of the child's placements by number and type with dates of entry and exit, reasons for the placement or change in placement, and a statement about the success or lack of success of each placement;
- (6) OKDHS efforts to locate the parent and involve the parent in the planning for the child when the parent is not currently communicating with OKDHS;
- (7) compliance by each parent and OKDHS, as applicable, with the court's orders concerning the individualized service plans, previous court orders, and OKDHS recommendations;
- (8) whether the current placement is appropriate for the child, its distance from the child's home, and whether it is the least restrictive, most family-like placement available;
- (9) a proposed timetable for the child's return to the home or other permanent placement;
- (10) specific recommendations providing reasons whether:
 - (A) trial reunification should be approved by the court;
 - (B) trial reunification should be continued to a date certain as specified by the court;
 - (C) the child should remain in or be placed outside of the child's parent or legal guardian's home; or
 - (D) the child should remain in the current placement when the permanency plan is other than reunification with the child's parent or legal guardian; and
- (11) a plan for ensuring the child's educational stability while the child is in out-of-home placement, including:
 - (A) assurances the child's placement considers the appropriateness of the current educational setting and the proximity to the school in which the child was enrolled at the time of placement; and
 - (B) where appropriate, an assurance that OKDHS has coordinated with appropriate local educational agencies to ensure the child remains in the school in which the child was enrolled at the time of placement; or
 - (C) if remaining in the school in which the child was enrolled at the time of placement is not in the best interests of the child, assurances by OKDHS and the local educational agencies to provide immediate and appropriate enrollment in a new school with all of the child's educational records provided to the school; and
- (12) Pursuant to per 10A O.S. § 1-4-807, all service provider progress and critical incident reports are submitted to the court and delivered to the district attorney, the attorney or attorneys representing the parents, the child's attorney, and when applicable the guardian ad litem and relevant tribe or tribes; and
- (13) for any child placed in a Qualified Residential Treatment Program (QRTP), per 10A O.S. § 1-4-703, OKDHS submits to the court as part of its written report an assessment completed by a qualified individual to support the determination that placement in a QRTP is in the best interests of the child. ■ 5

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

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

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

■ 6

INSTRUCTIONS TO STAFF 340:75-6-40.5

Revised ~~9-16-21~~ 9-14-24

1. Hearing notice. A foster parent, group home, pre-adoptive parent, or relative providing care for a child in Oklahoma Human Services (OKDHS) custody has a right to receive a hearing notice of all court proceedings for the child. The child welfare (CW) specialist or the pre-adoptive parent's adoption specialist:

(1) provides KIDS-generated Form 04MP030E, Hearing Notification, to the current foster parent, group home representative, pre-adoptive parent, or relative no later than 15-calendar days after the hearing is set;

(2) when the child moves after the notification was provided, prints Form 04MP030E from the Reports icon and provides it to the current foster parent, group home representative, pre-adoptive parent, or relative no later than 10-business days prior to the hearing;

(3) when the hearing date changes, updates the Court Hearing Detail screen and provides Form 04MP030E to the current foster parent, group home representative, pre-adoptive parent, or relative no later than 10-business days prior to the hearing; and

(4) documents in KIDS Contacts screen when, and how Form 04MP030E was delivered.

2. Hearing report forms.

(1) ~~Hearing~~ The CW specialist prepares and submits hearing report forms are prepared and submitted, per Oklahoma Supreme Court order SCAD-2013-07, January 27, 2014, through secure email ~~by the CW specialist~~ within at least:

(A) five-judicial days prior to any review hearing;

(B) at least five-judicial days prior to any other hearing; and

(C) at least three-judicial days prior to any permanency hearing, per Section 1-4-810(B)(1) of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-810(B)(1)).

(2) All written reports are sent to the court and all necessary parties including the:

(A) district attorney (DA);

(B) attorney or attorneys representing the parents or group home;

(C) child's attorney;

(D) parent;

(E) guardian ad litem, when applicable; and

(F) tribe or tribes, when applicable.

(3) When the CW specialist is informed that the emailed reports were not received, the CW specialist is to ensure the reports are received through an alternate secure email address or delivers the reports by hand.

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

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

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

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

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

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

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

(D) A letter or template ~~developed by~~ the CW specialist develops and saves in the KIDS document management system (DMS), may be submitted to the court when:

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

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

3. Permanency hearing reports. Per 10A O.S. § 1-4-811, at the permanency hearing, the court determines or reviews the continued appropriateness of the child's permanency plan and if a change is necessary. The permanency report includes, but is not limited to:

(1) the date the child's permanency goal is scheduled to be achieved;

(2) if the child's current placement continues to be the most suitable for his or her health, safety, and welfare;

(3) evidence ~~submitted by~~ the CW specialist submits for any child remaining placed in a qualified residential treatment program (QRTP) beyond 60-calendar days from the placement's start that:

(A) demonstrates ongoing assessment of the child's strengths and needs continues to support the determination that:

(i) the child's needs cannot be met through placement in a resource family home;

(ii) placement in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment; and

(iii) QRTP is consistent with short- and long-term goals for the child as specified in the child's permanency plan; and

(B) documents the child's specific treatment or service needs for QRTP to meet and the length of time needed for the treatment or services; and

(C) details the efforts made to prepare the child for returning home or placement with a resource family, kin caregiver, guardian, or adoptive parent.; or

- (4) the successful adulthood plan when the child is 14 years of age and older;
 - (5) a recommendation for:
 - (A) reunification with the parent or child's legal guardian when:
 - (i) reunification is expected to occur within an established time period;
 - (ii) reunification is consistent with the child's developmental needs; and
 - (iii) the child's health, safety, and welfare can be adequately safeguarded when he or she is returned home; or
 - (B) placement for adoption after termination of parental rights or after a petition is filed to terminate parental rights;
 - (C) placement with a person who will become the child's permanent guardian and who can adequately and appropriately safeguard the child's health, safety, and welfare; or
 - (D) a planned permanent living arrangement while the child continues in OKDHS custody, provided there are compelling reasons documented by OKDHS and presented to the court that none of the plans in (A) through (C) of this paragraph are appropriate for the child's health, safety, and welfare.; or
 - (6) if OKDHS made reasonable efforts to finalize the child's permanency plan and a summary of those efforts;
 - (7) in the case of an Indian child, if OKDHS made active efforts ~~were made by OKDHS~~ to provide remedial services and rehabilitative programs as required by Section 1912(d) of Title 25 of the United States Code;
 - (8) if the child's out-of-home placement continues to be appropriate and in the child's best interests, when the child's permanency plan is to remain in out-of-home care; or
 - (9) if reasonable efforts, in accordance with the child's health, safety, or welfare, were made to:
 - (A) place siblings, who were removed, together in the same foster care, guardianship, or adoptive placement. Guidance on when siblings may be separated is found in OAC 340:75-6-85; and
 - (B) provide for frequent family time or other ongoing interaction in the case of siblings who were removed and not placed together.
4. OKDHS recommendations. The CW specialist makes a recommendation regarding disposition of the child's case each time Forms 04KI011E, Pre-adjudication Court Report, 04KI013E, Individualized Service Plan (ISP) Dispositional Report, or 04KI014E, Individualized Service Plan (ISP) Progress Report, are completed. This recommendation includes, but is not limited to:
- (1) the child's custody arrangement;
 - (2) the child's residency status; and
 - (3) requests for court action or approval.
 - (A) The recommendation regarding case disposition is:
 - (i) made after consultation with the CW supervisor;
 - (ii) based on the parent's progress through assessment of behavioral change and family functioning;

- (iii) based on the assessment of current safety threats which are articulated to the court;
 - (iv) the child's need for permanency; and
 - (v) not based on the court's anticipated response or receptivity.
 - (B) A concise explanation is provided to support the reasons for the recommendation that includes behavior change and protective capacity language.
 - (C) Recommendations made by the specialist are done through positive engagement with court partners by:
 - (i) following OKDHS dress code including professional business attire;
 - (ii) arriving early and being respectful of all participants during the hearing; and
 - (iii) being mindful of confidentiality, facial expressions, and body language.
 - (D) The role and responsibility of the specialist's supervisor and district director is to support the CW specialist, as needed, when making recommendations to the court through:
 - (i) regular safety discussions regarding the case;
 - (ii) assisting in preparation for court hearings and recommendations;
 - (iii) coaching the specialist to maintain confidence while making recommendations to the court;
 - (iv) attending court hearings to further support the CW specialist or in the case of adverse rulings; and
 - (v) meet with court partners ~~on a regular basis~~ regularly to build positive court relationships.
5. Recommended judicial findings. At each dispositional or review hearing, the court makes findings based on the case's circumstances. The recommended findings in KIDS and documentation that is required on Forms 04KI011E, 04KI013E, or 04KI014E for the judicial finding are described in (1) through (5) of this Instruction.
- (1) A finding whether active efforts are being made to provide remedial services and rehabilitative programs to prevent the breakup of the Indian family finding. The active efforts finding is requested when the court makes a finding that the Indian Child Welfare Act (ICWA) applies. The CW specialist describes the active efforts OKDHS made ~~by OKDHS~~ to reunite the child and family including, but not limited to, efforts made to:
 - (A) involve and assist the parent with ISP completion;
 - (B) encourage and assist the parent with visiting the child; or
 - (C) encourage and guide the parent's efforts to improve protective capacities and change the behaviors that caused safety threats to the child.
 - (2) Whether reasonable efforts were made to finalize the permanency plan finding. The CW specialist describes efforts to:

- (A) refer to, arrange for, provide, or develop reasonable supportive and rehabilitative services that assist the family in the child's safe reunification;
 - (B) obtain the parent's compliance, when the parent is not complying with the ISP or permanency plan; or
 - (C) finalize the child's permanency plan, including the consideration of in-state and out-of-state placement options.
- (3) Whether reasonable efforts to reunite the child with the family are not required finding. The CW specialist describes the reasons reasonable efforts are not required to reunite the child with the parent and family based on the statutorily defined reasons, per 10A O.S. § 1-4-809 and OAC 340:75-1-18.4.
- (4) Whether ~~successful~~ successful adulthood (SA) services are appropriate finding. The CW specialist describes the services provided to the youth, 14 years of age and older who is in out-of-home care that assist in the youth's SA skills development needed to successfully transition into adulthood.
- (5) Whether SA services are not appropriate finding. When a youth, 14 years of age and older who is in out-of-home care, is not capable of receiving SA services, the CW specialist describes the basis for the determination.
- (6) Within 60-calendar days of the start of each placement of a child in a QRTP, the court sets a hearing to:
- (A) consider the assessment, determination, and documentation made by the qualified individual conducting the assessment and submitted as part of the OKDHS written report;
 - (B) determine whether the needs of the child can be met through placement in a foster family home or, if not, determine whether placement of the child in a QRTP provides the most effective and appropriate level of care for the child in the least restrictive environment;
 - (C) determine whether the child's current placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child; and
 - (D) approve or disapprove the placement.
6. Protecting the placement provider's identification and child's school location when describing the child's situation in the report to the court. When completing information for the Children's Situation section of the report to the court, the CW specialist does not:
- (1) identify the placement provider by proper name, but refers to the provider by title, such as relative, foster parent, or trial adoptive parent;
 - (2) reveal the placement provider's address, phone number, or district of residence; and
 - (3) provide the name or location of the school the child attends.
7. Psychological evaluation, drug or alcohol testing, treatment, or referral attachments. Upon receipt of an attachment related to a psychological evaluation, drug or alcohol testing, treatment, or referral, the CW specialist:
- (1) does not attach to the progress report the entire psychological evaluation, drug or alcohol testing, treatment, or referral that contains the

statement: "This information has been disclosed to you from records protected by federal confidentiality rules (42 Code of Federal Regulations (C.F.R.) Part 2). The federal rules prohibit you from making further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient";

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

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

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

(A) the court;

(B) the DA;

(C) the child's attorney;

(D) the parent's attorney;

(E) the tribe, when applicable; and

(F) OKDHS; and

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

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

8. Protocol for obtaining information and preparing court report with multiple district assignments.

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

(A) the date of the court review;

(B) notification that the KIDS court report is open; and

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

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

(ii) services required; and

(iii) family time issues.

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

(A) teleconference; or

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

- (3) Pertinent information entered in the court report is not changed without notification to the CW specialist who entered the information.
9. Court hearing documentation. The CW specialist in the county of jurisdiction enters complete, detailed information in the applicable KIDS Court Hearing screens no later than 15-calendar days after a court hearing is held and enters the order in KIDS DMS.
10. Court hearing documentation and notification protocol for multiple county district assignments. The CW specialist in the county of jurisdiction:
- (1) emails all assigned CW specialists and CW supervisors no later than one-business day after a court hearing is held and reports:
 - (A) any major changes regarding family time, custody status, placement decisions, or service provisions; and
 - (B) the date of the next court hearing; and
 - (2) provides a copy of the most recent court order to the CW specialist in the district of service or placement within two-business days of receipt.

340:75-6-40.8. Reinstatement of parental rights [ITS ONLY]

Issued 9-15-21

(a) Per Section 1-4-909 of Title 10A of the Oklahoma Statutes, a child 14 years of age or older may, by an application signed by the child and the child's attorney, request the court reinstate the child's parent's previously terminated parental rights when the:

- (1) child was previously found to be a deprived child;
- (2) parent's rights were terminated in a deprived proceeding under Title 10 or 10A of the Oklahoma Statutes; and
- (3) child has not achieved his or her permanency plan within three years of a final order of termination.

(b) When after a preliminary hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the court orders a hearing on the merits of the application. ■ 1 The court provides notice of the hearing to the child, the child's attorney, and Oklahoma Human Services (OKDHS) and orders OKDHS or the child's attorney to give notice to the:

- (1) former parent of the child whose parental rights are the subject of the application;
- (2) current foster parent or relative guardian of the child;
- (3) guardian ad litem of the child, if any; and
- (4) child's tribe, when applicable.

(c) In determining whether the child has or has not achieved his or her permanency plan, OKDHS provides the court information for the court's review related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(d) When the court conditionally grants the application for reinstatement of parental rights, the case remains open for six months and a temporary order of reinstatement of parental rights is entered. During this period, the child is placed in the custody of the parent. OKDHS develops a permanency plan for the child reflecting the plan for reunification and provides transition services to the family as appropriate. ■ 2

(e) After the child has been placed with the parent for six months, a hearing is held. If the

placement with the parent has been successful, the court issues a final order of reinstatement of parental rights, which restores all rights, powers, privileges, immunities, duties, and obligations of the parent to the child, including those relating to custody, control, and support of the child. The deprived action is closed and the court clerk's office provides a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

INSTRUCTIONS TO STAFF 340:75-6-40.8

Revised ~~11-4-18~~ 9-14-24

- 1. Reinstatement of parental rights. Prior to the child welfare (CW) specialist contacting the child's attorney, the CW supervisor consults with the district director to obtain approval to proceed when the:**
 - (1) child meets each requirement stated in the statute;**
 - (2) child states that he or she wants his or her parent's parental rights reinstated;**
 - (3) CW specialist conducted a home visit with the parent and the parent expressed a desire to have parental rights reinstated; and**
 - (4) CW specialist has completed:**
 - (A) a Child Abuse and Neglect Information (KIDS) search to determine any recent child abuse and neglect history;**
 - (B) an Oklahoma State Bureau of Investigation name-based background check to determine any recent criminal activity;**
 - (C) contact with three personal references of the parent to determine the parent's current functioning; and**
 - (D) Form 04KI030E, Assessment of Child Safety, to assess the parent's current functioning.**
- 2. Documenting reinstatement of parental rights in KIDS. No later than five-business days after a parent's parental rights are reinstated, the CW specialist contacts the KIDS Helpdesk for directions to update KIDS.**
 - (1) When an Application of Reinstatement of Parental Rights is filed, the CW specialist:**
 - (A) documents the Reinstatement Preliminary Hearing results in KIDS in the Court/Hearing/Child/Reinstate-Vacate tab; and**
 - (B) enters the result for the preliminary hearing as either "Pending Decision" or "Reinstatement Denied".**
 - (2) When the Reinstatement Hearing occurs, the CW specialist:**
 - (A) documents the Reinstatement of Parental Rights Hearing in KIDS and enters the subsequent results in the Court/Hearing/Child/Reinstate-Vacate tab; and**
 - (B) selects the correct status of "Parental Rights Reinstated"; "Pending Decision;" or "Reinstatement Denied".**

PART 8 CHILD WELFARE SPECIALIST ROLE

340:75-6-48.3. Children missing from care ■ 1 through 7 [ITS ONLY]

Revised 9-15-17

- (a) A child or youth missing from care is one who runs away, is abducted, or is otherwise absent from placement.
- (b) Per Section 1-9-123 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-123) the Oklahoma Department of Human Services (DHS) takes appropriate steps when a child or youth in DHS custody or under DHS supervision is missing from care or when DHS has reasonable cause to believe a child or youth is currently, or is at risk of being, a victim of sex trafficking, including a child or youth:
 - (1) for whom DHS has an open case file, but who was not removed from the home;
 - (2) who ran away from foster care and has not attained 18 years of age; or
 - (3) who is not in foster care, but is receiving services.
- (c) When notified a child or youth is missing from care, the child welfare (CW) specialist within 24 hours of notification, reports the child's or youth's status to the:
 - (1) appropriate law enforcement jurisdiction and requests the report be sent to the National Crime Information Center; and
 - (2) National Center for Missing and Exploited Children.
- (d) When a child or youth in DHS custody or under DHS supervision is missing from care, DHS:
 - (1) immediately takes steps to locate the child or youth;
 - (2) determines the primary factors that contributed to the child or youth running away or otherwise being absent from placement;
 - (3) documents and responds, to the extent possible and appropriate, to those factors that contributed to the absence from care or runaway behaviors in the current and subsequent placements of the child or youth; and
 - (4) determines what the child or youth experienced while missing from care, including an appropriate screening to see if the child or youth is a possible victim of sex trafficking.
- (e) The CW specialist reports to appropriate law enforcement jurisdictions immediately and, in no case later than 24 hours, after receiving information on a child or youth who is identified as a sex trafficking victim, per 10A O.S. § 1-1-105.
- (f) Runaway juveniles from other states, with or without delinquent status, may be held in a detention facility, per 10A O.S. § 2-3-101 and the Interstate Compact for Juveniles Act, 10A O.S. §§ 2-9-101 through 2-9-116.

INSTRUCTIONS TO STAFF 340:75-6-48.3

Revised ~~9-15-17~~ 9-14-24

- 1. Missing from care.** The child or youth in Oklahoma Department of Human Services (~~DHS~~) (OKDHS) custody or under ~~DHS~~ OKDHS supervision, in an open Child Protective Services (CPS) investigation, family-centered services (FCS) case, or a Permanency Planning permanency planning (PP) case is considered missing from care when he or she, without ~~DHS~~ OKDHS permission, leaves or is taken by a parent, placement provider, or any person from a ~~DHS~~ an OKDHS-authorized location including his or her own home, a respite or relative's home, foster care, or any placement more restrictive than a foster care placement.
- 2. Placement provider role.** When the placement provider learns the child or youth is missing, the provider:
 - (1) files a report with law enforcement; and

- (2) contacts the assigned child welfare (CW) specialist, providing details of the incident and information reported to law enforcement.
3. CW specialist role. When the CW specialist is notified the child or youth is missing, the CW specialist:
- (1) immediately files a report with the appropriate law enforcement jurisdiction and requests that the child or youth be reported to the National Crime Information Center (NCIC);
 - (2) immediately notifies the district attorney (DA), child's or youth's attorney, and, when applicable, his or her parent or parents;
 - (3) submits the necessary paperwork, as determined by the court of jurisdiction, within one-business day to request that the court issue a pick-up order indicating the child or youth is a ward of the court;
 - (4) documents no later than one-business day after the episode, the missing from care placement episode in KIDS Placement screen with an exit reason of AWOL (runaway) when the child or youth has an open removal and is in DHS OKDHS custody;
 - (5) contacts any relative or collateral including, but not limited to, a court-appointed special advocate (CASA), guardian ad litem, service provider, counselor, therapist, or school personnel, who may have information about the child's or youth's whereabouts. The CW specialist:
 - (A) continues to make ongoing efforts to locate the child or youth until he or she is safely returned to an approved placement including, but not limited to, contacting the appropriate law enforcement jurisdiction, relatives, any collaterals, or other sources that may assist DHS OKDHS in locating and protecting the child or youth. These efforts take place as often as needed and never less than once per month until the child or youth is located; and
 - (B) documents the contacts explaining efforts to locate the child or youth in KIDS Contacts screen at least once per month, flagging the contact as a "Worker visit, no contact with child"; and
 - (6) updates KIDS Living Arrangement fields in Client/Gen. Info./Birth Place/Living Details tab with AWOL (runaway); and
 - (7) immediately notifies the CW supervisor and district director to inform them the child or youth is missing from care and to confirm all steps are being taken to locate the child or youth including reporting him or her to the National Center for Missing and Exploited Children (NCMEC) within 24 hours after receiving notification of the child or youth missing from care.
4. District director role. The district director:
- (1) ensures the CW specialist reports the child or youth to NCMEC after notification from the CW specialist and documents in a KIDS Contacts. When extenuating circumstances exist where the search for the missing child or youth needs additional assistance to locate him or her, the Office of the Inspector General (OIG) may be contacted after NCIC and NCMEC notifications were completed;

- (2) maintains a current log of children who are in missing status and compares the log to Report YI103, Placement Report, Runaway Tab, to ensure each child or youth on the log is entered into KIDS;
 - (3) ensures significant efforts are continuously made to locate the child or youth and documented at least once per month;
 - (4) communicates search efforts regularly to the regional director on a schedule ~~set by~~ the regional director sets; and
 - (5) ensures the child or youth is retrieved and placed in an approved placement as soon as he or she is located.
5. NCMEC reporting. The CW specialist:
- (1) reports the child or youth to NCMEC by:
 - (A) calling 1-800-THE-LOST (1-800-843-5678); or
 - (B) reporting online at <http://cmfc.missingkids.org/ReportHere> <https://www.missingkids.org/theissues/missingfromcare>. When reporting online, the CW specialist needs to create an online account with NCMEC. The CW specialist:
 - (i) clicks the link for ~~first-time user~~ create account;
 - (ii) enters his or her email address and state;
 - (iii) receives an email from NCMEC with a link to continue registration; and
 - (iv) creates a user identification (ID) and password to complete registration. The CW specialist receives an email from NCMEC with a link to his or her account for login. The CW specialist saves the link for future access to the account; and
 - (2) provides the requested information about the child or youth; and
 - (3) contacts the CPS Programs Unit staff when a child or youth was abducted and the CPS Programs Unit staff enters a protective service alert, per Oklahoma Administrative Code (OAC) 340:75-3-300 Instructions to Staff (ITS) # 11.
6. Protocol for the return of the child or youth who is missing from care. When the child or youth is located, the CW specialist:
- (1) immediately assesses his or her safety and determines whether to return him or her to a ~~DHS~~ an OKDHS-authorized placement, when he or she is in ~~DHS~~ OKDHS custody.
 - (A) The CW specialist may consider seeking expedited placement approval with the person with whom the child or youth was found including, but not limited to, a:
 - (i) parent whose parental rights were terminated, when reinstatement is applicable per Section 1-4-909 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-909) and OAC 340:75-6-40.8;
 - (ii) parent who has not completed the court-ordered ~~individualized service plan~~ Individualized Service Plan, when this is a safe option or safety can be ensured through a ~~safety plan~~ Safety Plan and the court grants approval for reunification; or

(iii) person who is not a ~~DHS~~ an OKDHS-authorized placement provider, by seeking expedited placement provider approval for such person.

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

(2) assesses the reasons the child or youth left the previous placement without ~~DHS~~ OKDHS permission by evaluating his or her safety in the previous placement and having a private conversation with him or her about why he or she left, if he or she felt safe there, and where he or she wants to live. The content of this conversation is documented in a KIDS Contacts screen;

(3) refers to information on runaways, per OAC 340:75-1-86 ITS, when a child or youth, who is not in his or her ~~DHS~~ OKDHS-approved placement, was located in another state;

(4) takes steps to return the child or youth to the legal custodian or recommends he or she be placed in ~~DHS~~ OKDHS custody when the child is under ~~DHS~~ OKDHS supervision;

(5) immediately, or no later than one-business day, after the CW specialist located a child or youth missing from care:

(A) notifies:

(i) the appropriate law enforcement jurisdiction and requests NCIC be notified that the child or youth was located; and

(ii) the ~~district attorney~~ DA, child's or youth's attorney, and, when applicable, the child's or youth's parent or parents; and

(B) submits the necessary paperwork as determined by the court of jurisdiction to recall the pick-up order;

(C) notifies CPS ~~programs~~ Programs Unit staff to close the protective service alert and reports to NCMEC, when applicable;

(D) end dates KIDS missing placement episode, when applicable;

(E) updates KIDS Living Arrangements fields; and

(F) contacts any relative or collateral including, but not limited to, CASA, guardian ad litem, service provider, counselor, therapist, or school personnel, who was contacted for information on the whereabouts of the child or youth to report his or her return to the ~~DHS~~ OKDHS-authorized location. The CW specialist documents the contacts in KIDS Contacts screen; and

(6) immediately reports the child or youth to the appropriate law enforcement jurisdiction, and in no case later than 24 hours after receiving information on a child or youth who was identified as a sex trafficking victim, per 10A O.S. § 1-1-105.

7. Protocol for a child or youth missing from care who cannot be located. The CW specialist:

(1) continues to contact law enforcement, relatives, and any collaterals once per month until the child or youth is located; and

(2) after a one-year search, when there are no other children in the case, the child or youth is not in permanent ~~DHS~~ OKDHS custody, and he or she was not located, submits Form 04KI014E, Individualized Service Plan (ISP) Progress Report, to the court documenting the efforts to locate him or her over the one-year time frame, and requests dismissal of the deprived case.

(A) The CW specialist advises each parent of the request for dismissal of the deprived case.

(B) When the court does not dismiss the deprived case, the CW Child Welfare Services (CWS) case remains open and the CW specialist continues to make efforts every 30-calendar days until the child or youth is located or the case is dismissed. The CW specialist requests that the deprived case be dismissed at each subsequent court review.

(C) When the deprived case is dismissed, the CW specialist:

(i) notifies law enforcement and the child's or youth's parent or parents, when applicable;

(ii) submits the necessary paperwork as determined by the court of jurisdiction to recall the pick-up order;

(iii) notifies CPS and ~~programs~~ Programs Unit staff to close out the protective service alert and reports to NCMEC, OIG, or both, when applicable;

(iv) end dates the KIDS child missing from care placement episode;

(v) updates removal and custody status information in KIDS; and

(vi) closes the CW CWS case.

PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES

340:75-6-85.2. Diligent search for relatives and kin ■ 1 [ITS ONLY]

Revised 9-15-17

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

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

(2) In cases where the Indian Child Welfare Act (ICWA) applies to the child, placement preferences, per 10 O.S. § 40.6; or the child's tribe-specific order, per the Federal Indian Child Welfare Act (FICWA), Section 1915 (c) of Title 25 of the United States Code (25 U.S.C. § 1915 (c)), are followed.

(3) DHS verifies ICWA applicability within three months of taking the child into custody.

(b) **Due diligence to identify and notify relatives.** Within 30-calendar days of the removal of a child, DHS exercises due diligence to identify the child's relatives, per 10A O.S. § 1-4-203. DHS completes a nationwide relative search within three months of taking the child into custody. Notice is provided by DHS to each grandparent, other adult relatives of the child, and parents of the child's siblings, per 42 U.S.C. § 671(a)(29). Relatives are not notified when notification is not in the child's best interests due to past

or current family or domestic violence. The notice advises the relative:

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

(c) Efforts required for children 16 years of age and older with a planned alternative permanent living arrangement placement.

(1) Per 10A O.S. § 1-4-811, DHS documents and presents compelling reasons to the court at each permanency hearing of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to:

- (A) return the child home; or
- (B) place the child with a fit and willing relative, including adult siblings, a legal guardian, or an adoptive parent; and
- (C) find biological family members for the child utilizing search technology, including social media.

(2) DHS documents at each permanency hearing the steps taken, including inquiry of the child in an age-appropriate manner, to ensure the:

- (A) foster family home of the child or facility where the child is placed uses the reasonable and prudent parent standard; and
- (B) child has regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities.

(3) When a planned alternative permanent placement is the court-ordered permanency plan for the child, at each permanency hearing the court:

- (A) may ask the child about the permanency outcome the child desires; and
- (B) makes a judicial determination as of the date of the hearing, why a planned alternative permanent placement is the best permanency plan for the child and provides compelling reasons why it continues to not be in the child's best interests to return home, be placed for adoption with a legal guardian, or placed with a fit and willing relative.

INSTRUCTIONS TO STAFF 340:75-6-85.2

Revised 9-15-20 9-14-24

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

- (1) are less restrictive;**
- (2) allow the child to maintain connections to kin, culture, and community.**

Relative and kinship placements are made only when the:

- (A) placement meets required standards, per Oklahoma Administrative Code (OAC) 340:75-7-24;**
- (B) child's safety and well-being can be ensured;**
- (C) placement meets the child's treatment needs; and**
- (D) placement supports the permanency plan for the child and the child's family; and**

(3) are consistent with the placement preferences of the Indian Child Welfare Act or the placement preferences of the child's tribe when the child is an Indian child.

(b) Diligent search for relatives and kin.

(1) Within 30-calendar days of a child's removal, ~~DHS~~ Oklahoma Human Services (OKDHS) provides notice of the removal using Form 04CP006E, Letter of Notification to Adult Relatives, including all known adult relatives, but not limited to, all adult grandparents, parents of child's siblings, and other adult relatives of the child.

(2) ~~DHS~~ OKDHS completes a nationwide relative search within three months of taking the child into custody.

(A) When the child welfare (CW) specialist does not have access to a nationwide public records search engine, identifying information about the mother and father of every child involved in the case is provided to a diligent search specialist to perform the nationwide search.

~~(i)~~ (B) All parents, known relatives, and verbal children are interviewed to discuss and verify which individuals identified in the nationwide search are actually related to the family.

(3) Gathering information regarding important people in the child's life. The ~~child welfare (CW)~~ specialist:

(A) engages each parent and child through intentional interviewing to identify all relatives and known kin. The identified individuals may or may not be appropriate or available for placement and any Indian tribes the parent is a member of or eligible to enroll with are included. Form 04MP015E, Important People in the Child's Life/Family Tree and a genogram are optional tools available to engage the parent and child to gather this information. The CW specialist:

(i) presumes that relative or kin placement possibilities exist even though the parent:

~~(a)~~ (I) indicates no relatives or kin are available or appropriate for placement; or

~~(b)~~ (II) is unwilling to provide information; and

(ii) gathers information from each parent regarding the parent's placement preferences. Each parent is advised that consideration is given to the preferences, but no assurances are made regarding the placement determination; and

(B) reviews the affidavit the parent completes upon the court's order at the emergency custody hearing, per ~~Oklahoma Administrative Code (OAC)~~ 340:75-1-16 and Section 1-4-203 of Title 10A of the Oklahoma Statutes;

(C) reviews tribal eligibility for Indian children, and engages with the tribe to explore connections; and

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

(i) CW specialist spoke with the relative or kin by phone or in person;

- (ii) phone number given was disconnected and efforts to obtain a new number for the relative or kin are unsuccessful; or
- (iii) letter to the relative or kin is returned undeliverable and efforts to obtain a new address for the relative or kin are unsuccessful.

~~(3)~~**(4)** The CW specialist enters each parent as a client into the KIDS case and ensures that every child has a mother and father documented in the client relationship screen. Any other person is documented in the KIDS Family/Kinship Connections screen in KIDS. The specialist enters detailed information about each person including:

- (A) name, address, phone numbers, relationship, and other demographic information in the Demographics tab;
- (B) specific relationship in the Relationships tab;
- (C) attempted and completed contacts in the Connections tab. Contacts entered in this tab populate to the case Contacts screen;
- (D) the person's interest in placement or contact in the Outcomes tab;
- (E) actions taken related to placement and contact in the Actions tab;
- (F) efforts to locate the person in the Efforts tab; and
- (G) documenting each effort to locate relatives or kin;
 - (i) on Form 04KI005E, Child's Individualized Service Plan (ISP);
 - (ii) on reports to the court, such as, but not limited to, Form 04KI014E, Individualized Service Plan (ISP) Progress Report; and
 - (iii) in the Contacts screen.

(c) Assessing relatives and kin for placement.

(1) The CW specialist contacts relatives in person or by phone to evaluate the relative's suitability for placement or contact with the child.

(A) A family meeting **(FM)** is conducted to help identify relatives and kin.

(B) The relative or kin is not determined inappropriate based solely on the relative or kin's failure to contact the CW specialist;

(2) When the relative or kin is interested, determined to have protective capacities, and appears to be suitable for placement, the CW specialist refers the relative to foster care to complete the assessment process, per OAC 340:75-7.

(3) When the relative or kin is not interested in placement or is determined to be inappropriate, the CW specialist assesses the level of involvement the relative is willing to provide and obtains information about other relatives or kin that ~~was not provided by the parent~~ did not provide.

(4) When the relative lives out-of-state, the CW specialist pursues possible placement, per OAC 340:75-1-86, Interstate Compact on the Placement of Children.

(d) Protocol for continued diligent search efforts to locate relatives or kin. When efforts to locate an appropriate relative or kin are unsuccessful based on the information ~~provided by the parent~~ provides, the diligent search continues. The CW specialist or diligent search specialist:

(1) brings a copy of Form ~~04KI046E, Connections Worksheet~~ 04MP015S, Important People in the Child's Life, to each meeting with a parent or child and engages with them to explore additional relatives or kin.;

- (2) reviews existing case records including, but not limited to:
 - (A) Child Welfare Services;
 - (B) Temporary Assistance for Needy Families (TANF);
 - (C) court;
 - (D) school; and
 - (E) Child Care Services; and
- (3) uses, Form 04MP010E, Relative/Kin Computer Search, and completes a search of the:
 - (A) KIDS application;
 - (B) IMS;
 - (C) Juvenile Online Tracking System (~~JOLTS~~); and
 - (D) Internet, including websites that DHS OKDHS contracts with and the specialist can access; and
- ~~(4) finds guidance on how to search KIDS, IMS, and other sources in public folders, Public Folders\all public folders\STO-DCFS\Diligent Search;~~
- ~~(5) requests Child Support Services assistance to locate parents of the child in DHS OKDHS custody; and~~
- ~~(6)~~(5) obtains location information for any relative or kin known to the child, from the age-appropriate child.
- (e) Placement disruptions and concurrent planning for alternate relative or kin placement. During a ~~family meeting~~ an FM or other contacts with relatives or kin, the CW specialist attempts to identify a minimum of three appropriate relatives or kin who may be eligible to provide placement for the child in the event of a placement disruption. When a child's placement disrupts, the CW specialist:
 - (1) consults with the relative or kin designated as an alternate placement for the child; and
 - (2) coordinates the child's transition from the disrupted home to the newly approved home.
- (f) Protocol for children 16 years of age and older with a goal of planned alternative permanent placement. A goal of planned alternative permanent placement is limited to children 16 years of age and older for whom DHS OKDHS documented and presented compelling reasons to the court at each permanency hearing regarding the intensive, ongoing and, as of the date of the hearing, unsuccessful efforts made to:
 - (1) return the child home;
 - (2) place the child with a fit and willing relative, including adult siblings, a legal guardian, or an adoptive parent;
 - (3) find biological family members for the child ~~utilizing~~ using search technology, including social media; and
 - (4) consider reinstatement of parental rights.

340:75-6-85.6. Voluntary foster care for a child born to a minor parent in Oklahoma Department of Human Services (OKDHS) custody [ITS ONLY]

Revised 7-1-13

Voluntary foster care is available for a child born to a minor parent in Oklahoma Department of Human Services custody when the child can reside safely with the minor parent. ■ 1

INSTRUCTIONS TO STAFF 340:75-6-85.6

Revised 9-16-21 9-14-24

- 1. Voluntary placement of infant or child by minor parent. When a youth in Oklahoma Human Services (OKDHS) custody gives birth to a child, the minor parent is allowed to make the decision regarding the infant's placement. When the minor parent is unable or unwilling to participate in appropriate planning for the child, OKDHS requests legal custody of the infant through the district attorney's office to allow OKDHS to care and plan for the child. If an infant does not enter OKDHS legal custody but continues to reside with the minor parent that is in OKDHS custody, the resource family may be eligible to receive Supportive Maintenance Payments, per Oklahoma Administrative Code (OAC) 340:75-1-9 Instructions to Staff (ITS).**

(1) Making the decision to request or not request legal custody of the minor parent's child. If a minor parent in custody requests voluntary placement of his or her child, the child welfare (CW) specialist considers the questions in (A) through (D) of this paragraph to assess the appropriateness of voluntary placement.

(A) Do safety, protection, and well-being concerns exist?

(B) Is there an available placement provider who will accept the minor parent and child?

(C) Does the placement provider agree to assist the minor parent by teaching and modeling parenting skills and assist the minor parent with independent living skills?

(D) Is the minor parent willing to work an ~~individualized service plan~~ Individualized Service Plan (ISP) that outlines the steps designed to assist the minor parent care for the child?

(2) Voluntary placement procedures. When voluntary placement of the minor parent's child into voluntary foster care is determined appropriate, the CW specialist:

(A) sends a written request to the CW supervisor setting out the plan and length of care expected for the minor parent's child. The CW supervisor approves or denies the request in writing and the CW specialist scans the documents into the KIDS document management system of the voluntary foster care case and files the documents in the paper case record;

(B) obtains the minor parent's signature on Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Family Home Placement and Medical Care of Child, and provides the minor parent a copy;

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

- (D) develops an individualized service plan ISP that addresses:**
- (i) the child's safety and protection without court intervention;**
 - (ii) the placement provider's role and responsibilities;**
 - (iii) appropriate child care plans while the minor parent is attending school, working, or involved in extracurricular activities;**
 - (iv) measures for ensuring the child's basic needs are met; and**
 - (v) if Title IV-E prevention services are necessary, per ~~Oklahoma Administrative Code (OAC) 340:75-1-9 Instructions to Staff (ITS), 340:75-6-31, 340:75-6-40.1, and 340:75-6-92.~~ When Title IV-E prevention services are determined necessary, the CW specialist:**
 - (I) makes a referral to Oklahoma Children's Services, per OAC 340:75-1-151;**
 - (II) documents eligibility in the youth's prevention plan, Form 04KI005E, Child's Individualized Service Plan (ISP), per OAC 340:75-6-40.1 ITS; and**
 - (III) continues to evaluate the child's safety and monitor service provision, per OAC 340:75-6-31 and 340:75-6-48.**

340:75-6-86. Changes in child's living arrangements ■ 1 through 6

Revised ~~11-17-14~~ 9-14-24

(a) Notification requirement when child in custody is moved from one location to another. ■ 1 & 2 Section 1-4-804 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-804) requires when the child in Oklahoma ~~Department of~~ Human Services (~~DHS~~) (OKDHS) custody is moved from one location to another, within a reasonable time after ~~DHS~~ OKDHS is aware of the need for movement, but in no event less than five-judicial days prior to movement unless an emergency exists, ~~DHS~~ OKDHS notifies the:

- (1) court of jurisdiction;
- (2) child's attorney of the child's specific location;
- (3) district attorney;
- (4) Post Adjudication Review Board;
- (5) court-appointed special advocate, when any, of the child's specific location;
- (6) guardian ad litem of the child, when any, of the child's specific location;
- (7) the tribal representative involved in the case, when any, of the child's specific location; and
- (8) Child Support Services office in the county of jurisdiction.

(b) Emergency movement of the child in custody. "Emergency," as used in 10A O.S. § 1-4-804, means movement of the child that is:

- (1) pursuant to a court order including, but not limited to, an order authorizing placement of the child with a parent or sibling;
- (2) immediate removal of the child without delay or notice requested by the child-placing agency or child's foster parent;
- (3) for emergency medical or mental health treatment;
- (4) for substantial noncompliance by the foster parent or child-placing agency with applicable placement standards and agreements such that the child is in imminent danger; or
- (5) due to a pending investigation of an allegation of abuse or neglect of a child by the

foster parent, child-placing agency, or other person residing in the foster family home. When a Child Protective Services investigation results in removal of a child in OKDHS custody from the home, the child welfare specialist provides:

(A) Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement, to the resource parent; and

(B) Form 04MP031E, Notice of Decision Not to Return Child After Investigation, to the resource parent when a decision is made not to return the child to the home, per OAC 340:75-7-94.

(c) Removal notification when child has resided in foster home or group home for three months or more. ■ 2

(1) Pursuant to 10A O.S. § 1-4-805, except in an emergency, when the child has resided with the foster parent or in a group home for three months or more, written notice is provided five-judicial days prior to the child's removal from the foster parent or group home to the:

(A) tribal foster parent;

(B) emergency foster parent;

(C) therapeutic foster parent;

(D) Developmental Disabilities Services foster parent;

(E) kinship foster parent;

(F) non-kinship foster parent; and

(G) court.

(2) The length of time applies to placement in each individual therapeutic or contract foster home or group home and not placement with the therapeutic or contract agency.

(d) Objection to removal when child has resided in foster home or group home for more than six months. When the child has resided in the same foster home or group home for more than six months, the foster parent or group home representative has the right to file a written objection to the child's removal from the placement home per 10A O.S. § 1-4-805.

(1) The objection ~~must be~~ is filed with the court and served on ~~DHS~~ OKDHS within five-judicial days after receipt of the notice to remove the child.

(2) Timely filing and service of the objection stays removal of the child pending review by the court, unless the reason ~~DHS~~ OKDHS stated for removal is due to an emergency, per subsection (b) of this Section.

(e) Hearing on objection to child's removal from the foster home or group home.

When the child is being removed from the foster home or group home and any party, the foster parent, or group home representative files an objection, an informal placement review hearing is held within 15-judicial days per 10A O.S. § 1-4-805. The court may order the child remain in, or be returned to, the objecting foster parent's home or group home when the court finds the ~~DHS~~ OKDHS placement decision was arbitrary, inconsistent with the child's permanency plan, or not in the child's best interests.

INSTRUCTIONS TO STAFF 340:75-6-86

Revised ~~11-17-14~~ 9-14-24

1. Tribal notification of child's change of placement. When a child in Oklahoma ~~Department of Human Services (DHS)~~ (OKDHS) custody is moved from one location to another, ~~DHS~~ OKDHS notifies the tribe, when applicable, within no

less than five-judicial days prior to movement unless an emergency exists. **DHS OKDHS** requests the tribe assist with identifying an appropriate placement within the Indian Child Welfare Act (ICWA) placement preferences.

2. Notification of change in placement. The child welfare (CW) specialist completes Forms 04KI025E, Change in Placement Notification for Child's Attorney, and 04KI026E, Change in Placement Notification for the Judge, regarding the child in **DHS OKDHS** custody no later than one-business day after the child is placed when the child changes placement or to report the initial placement after the deprived petition is filed.
3. Removal of the child from placement.
 - (1) Assessment of emergency removal from placement. Before emergency removal of the child from the foster parent or group home, an assessment is made by the CW specialist, supervisor, resource specialist or group home liaison, and district director to determine the best course of action to avoid trauma to the child and disruption of the child's placement, when possible, per Oklahoma Administrative Code (OAC) 340:75-3-410. When multiple counties are involved, the assessment includes the CW specialist, CW supervisor, and district directors.
 - (2) Notification of removal from placement. The CW specialist:
 - (A) prepares two originals of Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement;
 - (B) obtains the supervisor's approval;
 - (C) hand delivers Form 04MP014E, to the foster parent or group home representative at least five-judicial days before the change of placement occurs, unless an emergency exists, then advance notice is not required.
 - (i) In the event of an emergency, Form 04MP014E is provided at the time of the child's removal, when possible.
 - (ii) When not provided at the time of the child's removal, Form 04MP014E is provided no later than one-business day after the removal; and
 - (D) documents in KIDS Contacts screen, each communication with the foster parent or group home representative regarding the child's removal; and
 - (E) advises the foster parent or group home representative to seek legal counsel when the foster parent or group home representative has questions about filing an objection to the removal.
 - (3) Documenting notification to foster parent or group home representative of child's removal.
 - (A) The CW specialist obtains the signature of the foster parent or group home representative on two originals of Form 04MP014E and one original form is given to the foster parent or group home representative. When the foster parent or group home representative refuses to sign the form, **CW Child Welfare Services** staff documents the refusal on the original form retained by **DHS OKDHS** and in KIDS Contacts screen.
 - (B) The second original, signed by the foster parent or group home representative, is retained by **DHS OKDHS** and is scanned into the KIDS

~~file cabinet~~ document management system and filed in the child's paper case record. One copy is filed in the resource record and one copy is sent to the:

~~(1)~~(i) court;

~~(2)~~(ii) contract foster care agency foster parent, or group home representative, as applicable; or

~~(3)~~(iii) child's tribe, as applicable.

(4) Emergency removal from placement.

(A) When the decision to remove a child is based on an emergency and the child's removal ~~will occur~~ occurs from a location other than the child's placement, the CW specialist:

(i) makes diligent efforts to notify the foster parent or group home representative prior to the removal; and

(ii) continues diligent efforts until contact, in person or by phone, is made with the foster parent or group home representative; and

(iii) when the decision is made to not return a child to the resource home after an investigation, the CW specialist provides the placement plan and the rationale behind the decision in writing using Form 04MP031E, Notice of Decision Not to Return Child After Investigation, to the resource parent within three-business days after the decision.

(B) Notification attempts are made in the manner and order described in (i) through (iii) of this subparagraph.

(i) The CW specialist makes a home visit to the new foster parent or group home immediately after the child's placement in the new location.

(ii) When the foster parent is not home or group home representative is unavailable, the CW specialist leaves a note instructing the foster parent or group home representative to immediately contact the CW specialist.

(iii) The CW specialist immediately phones the foster parent's residence or group home representative and leaves a phone message with contact instructions when the foster parent or group home representative has voice mail.

(5) Placement disruptions. When the child's placement disrupts, the CW specialist, when applicable:

(A) determines other placement options to meet the child's needs that include ICWA placement preferences, when applicable. Prior to placing the child, the CW specialist considers:

(i) if the child has family or other established connections in the current placement community such as friends, school, or place of worship;

(ii) the need for further diligent search efforts for relatives;

(iii) placement with siblings or placement in close proximity to siblings;

(iv) placement in close proximity to the parent, when reunification is the permanency plan;

- (v) the need to maintain the child's education in the same school district;
 - (vi) the need for continuation of counseling and therapy with the same provider; and
 - (vii) placement in accordance with ICWA; and
- (B) in an emergency situation, such as a placement disruption after normal business hours, weekends, and holidays, makes diligent attempts to maintain the child in the district of placement until further assessment of the child's needs is conducted the next business day in:
- (i) the approved alternate caregiver's home when appropriate;
 - (ii) relative or kinship respite care;
 - (iii) another foster home; or
 - (iv) a youth services shelter, in or near the district of placement.
4. Notification to parent of the child's change of placement. The parent, legal guardian, or custodian involved with the child and deprived court case is informed of:
- (1) each change in the child's living arrangements;
 - (2) the address of the child's placement when case circumstances allow; and
 - (3) the child's location when needed for scheduled family visits or correspondence.
5. Pre-approval required before the child moves within Oklahoma with the Bridge resource parent. Pre-approval is required before the child placed in a Bridge resource home moves to another district within Oklahoma. When approval is granted for the child to move with the Bridge resource parent, the CW specialist, within five-business days after notification that the Bridge resource parent is moving out of district, notifies the:
- (1) court;
 - (2) child's attorney;
 - (3) district attorney;
 - (4) post-adjudication review board;
 - (5) court-appointed special advocate, when applicable;
 - (6) guardian ad litem, when applicable; and
 - (7) child's tribe, when applicable.
6. Pre-approval required before the child moves out-of-state with the Bridge resource parent. Prior approval of the district director is required before the child in DHS OKDHS custody moves out-of-state with the Bridge resource parent. The district director considers authorization for the move when reunification is no longer the goal for the child and family.
- (1) The CW supervisor, after consulting with the CW and resource specialist and the resource supervisor requests, when appropriate, approval for the child's move out-of-state with the Bridge resource parent by memorandum to the district director.
 - (2) The memorandum includes:
 - (A) the reasons for the request;
 - (B) the benefits to the child;

- (C) a medical plan that includes a manner of payment for necessary and expected services;
 - (D) court orders or conditions set by the court related to the child's potential move, such as whether the child must appear at future court hearings; and
 - (E) recommendations from the child's attorney, when any, related to the move.
- (3) ~~When the district director approves the out-of-state move is approved by the district director,~~ the CW specialist initiates an Interstate Compact for Placement of Children request for a foster home assessment, per OAC 340:75-1-86.

SUBCHAPTER 7. FOSTER HOME CARE

PART 2. DEVELOPMENT OF RESOURCE FAMILIES

340:75-7-10.1. Resource parent framework ■ 1 through 7 [ITS ONLY]

Issued 9-17-18

(a) **General.** The requirements in Oklahoma Administrative Code (OAC) 340:110-5 serve as the framework for families and the Oklahoma Department of Human Services (DHS) in the mutual assessment process used to select the most suitable home for the child in DHS custody in need of foster care. Each child in DHS custody has the right to a safe, affirming, and family-like placement. As a result, resource parents:

- (1) are responsible, mature, healthy adults capable of meeting the needs of the children in DHS custody;
- (2) apply the reasonable and prudent parent standard;
- (3) demonstrate a capacity for setting realistic expectations for behavior and performance based on the ages, abilities, and unique needs of the children;
- (4) have stable relationships and a living arrangement whether married, single, separated, or divorced; and
- (5) ensure all members of the household are informed of and agree to accept the child into the home.

(b) **Age.** A resource parent must be at least 21 years of age. Per Section 1-4-705 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-705), when a potential resource parent meets the minimum age required per this Section, DHS may not use the age of an otherwise eligible individual as a reason for denial of placement.

(c) **Income and employment.** Resource parents must have sufficient income to meet their needs and ensure the security and stability of the household without relying on the foster care maintenance payment.

(d) **Foster principles.** A resource parent commits to demonstrating to each child in DHS custody basic fostering principles that include:

- (1) understanding and meeting the child's unique needs;
- (2) actively supporting each child's connections and ongoing relationships with family, kin, culture, and community;
- (3) understanding the impact of separation, grief, loss, and trauma the child has suffered;

- (4) partnering with the child's professional team to focus on his or her safety, permanency, and well-being;
- (5) recognizing that foster care is a planned, temporary placement for a child whose goal is family reunification or other permanency plan;
- (6) actively mentoring the parent to help improve the parent's ability to safely care for the child, when safe to do so; and
- (7) recognizing the impact of secondary traumatic stress and the importance of the resource parent's self-care.

(e) **Relationship with DHS.** The resource parent acknowledges, cooperates, and agrees to abide by applicable statutes and DHS rules regarding the child in care that include, but are not limited to:

- (1) DHS, as the legal custodian of the child, has the right to move any child from any resource home at any time, when in the child's best interests and, per statutes governing movement of the child in DHS custody;
- (2) the necessity to maintain and respect the confidential nature of all information regarding a child placed in the resource home. A breach of confidentiality may be grounds for resource home closure and termination of the foster care contract; and
- (3) the requirement that DHS investigate, in the same manner as any other abuse or neglect investigation conducted by DHS, allegations of abuse, neglect, or maltreatment of any child in DHS custody placed in an approved resource home;

INSTRUCTIONS TO STAFF 340:75-7-10.1

Revised ~~6-13-22~~ 9-14-24

1. Response by resource recruitment and Foster Care and Adoption Support Center staff to resource parent inquiries.

(1) When Child Welfare Services (CWS) staff receives an inquiry from a person interested in being a resource parent, he or she:

- (A) obtains the potential applicant's name and phone number, provides him or her with the contact information for the regional resource recruitment specialist and regional resource recruitment supervisor; and**
- (B) emails his or her contact information to the regional resource recruitment specialist and regional resource recruitment supervisor for follow-up.**

(2) All general inquiries are referred to the Foster Care and Adoption Support Center.

(3) CWS resource recruitment or Foster Care and Adoption Support Center staff:

- (A) documents each inquiry in the KIDS Pre-Resource by noting the referral source;**
- (B) discusses with the potential applicant, the:**
 - (i) basic responsibilities and requirements expected of a resource parent;**
 - (ii) children in Oklahoma Human Services (OKDHS) custody requiring out-of-home placement; and**
 - (iii) elements of the application and training process; and**

- (C) responds within two-business days of the inquiry by sending an information packet to the potential applicant; and
- (D) makes phone contact within five-business days after sending the information packet and, at two-week intervals, until the potential applicant's interest is determined.
2. (a) Application. Any person who is at least 21 years of age may apply to become a resource parent by completing Form 04AF001E, Resource Family Application. When other adults reside in the potential resource home, each adult completes and signs Form 04AF043E, Resource Family Application Other Adults in the Home.
- (1) The application is considered complete when the applicant submits the required documents and completes the actions as detailed on Form 04AF001E, within 20-calendar days after he or she signs the form.
- (2) The required documents include:
- (A) Form 04AD003E, Request for Background Check, and fingerprint submissions completed by each applicant and each adult household member. All names, including maiden names, used by the applicant and each adult household member is documented on Form 04AD003E;
 - (B) Form 04AF010E, Resource Family Financial Assessment;
 - (C) income verification;
 - (D) Form 04AF017E, Resource Parent Health History, completed for the applicant and each adult household member;
 - (E) Form 04AF008E, Medical Examination Report, completed for the applicant and each adult household member;
 - (F) Form 04AF039E, Child(ren)'s Health Statement, for each child in the household who is not in OKDHS custody, and a:
 - (i) copy of each child's immunization record; or
 - (ii) Form 08TA017E, Immunization Certificate of Exemption, when the child is not immunized; and
 - (G) copies of each applicant's driver license, state-issued identification card, or current military identification for active military members and spouses;
 - (H) copies of vehicle insurance verification;
 - (I) copies of each applicant's Social Security Administration card;
 - (J) a copy of a current marriage license or other evidence of marriage as indicated by the Oklahoma State Courts Network (OSCN) or similar network of another state;
 - (K) a copy of all divorce, marriage dissolution, legal separation, or annulment documents for each applicant;
 - (L) a copy of animal vaccination records;
 - (M) copies of the Certificate of Degree of Indian Blood (CDIB) card and tribal membership cards;
 - (N) a copy of DD Form 214, Certificate of Release from Active Military Duty, for each applicant, when applicable;
 - (O) alternate caregiver contact information; and
 - (P) other OKDHS-requested documents or actions.

(3) An applicant between the ages of 18 and 20 may apply. The resource specialist submits for 04AF042E, Request for Exception to Resource Requirements, to the resource supervisor for an exception to the requirements listed in OAC 340:75-7 Part 2.

(4) Denial of the application may occur at any point during the process. When denied, the reasons for denial are discussed with the applicant. OKDHS sends Form 04FC020E, Notice of Denial to Resource Applicant, to an applicant setting out the basis of the denial. OKDHS makes the final determination of application denial.

(b) Resource parent requirements. Each applicant must:

(1) ~~agree~~ agrees when he or she becomes a resource parent that he or she will not accept a child into the resource home from any other source without OKDHS CWS resource staff or the resource family partner (RFP) approval;

(2) ~~provide~~ provides appropriate sleeping arrangements for each child placed;

(3) ~~provide~~ provides verification all household members are in sufficiently good physical and mental health to provide for the individual needs of each child placed;

(4) ~~submit~~ submits to a search of all OKDHS records, including ~~child-welfare~~ CWS records;

(5) ~~ensure~~ ensures each household member, 18 years of age and older at the time of application, and when a household member becomes 18 years of age, submits fingerprints for state and national criminal history records searches;

(6) ~~submit~~ submits to a Juvenile On-line Tracking System (JOLTS) records search for any child of the applicant or child of an adult household member, who is 13 through 17 years of age, at the time of application;

(7) ~~not~~ does not allow a person with a conviction for any sexual offense to reside in the household;

(8) immediately ~~notify~~ notifies OKDHS when the applicant or any household member is, or becomes, the subject of any:

(A) criminal charges, criminal investigations, arrests, or illegal or alleged illegal activity; or

(B) proceeding for a protective order filed by, or against the applicant, or any household member; and

(9) ~~notify~~ notifies the resource specialist within 24 hours of any change in the household including, but not limited to:

(A) the address or the home's location, including emergency home displacement;

(B) any significant change in the home that impacts the family's day-to-day living;

(C) health of any household member;

(D) income;

(E) new or terminated relationships; or

(F) individuals moving into, or out of, the home for any reason; and

(10) participate participates in the resource family assessment (RFA);

- (11) ~~agree~~ agrees not to use medical marijuana or tobacco products, such as cigarettes, cigars, pipes, or electronic smoking devices that include, but are not limited to, e-cigarettes, vape pens, or vaporizers in:
- (A) the resource home when a child in OKDHS custody is placed in the home; and or
 - (B) a vehicle when transporting a child in OKDHS custody; and
- (12) ~~provide~~ provides references;
- (13) ~~complete~~ completes pre-service training;
- (14) ~~agree~~ agrees to complete 12 hours of in-service training for each year of service, when approved as a resource parent;
- (15) ~~provide~~ provides a clean and safe home;
- (16) ~~cooperate~~ cooperates in the completion of a house assessment;
- (17) ~~identify~~ identifies an alternate caregiver to provide support and child care for the child in OKDHS custody other than, or in addition to, OKDHS-paid, licensed child care;
- (18) ~~submit~~ submits verification of employment or participation in formal education or training when requesting OKDHS-paid, licensed child care services for the child in foster care;
- (19) ~~agree~~ agrees that as an applicant, and when becoming a resource parent, to notify OKDHS when any member of the resource family is seriously ill or hospitalized;
- (20) ~~agree~~ agrees to provide a physician's statement, when approved as a resource parent:
- (A) regarding any hospital stay;
 - (B) regarding ongoing outpatient medical or behavioral health care, including psychological counseling; or
 - (C) upon request from the resource specialist; and
- (21) ~~agree~~ agrees to work with OKDHS staff as a member of the child's professional team to develop a permanency plan for each child placed in the resource home;
- (22) ~~agree~~ agrees to participate in an initial meeting with each child's parent, when requested;
- (23) ~~agree~~ agrees to share parenting of the child in OKDHS custody with the child's parent, who may have different values and lifestyles than the applicant;
- (24) ~~be~~ is willing to actively mentor the parent to help improve the parent's ability to safely care for the child, when safe to do so;
- (25) ~~agree~~ agrees to maintain all information regarding the child and family as confidential, only sharing information necessary to obtain services for the child;
- (26) ~~be~~ is willing to accept sibling placements;
- (27) ~~agree~~ agrees to participate in the development of an effective parent and child visitation plan, when safe to do so, including contact with the siblings when siblings are separated;
- (28) ~~agree~~ agrees to comply with OKDHS rules regarding discipline of children;

- (29) agree agrees to meet and maintain requirements necessary for continued approval as a resource including annual updates and reassessments;
- (30) agree agrees to participate in the evaluation of CWS programs and services;
- (31) agree agrees to utilize use the foster care maintenance payment for the care and maintenance of the child's basic needs, such as food, clothing, shelter, incidentals, non-prescription medications, special activity fees, allowances, and recreational opportunities;
- (32) agree agrees to comply with all statutes relating to the care and support of minors that prohibit the use of tobacco, alcohol, illegal drugs, and sharing medications not prescribed to the child; and
- (33) agree agrees to use the reasonable and prudent parent standard and to consider the child's age, maturity, and development level when making decisions about the child's participation in extracurricular, enrichment, cultural, and social activities.
3. Exceptions to requirements. Upon the applicant's or resource specialist's request, OKDHS may, at its discretion, grant an exception of specific rules or standards that do not compromise a child's safety and does not violate federal or state statutes, per ~~Oklahoma Administrative Code (OAC) 340:75-7-18~~.
- (1) The resource specialist submits Form 04AF042E, Request for ~~Exception to a Waiver or Variance to~~ Resource Requirements, to the resource supervisor for an exception to the requirements listed in OAC 340:75-7 Part 2 or completes the policy exception screen in KIDS.
- (2) When the resource supervisor agrees with the exception request, he or she sends Form 04AF042E to the field manager for review.
- (3) The field manager approves or denies the exception request and signs Form 04AF042E. A Foster Care and Adoptions deputy director is consulted when needed. Form 04AF042E is scanned into KIDS Resource document management system (DMS).
- (4) The resource specialist documents the request and response in KIDS Resource Contacts.
4. Evaluating applicant eligibility. To meet eligibility requirements, all adult household members ~~must be~~ are fingerprinted, unless a fingerprint exception is granted, per OAC 340:75-7-15 Instructions to Staff.
5. Special circumstances for consideration.
- (1) Foreign exchange students. Approval is required for an applicant or a resource family to host foreign exchange students while providing care for a child in OKDHS custody. The applicant or resource family provides the resource specialist with the foreign exchange student's packet that includes all background information provided to the family by the student's sponsoring agency. When a foreign exchange student will reside in the home in excess of 30-calendar days, the foreign exchange student is required to have all applicable background information searches including:
- (A) JOLTS; and
- (B) when 18 years of age and older:

- (i) an Oklahoma State Bureau of Investigation name-based search; and
 - (ii) fingerprints completed, per OAC 340:75-7-15.
- (2) Temporary Assistance for Needy Families (TANF) recipients. When a TANF recipient inquires about becoming a resource parent, the assessment process includes a determination of the TANF recipient's ability to provide for the child's needs pending, and during receipt of, the foster care maintenance payment.
- (3) OKDHS employees. An OKDHS employee interested in becoming a kinship or traditional resource parent submits Form 04FC019E, OKDHS Employee Request to be a Resource Family, to his or her supervisor. When the employee is assigned to CWS, Form 04FC019E is sent to the reviewing CWS child welfare supervisor.
- (A) Request review. Each request is reviewed on a case-by-case basis. The employee's direct supervisor and reviewing supervisor discuss the:
 - (i) employee's role as an OKDHS employee and as a resource parent and the potential for a conflict of interest;
 - (ii) types of leave the employee is required to request when taking the child in OKDHS custody to appointments, such as family visits or court;
 - (iii) employee's understanding that OKDHS employment is not used as a means to obtain information about the child's case or to gain services; and
 - (iv) employee's understanding that he or she is required to work with an RFP agency, unless the employee is providing kinship care.
 - (B) Written request. The reviewing supervisor submits a copy of Form 04FC019E to the applicable RFP documenting the discussion and places a copy in the employee's personnel file.
 - (C) Assessment. The RFP may proceed with the family assessment process after receiving Form 04FC019E from the reviewing supervisor.
 - (D) Placement considerations. When an OKDHS employee is approved as a resource parent:
 - (i) a child currently assigned to the employee's caseload is not placed with the employee for foster care;
 - (ii) a child, currently assigned to a child welfare specialist in the same county as the employee's work assignment, is not placed with the employee except when there is a kinship relationship;
 - (iii) his or her resource case is assigned to a resource specialist in a district outside of his or her assigned work location; and
 - (iv) the employee's resource and the child's case are restricted in KIDS.
6. Previous non- OKDHS foster care experience with a tribe, private child-placing agency, or another state. The applicant who previously served as a foster parent with a tribe, private child-placing agency, or in another state, ~~must provide~~ provides or ~~authorize~~ authorizes release of all previous foster home records including, but not limited to, home studies, foster home assessments, reports, and training records from a tribe, private child-placing agency, or

another state for consideration as an OKDHS resource parent. The resource specialist:

- (1) uses Form 04MP001E, Consent for Release of Confidential Information, to request and secure a copy of the applicant's foster home assessment, related information, and training record from a tribe, private child-placing agency, or another state, when applicable, per OAC 340:75-7-14;
- (2) provides the information to the ~~resource family assessment (RFA)~~ contractor, when applicable; and
- (3) ~~utilizes~~ uses Form 04AF002E, Guidelines for Resource Family Assessment, and the information obtained from the tribe, private child-placing agency, or another state to complete Form 04AF003E, Resource Family Assessment, with the supporting documentation.

7. Re-opening a resource. A person must ~~re-apply~~ re-applies to re-open as a resource.

(1) Upon application receipt, the resource specialist reviews the past resource records to determine the former resource parent's history. The performance review includes, but is not limited to, assessing:

- (A) each identified concern or OKDHS policy or contract violation;
- (B) any written plan of compliance outcome and recommendations regarding continued use of the resource; and
- (C) the training record, ensuring pre-service and in-service training were completed, as required and documented, per OAC 340:75-7-14.

(2) Within 10-calendar days of the application date, the resource specialist and resource supervisor review and determine whether to deny the application or proceed with the assessment. The field manager is consulted as needed.

(3) When the resource is closed for less than 12 months, the resource may be opened with an approved annual update within 30-calendar days of the disposition date, per OAC 340:75-7-94. When the resource is closed for more than 12 months but less than five years, the resource may be opened with an approved reassessment within 30-calendar days of the disposition date, per OAC 340:75-7-94.

(4) When the resource is closed for more than five years, a new RFA is completed, processed, and approved or denied within 60-calendar days of the disposition date.

(5) Re-opening a resource requires:

(A) re-opening as:

- (i) the same type of resource, such as a traditional resource re-opening as a traditional resource. The closed resource is re-opened as pending in the KIDS Resource Status screen and a final resource approval line for the reassessment or annual update is entered; or
- (ii) a different type of resource, such as a kinship resource re-opening as a traditional resource. A new resource is opened as pending in the KIDS Resource Status screen and a final resource approval line for the reassessment or annual update is entered; and

(B) a new contract. Upon approval, the resource specialist:

- (i) obtains each applicant's signature on the new contract;
 - (ii) attaches copies of each applicant's current driver license or state identification card and Social Security card to the new contract;
 - (iii) discusses payment options, per OAC 340:75-7-52. When the resource parent was previously issued a debit card, the same card number is used; and
 - (iv) submits the contract to obtain the new contract number.
- (6) When the resource is denied, the resource specialist phones the applicant about the application's disposition, sends a notice of denial, Form 04FC020E, Notice of Denial to Resource Applicant, and scans it into the DMS, and when the resource is a relative, files with the court Form 04MP056E, Notice to the Court of Relative Denied Placement.

340:75-7-14. Training requirements

Revised ~~9-15-20~~ 9-14-24

(a) **Pre-service training.** Applicants and adult household members who will care for a child in Oklahoma Department of Human Services (~~DHS~~) (OKDHS) custody are required to complete a prescribed course of training, prior to resource approval. The training incorporates the reasonable and prudent parent standard and addresses the values and guiding principles essential for caring for a child, who is a victim of maltreatment.

(1) Each applicant completes required Child Welfare Services (CWS)-approved training. Additionally, any adult household member, 18 years of age and older, who provides daily care for a child, completes the required training. An exception may be given when an individual is determined to possess required values and guiding principles as a result of prior foster care training and experience.

(2) Kinship applicants may be approved for placement of the kinship child prior to completion of pre-service training.

(3) Kinship applicants ~~must~~ complete pre-service training before receiving foster care maintenance payments.

(4) An applicant who is a former resource parent with a break in ~~DHS~~ OKDHS service of less than five years meets the training requirements.

(5) An applicant may request a permanent training waiver. A The resource field manager approves or denies a request for a permanent training waiver ~~is approved or denied by the resource field manager~~. The applicant may request a permanent waiver, when:

(A) the equivalent training was completed within the last five years. A list of equivalent training from a tribe, private agency, or another state is included that details subjects addressed in the training; or

(B) he or she has a significant disability that precludes the completion of training. Disability verification ~~must be~~ is provided by a physician. A person granted a permanent training waiver for disabilities ~~cannot~~ may not be a caregiver for the child in ~~DHS~~ OKDHS custody.

(b) **In-service training.** Each resource parent completes 12 hours of continuing in-service training per year ~~of service~~ to enhance his or her skills as a provider.

(1) ~~DHS~~ OKDHS provides free in-service training options for the resource parent.

(2) With CWS approval, other training is accepted as credit toward in-service training

requirements. The resource parent provides the resource specialist with the training certificate, when available, from the training source that lists completed, approved hours.

(3) The resource parent selects from training options, such as classes, conferences, reading materials, or other learning opportunities that enhance his or her skills and meet the in-service training requirement. The resource parent receives approval for each training option from the resource specialist.

(4) A resource parent residing in another state and caring for a child in ~~DHS~~ OKDHS custody ~~must meet~~ meets the requirements of his or her state of residence for ongoing training to maintain ~~DHS~~ OKDHS approval as a resource parent.

INSTRUCTIONS TO STAFF 340:75-7-14

Revised ~~9-15-209~~-14-23

1. Pre-service training.

(1) Training schedule. A pre-service training schedule is maintained in the Child Abuse and Neglect Information System KIDS.

(A) The resource field manager may request additional resource family training sessions through resource program staff in the current or subsequent training quarter ~~on an~~ as-needed basis. Requests are honored as resources allow.

(B) For training to occur, a training session must have at least 12 participants enrolled and confirmed. When participation in the initial training session is less than 12 persons, class suspension is considered.

(2) Enrollment. The resource specialist enrolls the applicant in pre-service training in KIDS.

2. In-service training. The resource specialist documents each training completed ~~by the resource parent~~ completes in the KIDS Resource or verifies the training tracked by KIDS.

340:75-7-18. Resource family assessment (RFA)

Revised ~~9-15-22~~ 9-14-24

(a) RFA. Per Section 1-7-111 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-111), the Oklahoma Human Services (OKDHS) or RFA contractor conducts an assessment of the applicant's and each household member's background and other circumstances and conditions to determine if the home is suitable and provides a safe environment for the child in OKDHS custody requiring foster care. ■ 1

(b) Mandate to conduct background information search. 10A O.S. § 1-7-111 and the Oklahoma Child Care Facilities Licensing Act, 10 O.S. §§ 401 et seq. mandate that a national criminal history records search based on the submission of fingerprints and a child abuse and neglect information system check be conducted for each applicant and each household member 18 years of age and older that is not a foster child. The applicant and each adult household member complete and sign Forms 04AF001E, Resource Family Application, and 04AD003E, Request for Background Check to authorize OKDHS to conduct a search into the applicant's and adult household member's criminal history records and OKDHS records.

(c) Form 04AF004E, House assessment. ■ 2 An in-home evaluation of the applicant's

residence is conducted to assess the location, condition, and capacity to accommodate the child in OKDHS custody who requires foster care. Form 04AF004E includes an assessment of (1) through (13) of this subsection.

(1) The home's location. The home is accessible to school, medical, and recreational resources.

(2) The home's and property's condition. The home is clean and safe and any structures on the property that are accessible to a child are in a safe condition. The home and surroundings are evaluated regarding possible safety concerns and addressed with a plan of supervision, when applicable.

(3) Available play space. Adequate and safe indoor and outdoor space for play activities is available. Outdoor recreational equipment on the resource home's grounds, such as swing sets, riding toys, trampolines, or tree houses are clean and are maintained in good repair.

(4) Age-appropriate equipment. Age-appropriate child care equipment, such as beds, high chairs, or toys are available, clean, and in good repair.

(5) Medication, cleaning supplies, and other hazardous materials storage. Medication, cleaning supplies, and other hazardous materials are securely stored to ensure safety for all children. ■ 3

(6) Phone communications. An operable phone is available in the home when a child is present.

~~(6)~~(7) Transportation.

(A) The applicant:

(i) maintains a vehicle in safe working order that is capable of transporting children and:

(I) carries the statutorily mandated vehicle liability insurance;

(II) possesses a valid driver license; and

(III) has a current, valid vehicle license tag; or

(ii) provides an acceptable transportation plan for the child in OKDHS custody.

(B) The applicant is advised that proper passenger restraints are used at all times when a child in OKDHS custody is riding in a vehicle.

(C) The applicant agrees to transport all children and adults in compliance with applicable state law, per 47 O.S. § 11-1112.

~~(7)~~(8) Sleeping arrangements and privacy.

(A) The applicant's home provides a separate bed for each child, with the exception of siblings younger than 6 years of age who exhibit a need for mutual support.

(B) A separate bedroom is provided for a child who acts out sexually.

(C) Preferably, no more than two children share a bedroom. Primary consideration is given to related children according to age and emotional needs.

(D) The applicant's home provides separate bedrooms for children 7 years of age and older of the opposite sex.

(E) A child in OKDHS custody, with the exception of an infant who is younger than 12 months of age, does not share a bedroom with an adult in the household. Under no circumstances is a child of any age authorized to sleep with an adult.

(F) The applicant's home provides space for the child's personal possessions and for a reasonable degree of privacy.

(G) The applicant may not designate a room, such as the living room, utility room,

den, dining room, pantry, or unconverted garage as a bedroom for a child in OKDHS custody unless the room is specifically designed as a bedroom.

~~(8)~~(9) Infant sleeping arrangements. A crib, port-a-crib, or playpen with a firm, waterproof mattress or pad is used for each child younger than 12 months of age.

(A) Cribs, port-a-cribs, and playpens with more than two and 3/8 inches between slats or between the side and end panels are not allowed.

(B) Cribs with decorative cutout areas in crib-end panels or tall decorative knobs on the corner posts that may entrap a child's head or catch the child's clothing are not allowed.

(C) Cribs with drop-side latches ~~must~~ have the manufacturer-provided kits to lock the crib side in the upright position due to safety hazards.

(D) Mattresses are tight-fitting with no more than one inch between the mattress and crib, port-a-crib, or playpen.

(E) Mattress and crib sheets fit snugly.

(F) Soft sleeping surfaces, such as soft mattresses, waterbeds, sofas, pillows, beanbag chairs, and inflatable mats are prohibited.

(G) Pillows, quilts, comforters and blankets, sheepskins, stuffed toys, bumper pads, breathable bumper pads, and other soft products are not permitted in the infant's crib, port-a-crib, or playpen.

(H) Infants birth through three months of age may be swaddled with an infant-sized, thin fabric, such as a receiving blanket.

(I) When placed for sleeping, items, such as pacifiers, teething necklaces, and bibs, are not attached to the infant or his or her clothing.

(J) An infant is immediately moved to a crib, port-a-crib, or playpen when he or she falls asleep in other equipment.

(K) Mobiles may be securely attached or hung above the crib provided no part of the mobile is within the infant's reach.

~~(9)~~(10) Infant sleep positions.

(A) To reduce the risk of Sudden Infant Death Syndrome (SIDS), the infant younger than 12 months of age is placed on his or her back for sleeping, unless there is a medical reason documented by a health care professional that the infant ~~must not~~ cannot sleep on his or her back. ■ ~~3~~ 4

(B) The infant who is able to turn himself or herself over is placed initially on his or her back for sleeping but is allowed to sleep in the position he or she prefers.

~~(10)~~(11) Water safety.

(A) Form 04MP061E, Water Safety Agreement, is completed for all applicants.

(B) The definition of a water structure or water mass includes, but is not limited to:

- (i) swimming pools;
- (ii) decorative ponds;
- (iii) farm ponds or streams;
- (iv) fountains;
- (v) wading pools;
- (vi) hot tubs or spas; and
- (vii) waterfalls.

(C) Any activity that involves a child in OKDHS custody wading or swimming is supervised at all times.

(D) All applicable laws, ordinances, rules and regulations, and insurance requirements for pools are followed.

(E) A hot tub is equipped with a hard cover designed for a hot tub.

(F) The use of portable wading pools is monitored at all times. The wading pool is emptied at the end of each use.

(G) A water ~~safety plan~~ Safety Plan is developed and each adult identified to provide supervision for the child during water activities signs the water safety plan.

■ 4 5 The water ~~safety plan~~ Safety Plan includes appropriate measures to ensure the child's safety. Appropriate measures may include, but are not limited to:

(i) fencing. A water structure or water mass is fenced to prevent unsupervised access. There is a sturdy fence:

(I) at least four feet high that cannot be easily climbed; or

(II) that connects to the top of an above-ground pool and extends two feet above the pool or follows other specified safety guidelines; or

(ii) pool covers. A child-safety pool cover is placed over the water area each time the pool is not in use. Pool covers are completely removed prior to pool use;

(iii) locked doors. All doors and gates leading to the water structure, are locked;

(iv) pool alarms. Pool alarms are installed and operating when the pool is not in use;

(v) removable ladders. Removable ladders are removed from the water structure when not in use;

(vi) safety devices, such as lifejackets or rings;

(vii) swimming lessons; or

(viii) training, such as cardio-pulmonary resuscitation and first aid.

(11)(12) Animal and household pet safety. ■ 5 6

(A) Animals are in good health, do not show evidence of carrying disease, and do not present a threat to the health, safety, or welfare of children. Appropriate supervision is required when the child in OKDHS custody is in the presence of the family's animals.

(B) The applicant or parent provides documentation of current rabies vaccinations administered by a licensed veterinarian for applicable animals.

(C) When an animal bites a child, the applicant or parent obtains appropriate and immediate medical treatment and contacts the assigned child welfare (CW) specialist as soon as the child's safety is secured.

(12)(13) Weapon safety.

(A) An applicant or parent ~~is responsible for ensuring~~ ensures the safety of a child in OKDHS custody who comes within close proximity to:

(i) a firearm or other weapon; or

(ii) an individual in possession of a firearm or other weapon.

(B) Any firearm or weapon in the home ~~must be~~ is maintained, along with any ammunition, in a secure container, cabinet, or closet or otherwise be inaccessible at all times to children who are in the home.

(C) No firearm or weapon is transported in any vehicle in which a child in OKDHS custody is riding unless the firearm or weapon is safely secured or inaccessible to the child.

(D) A law enforcement official is exempt from (B) and (C) of this paragraph when conditions of employment require ready and immediate access to his or her weapon.

(E) An applicant or parent licensed to carry a handgun, whether concealed or unconcealed, per 21 O.S. §§ 1290.1 et seq., the Oklahoma Self-Defense Act, may maintain the firearm in a holster secured to his or her person, per 21 O.S. § 1290.2. When the firearm is not holstered and secured to his or her person, it ~~must be~~ is be maintained as required in (A) through (C) of this paragraph.

(F) Any activity the child in OKDHS custody participates in that involves a weapon ~~must have~~ has appropriate adult supervision at all times. The applicant or parent obtains pre-approval for the child's participation in a weapons activity from the child's assigned CW specialist or CW supervisor. ■ 6 7

(13)(14) Disaster plans. Disaster plans are reviewed with each newly-placed child and periodically with all children in the home. The family disaster plan includes:

(A) a list of emergency phone numbers posted in an accessible and conspicuous place. The list includes:

(i) 911;

(ii) doctors' names and phone numbers;

(iii) health professionals or clinics;

(iv) fire and police departments;

(v) an ambulance service; and

(vi) the name and phone numbers of the alternate caregiver; and

(B) access to a phone at all times when a child in OKDHS custody is present;

(C) an evacuation plan in the event of a fire, tornado, earthquake, flood, ice storm, or other natural, state, or national disaster;

(D) first aid procedures and supplies;

(E) a planned source of available medical care, such as a hospital emergency room, clinic, or health care professional;

(F) a plan of whom to contact when there is an accident, an incident involving the child in OKDHS custody, or he or she runs away or is abducted; and

(G) a plan of whom to contact and community resources to access when the child in OKDHS custody has behavioral problems.

(d) **Number of children in the home.** OKDHS determines the number and ages of children placed in each resource home.

(1) **Maximum number of children allowed to reside in the resource home.** The total number of children in OKDHS custody placed in a resource home does not exceed five. The total number of children in the resource home does not exceed six, which includes biological, adoptive, foster, and other children not in OKDHS custody. Approval to exceed these limits may be given to allow:

(A) a parenting youth in foster care to remain with his or her child;

(B) siblings to remain together;

(C) a child with an established meaningful relationship with the family to remain with the family; or

(D) a family with special training or skills to provide care to a child who has a severe disability.

(2) **Maximum number of children younger than 2 years of age allowed in a**

resource home. No more than two children younger than 2 years of age including the resource parent's own children may reside or be placed in the resource home.

(3) **Child in OKDHS custody placed in a tribal home.** The number of children in OKDHS and tribal custody allowed to reside in a tribal resource home is determined by the applicable tribe. When a child in OKDHS custody is placed in a tribal home and placement exceeds six children, overfill procedures are followed. ■ ~~7~~ 8 An Indian child in OKDHS custody is placed in compliance with the placement preferences of the Indian Child Welfare Act, per Oklahoma Administrative Code (OAC) 340:75-19.

(e) **Authorization to check applicant's references.** The applicant grants OKDHS and RFA contractors permission to contact the applicant's references by signing Form 04AF001E, Resource Family Application. Information obtained from the references is confidential and ~~can~~ may only be released upon order of a court with competent jurisdiction. ■ ~~8 & 9~~ 8 & 10

(f) **Assessment of applicant's marital and relationship history.** The applicant ~~must have~~ has stable relationships whether married, single, separated, or divorced. The applicant's ability to develop and sustain stable relationships is assessed and documented. ■ ~~10~~ 11

(g) **Household income.** The applicant completes Form 04AF010E, Resource Family Financial Assessment, and provides documentation of employment, income, and expenditures as an assessment component. The applicant provides verification that he or she can manage personal and household financial needs without relying on the foster care maintenance payment. The applicant ~~must have~~ has sufficient income or community resources to meet the needs of an additional child placed in his or her home until the foster care maintenance payment for the child in OKDHS custody is received.

(h) **RFA disposition.** ■ ~~44~~ 12 Upon completion of the RFA, a decision regarding approval or denial is made after assessing the information gathered.

(1) The assessment process is completed and the determination regarding approval or denial is made no later than 60-calendar days after receipt of completed Form 04AF001E.

(2) OKDHS may approve or deny an applicant as a resource when the applicant or the home meets or does not meet requirements, per OAC 340:75-7.

(3) OKDHS makes the final determination of application denial, which may occur at any point during the process.

(i) **Exceptions to assessment guidelines.** ■ ~~42~~ 13 Upon the applicant's or CW specialist's request, OKDHS may grant exceptions ~~may be granted by OKDHS~~, provided adequate standards affording protection for the health, safety, and welfare of the child exist, per (1) and (2) of this subsection.

(1) For kinship resource homes only, OKDHS may, at its discretion, grant a waiver of specific rules or standards that do not compromise a child's safety and does not violate federal or state statutes.

(2) For traditional resource homes, OKDHS may, at its discretion, grant a variance of specific rules or standards that do not compromise a child's safety and does not violate federal or state statutes.

(j) **Application denial.** When a decision is made to deny an applicant as a resource parent, the applicant is provided an explanation regarding the reasons for the denial. When the denial pertains to a kinship resource home, the child in OKDHS custody is

immediately moved from the applicant's home. Reasons for denying an application may include, but are not limited to:

- (1) a lack of stable, adequate income to meet the applicant's own or total family needs, or the poor management of available income;
- (2) the physical facility is inadequate to accommodate the addition of the child in OKDHS custody into the home, or presents health or safety concerns;
- (3) a household member that has a history of alleged or confirmed child abuse, neglect, or both, per OAC 340:75-7-15;
- (4) a household member that has a history of arrests or convictions, per OAC 340:75-7-15;
- (5) any household member's health, behavioral health, or any condition that impedes the applicant's ability to provide appropriate care for a child;
- (6) relationships in the household that are unstable and unsatisfactory;
- (7) references that are guarded or have reservations in recommending the applicant;
- (8) the applicant fails to complete the application, required training, or verifications in a timely manner as requested, or provides incomplete, inconsistent, or untruthful information;
- (9) the home is determined unsuitable for the child requiring placement;
- (10) the applicant applied for a child that OKDHS reasonably believes may not be available for placement; or
- (11) one or more factors concerning any household member or conditions in the home, as described in the denial letter, renders the applicant or home environment inappropriate as a resource home.

(k) **Authority to approve or deny resource home and Interstate Compact on the Placement of Children (ICPC) assessments.** OKDHS determines the final disposition of each resource home and ICPC assessment completed by OKDHS or RFA contractors.

(l) **Changes in the household.** ■ ~~13~~ 14 The applicant or parent ~~must notify~~ notifies the resource specialist or RFA contractor:

- (1) immediately of any:
 - (A) charges, arrests, or any alleged illegal activity committed by the applicant or any household member; and
 - (B) proceeding for a protective order filed by or against the applicant or any household member; and
- (2) within 24 hours of any change in the household including, but not limited to:
 - (A) the address or the home's location, including emergency home displacement;
 - (B) any significant change in the home that impacts the family's day-to-day living;
 - (C) the death or serious illness of a resource parent;
 - (D) health;
 - (E) income;
 - (F) individuals moving in or moving out of the home for any reason; or
 - (G) new or terminated relationships.

INSTRUCTIONS TO STAFF 340:75-7-18

Revised ~~2-1-22~~ 9-14-24

1. Resource family assessment (RFA). The RFA is completed by Oklahoma Human Services (OKDHS) resource specialists or an RFA contractor. The

written assessment describes the family based on complete, consistent, and truthful information the resource specialist or RFA contractor gathers in conjunction with the family, following an application review and a background information summary.

(1) Initial visit. The resource specialist or RFA contractor conducts the initial consultation with the family in the family's home to answer questions, explain the mutual assessment process and training requirements, and assess the home's safety. Observations are documented on Form 04AF004E, House Assessment.

(2) Guidelines and form. The resource specialist or RFA contractor uses Form 04AF002E, Guidelines for Resource Family Assessment, to obtain information regarding the family. When the resource specialist or RFA contractor is completing the RFA, the information is written on Form 04AF003E, Resource Family Assessment.

(3) Review of resource assessment forms. The resource specialist or RFA contractor reviews Forms:

(A) 04AF010E, Resource Family Financial Assessment;

(B) 04AF001E, Resource Family Application;

(C) 04AF008E, Medical Examination Report, received by the resource specialist or RFA contractor as soon as possible or prior to the final consultation visit;

(D) 04AF039E, Child(ren)'s Health Statement;

(E) 04AF017E, Resource Parent Health History;

(F) 04AF018E, Child Needs Information List;

(G) 04AF005E, Notice to Resource Applicants;

(H) 04MP001E, Consent for Release of Confidential Information;

(I) 13HI003E, Authorization to Disclose Medical Records;

(J) 04AF021E, Verification of Receipt of OKDHS Rules; and

(K) 04AF043E, Resource Family Application Other Adults in the Home, when applicable.

(4) Tribal membership. The resource specialist verifies the applicant's tribal membership or tribal affiliation by obtaining a copy of the tribal membership card and submitting Form 04TB001E, Resource Family Applicant(s) Letter to Verify Tribal Membership, to the tribe to identify valid placement resources for the Indian child pursuant to the Indian Child Welfare Acts, per Oklahoma Administrative Code (OAC) 340:75-19.

2. House assessment. Per OAC 340:75-7-18(c), the resource specialist and RFA contractor conduct an evaluation of the applicant's residence to assess the location, condition, and capacity to accommodate the child in OKDHS custody, on Form 04AF004E.

3. Medication, cleaning supplies, and hazardous material storage. The storage of medication, cleaning supplies, and hazardous materials in each home environment is assessed for safety according to the physical and mental development of the children in the home.

(1) All medications, prescribed and over-the-counter, are stored in a secure location. Guidelines for medication storage are found at

<https://www.cdc.gov/medicationsafety/> and may include a medication lock box to keep medications out of reach and sight of children.

(2) All medical marijuana or marijuana-infused products for medical use, including marijuana plants, are securely stored so as to be inaccessible to children. The resource specialist obtains a copy of each individual's medical marijuana license, as applicable.

(3) All cleaning supplies, alcohol, and other hazardous items are securely stored so as to be inaccessible to children.

4. Infant sleeping arrangements. When there is a medical reason that an infant cannot or may not sleep on his or her back, the resource parent maintains documentation from a health care professional and a copy is filed in the resource file.

45. Water safety. The resource specialist and RFA contractor observe all water structures and masses within sight of, or accessible to, the living structure or yard. Form 04MP061E, Water Safety Agreement, is completed for all applicants.

The water safety plan Safety Plan is:

(1) developed with each applicant;

(2) documented and signed by each applicant, adult household member, and resource specialist;

(3) provided to the applicant;

(4) updated when a change or an addition of a water structure or mass occurs to the resource home or property; and

(5) reviewed at each annual update or reassessment.

56. Animal safety.

(1) Documentation of current rabies vaccinations administered by a licensed veterinarian for applicable animals is maintained in the resource file. ~~When animals are vaccinated by someone other than a veterinarian, documentation includes the:~~

~~(A) vaccine proof of purchase date;~~

~~(B) vaccine lot number and expiration date; and~~

~~(C) date the animal was vaccinated.~~

(2) Inquiry is made regarding when any animal displayed aggressive behavior, bit anyone, or required restraint due to the animal's nature.

(3) To determine the safety issues for children, the resource specialist or RFA contractor contacts the Oklahoma Department of Wildlife or the veterinarian of record when the applicant has an exotic animal and documents the information in the KIDS resource.

67. (a) Weapon or firearm safety.

(1) A weapon includes, but is not limited to, a:

(A) gun, such as a pistol, revolver, shotgun, or rifle from which a projectile is fired by gunpowder, gas, or other means of rocket propulsion;

(B) air-powered BB or pellet gun;

(C) bow and arrow; or

(D) knife, such as a dagger or knife with a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife, with the exception of cooking or eating utensils.

(2) The applicant and the resource specialist discuss in detail the applicant's plan to store and secure weapons and firearms or ensure their inaccessibility at all times to children in the home. Examples of secured weapons or firearms include, but are not limited to, storing items in a locked gun safe, biometric safe, or cabinet; using trigger locks; or removing firing pins from firearms. Weapons security and safety ~~must be~~ is addressed during any subsequent home reassessment.

(b) Verification of weapon exemption.

(1) Law enforcement personnel ~~must~~ submit employer-provided documentation that indicates he or she is required to carry a weapon as a condition of employment.

(2) Continuing weapons licensure and law enforcement employment ~~must be~~ is verified during any home reassessment.

78. (a) Placement in a resource home. When evaluating placement in a resource home, consideration is given to the number of children and:

(1) each resource parent's capabilities and skills;

(2) the number and ages of the resource parent's own children;

(3) if the home can physically accommodate the children;

(4) the known behavioral patterns of the resource parent's own children, the children in foster care currently residing in the home, and the prospective child;

(5) the presence of additional adult caregivers in the home beyond the approved resource parents; and

(6) the anticipated effect of the placements upon the resource family as a unit. The needs of the child placed in the resource home may restrict the home's capacity regardless of the approved number of foster care beds in the home.

(b) Exception to the number or age limit of children placed in a resource home. A child's placement in a resource home that causes the home to exceed the allowed number or age limit, per OAC 340:75-7-18, requires an ~~exception request~~ completion of Form 04FC021E, Resource Overfill Assessment and approval prior to placement. Approval is applicable only for the specific placement in the request.

(1) The child welfare (CW) specialist consults with the resource specialist concerning the feasibility of an exception for a traditional or kinship resource to exceed the allowed number or age limit for placements.

(2) The resource specialist ~~submits an exception request to~~ consults with the CW specialist, CW supervisor, and the resource supervisor ~~that includes to discuss~~ the:

(A) reason for the request;

(B) search results for an alternate, appropriate placement for the child;

(C) name and resource number of the resource family considered for the exception;

(D) number, gender, and ages of children:

(i) currently approved for the resource home;

(ii) currently placed in the home;

- (iii) for whom the request is made; and
 - (iv) of the resource family;
 - (E) date and overall results of the last resource home annual update ~~or reassessment~~ including a review of all previous referrals, policy violations, and written plans of compliance on the resource home;
 - (F) number of in-service training hours the resource family completed in the last contract year;
 - (G) summary of the behaviors, treatment needs, and placement and permanency plans of each child currently placed, and each child included in the ~~exception~~ overfill request;
 - (H) specified time requirements for the ~~exception~~ overfill;
 - (I) effect of the ~~exception~~ overfill on sibling placement, when any;
 - (J) summary of previous placements and ~~exception~~ overfill requests for each child included in the request;
 - (K) plan for each child's transportation needs in accordance with state vehicle child safety restraint requirements;
 - (L) sleeping arrangements for each child in the resource home and the planned sleeping arrangement for the prospective child;
 - (M) effect the ~~exception~~ overfill may have on the placement of each child currently in the home;
 - (N) resource specialist's recommendation regarding the ~~exception~~ overfill request; and
 - (O) identification of, and a plan to provide possible services or supports needed by the children or family, to ensure a safe and stable placement.
- (3) The CW specialist documents the ~~exception~~ overfill request and request date in the child's case KIDS Contacts.
- (4) When the request is for overfill of a supported home, the resource family partner (RFP) foster care worker sends the documentation to the OKDHS RFP liaison, who documents the ~~exception~~ overfill request and date in the KIDS Resource Contacts.
- (5) The resource specialist submits ~~the request and documentation~~ Form 04FC021E to the resource supervisor for an ~~exception~~ a decision and documents the submission date in KIDS Resource Contacts.
- (6) When the home ~~will provide~~ provides care for up to seven children, the resource supervisor forwards ~~the request~~ Form 04FC021E to the field manager for approval or denial and notifies the resource supervisor of the decision.
- (7) In the event the request is for the resource home to care for a total of eight or more children, the field manager reviews ~~the request~~ Form 04FC021E and, when in agreement, forwards ~~the request~~ to a Foster Care and Adoptions deputy director and the regional deputy director for the child's case for approval. A Foster Care and Adoptions deputy director consults with the regional deputy director for the child's case and notifies the field manager of the decision. The CW and resource supervisors are then notified of the decision.

(8) The specific needs of all children involved, the resource parents, and the family unit as a whole are the basis for consideration of the exception overfill.

(9) The CW and resource supervisors notify the CW and resource specialists of the decision.

(10) The CW and resource specialists or the OKDHS RFP liaison document the decision and plan for additional services and supports in the child's and resource case KIDS Contacts.

(11) When an exception overfill is approved ~~to overfill~~ for a resource home, regardless of the number of children placed, the CW specialists assigned to the children placed in the home review and document the plan to provide additional services or supports at the time of the monthly contact.

(12) The resource specialist:

(A) makes phone contact with the family ~~on a monthly basis~~. At least one in-home visit is required per quarter, unless additional home visits are part of an overfill support plan;

(B) reviews the plan to address any additional needs, services, and supports; and

(C) documents the contacts and plan review in KIDS Resource Contacts.

89. Checking applicant references. Only a trained resource specialist or an RFA contractor solicits and reviews information received from references the applicant provides regarding the applicant's parenting strategies and skills. The applicant ~~must have~~ has the three personal references in (1)(A) and the references (1)(B) through (H) of this Instruction to Staff (ITS), when applicable. The resource specialist or RFA contractor:

(1) documents all information ~~provided by~~ voluntary and applicant- provided references provide. The resource specialist or RFA contractor explains the program's expectations, and the needs of the children who come into OKDHS care, to each person contacted as a reference.

(A) Three personal references are interviewed by phone or in person, only one of whom ~~can~~ may be a family member.

(B) When applicable, all adult children are contacted by letter, phone, or in person to complete Form 04AF015E, Resource Family Reference Letter for Adult Children.

(C) The applicant's current ~~or most recent~~ employer is contacted by letter, phone, or in person using Form 04AF011E, Resource Family Reference Letter for an Employer. ~~When the applicant is self-employed, a reference is obtained from a customer.~~

(D) When applicable, school teachers, counselors, or administrators who have recently served the applicant's child are contacted by letter, phone, or in person using Form 04AF014E, Resource Family Reference Letter for School Personnel, to assess the applicant's involvement in educational issues.

(E) When the applicant homeschools his or her child, a person with knowledge of the applicant's homeschooling experience is contacted by

letter, phone, or in person using Form 04AF025E, Resource Family Reference Letter for Homeschooling.

(F) When the applicant currently receives or received behavioral health services in the past 10 years, the behavioral health care professional is contacted using Form 04AF013E, Resource Family Assessment Reference Letter for Behavioral Health Professionals. The resource specialist or RFA contractor uses Form 13HI003E, Authorization to Disclose Medical Records, to obtain permission from the applicant to receive his or her behavioral health information. In addition to Form 04AF013E, the resource specialist requests behavioral records from the behavioral health professional.

(G) When the applicant's child currently receives or received behavioral health services in the past 10 years, the behavioral health care professional is contacted using Form 04AF012E, Child's Behavioral Health Reference Letter. The resource specialist or RFA contractor uses Form 13HI003E to obtain permission from the applicant to receive the child's behavioral health information. In addition to Form 04AF012E, the resource specialist requests behavioral records from the behavioral health professional.

(H) When the required references do not total at least six, the resource specialist obtains additional personal references.

(I) References may be contacted for an interview when the reference fails to respond to the reference letter request or when information contained in the response requires clarification. Additional references are not contacted without the applicant's specific written permission.

(J) When voluntary references contact the resource specialist to provide information, the information is included in the assessment summary.

(K) When guarded reference information is received, the issues are fully explored with the applicant without revealing the source of the information; and

(2) obtains a copy of DD Form 214, Certificate of Release of Discharge from Active Duty, to determine the type of discharge, when the applicant was discharged from the armed forces. Any discharge other than honorable is specifically addressed in the assessment as a consideration in the applicant's ability to attend to the safety and well-being of a child requiring foster care services;

(3) does not deny the continuation of the resource application process based solely on information ~~provided by~~ a reference provides. When a reference provides information requiring further explanation from the applicant, the resource specialist or RFA contractor discusses the nature of the information without revealing the source; and

(4) requests consultation with the resource supervisor and field manager to determine the significance of the information provided by a reference, who:

(A) has a history of abuse, neglect, or both that includes victimization by the applicant;

(B) disagrees with the applicant's desire to foster; or

(C) has other concerns about his or her ability to parent.

910. Checking other adult references. References are obtained for any individual in the home, 21 years of age and older. When there are concerns about a younger adult in the home, references are requested. Only a trained resource specialist or an RFA contractor solicits and reviews information received from references the other adult provides about his or her parenting strategies and skills. The other adult ~~must have~~ has the one personal reference in (1)(A) and the references (1)(B) through (E) of this ITS, when applicable. The resource specialist or RFA contractor:

(1) documents all information from voluntary and other provided references. The resource specialist or RFA contractor explains the program's expectations and the needs of children who come into OKDHS care to each person who is contacted as a reference.

(A) One personal reference is interviewed by phone or in person and ~~cannot~~ may not be a family member.

(B) When applicable, all adult children are contacted by letter, phone, or in person to complete Form 04AF015E, Resource Family Reference Letter for Adult Children.

(C) The current ~~or most recent~~ employer of the other adult in the home is contacted by letter, phone, or in person using Form 04AF011E, Resource Family Reference Letter for an Employer. ~~When the adult is self-employed, a reference is obtained from a customer.~~

(D) When the other adult currently receives or received behavioral health services in the past 10 years, the behavioral health care professional is contacted using Form 04AF013E, Resource Family Assessment Reference Letter for Behavioral Health Professionals. The resource specialist or RFA contractor uses Form 13HI003E, Authorization to Disclose Medical Records, to obtain permission from the other adult to receive his or her behavioral health information. In addition to Form 04AF013E, the resource specialist requests behavioral records from the behavioral health professional.

(E) When the required references do not total three, the resource specialist obtains additional personal references; and

(2) does not deny the continuation of the resource application process based solely on information a reference provides. When a reference provides information requiring further explanation from the other adult, the resource specialist or RFA contractor discusses the nature of the information without revealing the source; and

(3) requests consultation with the resource supervisor and field manager to determine the significance of the information a reference provides, who:

(A) has a history of abuse, neglect, or both that includes victimization by the other adult; or

(B) has other concerns about his or her ability to parent.

4011. Marital and significant relationship history. A copy of the current marriage license, each divorce decree, legal separation, and annulment document, when applicable, is obtained. The resource specialist carefully reviews all applicable

divorce decrees for custody arrangements and any information that indicates the applicant was not appropriate around children.

(1) When there is a child from a previous marriage, the child's role in the family is discussed, and emotional and financial child support, when applicable, is documented.

(2) The applicant's ability to develop and sustain stable relationships is assessed and documented in the RFA.

4412. (a) RFA disposition. The RFA is approved or denied within 60-calendar days after receipt of completed Form 04AF001E, Resource Family Application. The resource specialist:

(1) reviews Forms 04AF002E, Guidelines for Resource Family Assessment, and 04AF003E, Resource Family Assessment, for content;

(2) shares the RFA with the applicant for his or her input prior to the decision to select if he or she is in or out of the resource program; and

(3) consults with his or her resource supervisor and, when necessary, the field manager to determine the assessment disposition.

(b) Disposition results. Disposition of the assessment may result in (1), (2), or (3) of this subsection.

(1) Voluntary withdrawal of the application. During the assessment, the applicant is advised of any condition that does not conform to resource requirements, per OAC 340:75-7 Part 2. When the applicant and resource specialist or RFA contractor mutually decide to postpone the resource family assessment RFA process to afford the applicant the opportunity to resolve issues of concern, the applicant withdraws from the resource program. When the applicant withdraws the application, the resource specialist sends a letter of confirmation documenting the withdrawal.

(2) RFA approval.

(A) The resource specialist or RFA contractor reviews and discusses the assessment, except for the protected information and reference sections, with the applicant for content clarification.

(B) The resource specialist, resource supervisor, and applicant sign Form 04AF003E and a copy, except for the protected information and reference sections, is provided to the applicant. The home is not considered approved until the:

(i) applicant meets training requirements;

(ii) national criminal history records search results based on fingerprints are received and reviewed; and

(iii) resource supervisor reads and signs the RFA.

(C) Prior to the initiation of foster care maintenance payments, the applicant, per OAC 340:75-7-52, signs the foster care contract.

~~(D) The resource specialist provides the family with the Foster Parent Handbook upon placement or signing the contract and documents receipt in KIDS Resource Contacts.~~

~~(E) Each resource parent signs Forms:~~

~~(i) 15GR008E, Notice of Grievance Rights Foster Parents; and~~

~~(ii) 10CO135E, Vendor Information (Substitute W-9).~~

- ~~(F)~~**(E)** The resource specialist:
- (i) copies the KIDS Pre-Resource to a Resource for each approved resource home except when the child in OKDHS custody is in a kinship placement, per OAC 340:75-7-24;
 - (ii) end dates the KIDS Pre-Resource after conversion to a KIDS Resource;
 - (iii) scans the signed assessment and documentation into the KIDS Resource document management system (DMS); and
 - (iv) requests approval of the Family Assessment Line in KIDS.
- ~~(G)~~**(F)** After signing the RFA, the resource supervisor approves the Family Assessment Line in KIDS within two-business days for a kinship resource home and within five-business days for a traditional resource home.
- (3) Resource home application denial.**
- (A)** Before the resource home application is denied, the resource specialist:
- (i) shares the information with the resource supervisor;
 - (ii) consults with the field manager when determining whether to deny an application;
 - (iii) staffs with Permanency Planning Program Unit staff when denying a kinship home application;
 - (iv) documents all information obtained in the resource file and KIDS Pre-Resource or Resource Contacts;
 - (v) documents and summarizes the reasons for application denial including identification of supporting documentation in KIDS Pre-Resource or Resource Contacts;
 - (vi) references the contact entry date from (v) in the Application tab of the Results screen comments box in the Pre-Resource or in the Resource closure screen; and
 - (vii) scans the documentation into the KIDS Pre-Resource or Resource DMS and closes the Pre-Resource or Resource.
- (B)** When possible, the resource specialist makes face-to-face or phone contact with the applicant to clarify the reason for denying the application.
- (C)** Form 04FC020E, Notice of Denial to Resource Applicant, is sent to the applicant stating the reason for the application denial. Relevant OKDHS rules or procedures are cited and attached to the letter.
- (D)** The resource specialist denying the relative placement:
- (i) completes Form 04MP056E, Notice to the Court of Relative Denied Placement that includes clear documentation of the safety concerns and risks to a child;
 - (ii) provides original Form 04MP056E to the requesting CW specialist who ~~is responsible for submitting~~ submits the assessment of the relative placement to the court of jurisdiction ~~the assessment of the relative placement~~; and
 - (iii) scans it into the KIDS Pre-Resource or Resource DMS and files a copy in the resource file.

4213. Exceptions to assessment guidelines.

(1) The resource specialist submits Form 04AF042E, Request for Exception a Waiver or Variance to Resource Requirements, to the resource supervisor for an exception or variance to the requirements listed in OAC 340:75-7 Part 2 or completes the policy exception screen in KIDS.

(2) When in agreement with the request, the resource supervisor sends Form 04AF042E to the field manager for review.

(3) The field manager approves or denies the request and signs Form 04AF042E and a Foster Care and Adoptions deputy director is consulted when needed. Form 04AF042E is scanned into the KIDS Resource DMS.

(4) The resource specialist documents the request and response in KIDS Resource Contacts.

14. Changes in the resource family household.

(1) The resource parent immediately notifies the resource specialist of any:

- (A) charges, arrests, or any alleged illegal activity the applicant or any household member commits; and
- (B) proceeding for a protective order filed by or against the applicant or any household member.

(2) The resource parent notifies the resource specialist within 24-hours of any household change including, but not limited to:

(A) the address or the home's location, including emergency home displacement;

(B) any significant change in the home that impacts the family's day-to-day living;

(C) the resource parent's death or serious illness;

(D) any household member's health;

(E) income;

(F) individuals moving in or moving out of the home for any reason; or

(G) new or terminated relationships.

(i) When the resource parents divorce, separate, or the relationship ends, the person who continues to foster retains the existing resource number and information.

(ii) An addendum is completed and documented in KIDS Resource Contacts to reflect the household changes.

(iii) A new Form 04AF010E is completed to address any change to the household's financial status.

(iv) The Out-of-House Date and Reason are entered in KIDS Resource Homes screen.

(v) When both resource parents want to continue to foster, the primary resource parent maintains the original KIDS resource number and another resource is opened cross-referencing the original resource number.

(vi) When the primary resource parent does not want to continue fostering and the designated head of household (HOH) 2 elects to foster, he or she becomes HOH 1 in the existing KIDS Resource. The person who wants to continue fostering signs a new foster care

contract, per OAC 340:75-7-52, and a new contract number is assigned.

(vii) When neither resource parent wants to foster, the KIDS Resource is closed.

(3) The resource specialist addresses any household changes or serious illnesses with the resource parent within seven-business days of the change or illness, and documents the information. An assessment is completed and conducted in the home regarding the parent's ability to continue providing care for a child in OKDHS custody.

(4) The resource specialist emails a vendor update with a copy of the Social Security card to *STO.Finance.VUR for name changes.

(5) The resource specialist updates address changes in KIDS. A vendor update is not sent for an address change. Address changes made in KIDS automatically update in OKDHS Financial Services.

(6) When a resource parent dies, the resource specialist consults the surviving HOH, when applicable, to determine his or her interest in continuing to foster.

(A) When the surviving HOH wants to continue as a resource parent, a new contract is signed and a new contract number is issued.

(B) When the surviving HOH does not want to continue as a resource parent, he or she may continue to access the debit card or direct deposit funds until reimbursement ceases.

(C) When there is no surviving HOH, the resource specialist obtains the:

(i) estate name;

(ii) documentation showing the estate's personal representative; and

(iii) address where the monies are mailed.

(D) The resource specialist provides needed information to the Resource Unit for submission to Child Welfare Services Finance and Business Operations.

PART 4. ROLES AND RESPONSIBILITIES

340:75-7-37. Resource parent responsibilities

Revised ~~9-16-199-14-23~~

(a) **Resource compliance.** The resource parent complies with the Oklahoma Children's Code, the Oklahoma Child Care Facilities Licensing Act, and the rules promulgated by the Oklahoma Department of Human Services (~~DHS~~) (OKDHS), per Sections 1-9-106 and 1-9-118 of Title 10A of the Oklahoma Statutes (10A O.S. §§ 1-9-106 and 1-9-118).

(b) **Resource parent responsibility to the child in ~~DHS~~ OKDHS custody and the child's family.** The resource parent's responsibilities to the child in ~~DHS~~ OKDHS custody placed in foster care and the child's family include:

(1) integrating the child into the resource family setting and caring for the child as the resource parent would care for the resource parent's own child;

(2) bridging with the child's parent, per Oklahoma Administrative Code (OAC) 340:75-7-18;

- (3) coordinating visitation and contact between the child, siblings, and family members including face-to-face, phone, email, and mail contact, when appropriate, per OAC 340:75-6-30;
- (4) participating in the initial meeting with the child's parents coordinated by ~~DHS OKDHS~~, ~~per OAC 340:75-7-12~~;
- (5) helping the child understand why he or she is in foster care and attempting to resolve the grief caused by separation from the child's family;
- (6) helping the child maintain a connection to the child's kin, culture, and community;
- (7) helping the child develop a positive identity and self-esteem that includes feeling lovable, capable, worthwhile, and competent;
- (8) ~~utilizing~~ using appropriate parent-child conflict resolution, and behavior and stress management techniques in a manner appropriate to the child's age and development, without using any type of physical discipline, per OAC 340:75-7-38;
- (9) participating with SoonerStart services, per OAC 340:75-7-65, when applicable;
- (10) enrolling the child in an accredited school, when applicable, ensuring the child attends school, and completes schoolwork, per OAC 340:75-6-50;
- (11) advocating for the child to obtain ~~timely~~, appropriate educational testing and placement timely;
- (12) attending school conferences and Individualized Education Program (IEP) meetings and following up with recommended services including, but not limited to, tutoring or special assistance with school work, per OAC 340:75-6-50;
- (13) exercising the reasonable and prudent parent standard when determining the child's participation in extracurricular and other recreational activities as age- and developmentally-appropriate, such as allowing the child overnight stays with appropriate individuals;
- (14) ~~ensuring the child's~~ seeking necessary medical, dental, and counseling ~~needs are met~~ services for the child and maintaining records of all medical, dental, and counseling appointments, per OAC 340:75-14-3;
- (15) promoting and supporting the child's opportunity to participate in the religious practices of the child's family's choice, per OAC 340:75-6-49;
- (16) providing for the child's access to legal counsel including, but not limited to, mail contact, and transporting or arranging the child's transportation to meet with legal counsel upon reasonable request, per OAC 340:75-6-89;
- (17) ~~utilizing~~ using the foster care maintenance payment for the care and maintenance of the child, per OAC 340:75-7-52 including, but not limited to, food, adequate clothing and possessions, and incidental expenses;
- (18) providing federally mandated successful adulthood services to youth who are at least 14 years of age, per OAC 340:75-6-110;
- (19) assisting the child younger than 14 years of age learn basic life skills, allowing him or her the opportunity to improve self-esteem and strengthen identity in preparation for life after foster care, per OAC 340:75-6-110; and
- (20) maintaining and respecting the confidential nature of information regarding the child and the child's family. The resource parent does not identify the child or the child's family as a participant in a Child Welfare Services case when sharing a photo or information on any type of media or on any Internet site, per OAC 340:75-1-42.

(c) **Resource parent's responsibility to DHS OKDHS.** The resource parent's responsibility to DHS OKDHS includes:

- (1) participating as a team member with DHS OKDHS and the child's parent toward a permanency plan including, but not limited to:
 - (A) attending meetings and case staffings when requested;
 - (B) informing DHS OKDHS and other team members of the child's strengths, needs, progress, and development; and
 - (C) providing DHS OKDHS and other team members with any known family information;
- (2) cooperating with and assisting DHS OKDHS to place siblings together;
- (3) attending court hearings as desired or required;
- (4) submitting written reports to the court when desired or requested;
- (5) presenting testimony concerning the child's strengths, needs, behaviors, important experiences, and relationships in addition to other information the court requests;
- (6) completing required training hours each year ~~of service~~;
- (7) maintaining a Life Book for each child placed in the resource home to support the child's sense of family continuity. The Life Book accompanies the child when he or she leaves the resource home; and
- (8) notifying the resource specialist, per OAC 340:75-7-18:
 - (A) immediately of any:
 - (i) charges, arrests, or any alleged illegal activity committed by the applicant or any household member; or
 - (ii) proceeding for a protective order filed by, or against the applicant, or any household member; and
 - (B) within 24 hours of any change in the household including, but not limited to:
 - (i) the address or the home's location including emergency home displacement;
 - (ii) any significant change in the home that impacts the family's day-to-day living;
 - (iii) the death or serious illness of a resource parent;
 - (iv) health;
 - (v) income;
 - (vi) new or terminated relationships; or
 - (vii) household members moving in or moving out of the home for any reason.

PART 5. ELIGIBILITY AND PAYMENTS

340:75-7-65. Child care and support services for the resource home

Revised ~~9-15-20~~ 9-14-24

(a) **Child care subsidy.** ■ 1 Child care subsidy benefits paid by the Oklahoma Department of Human Services (~~DHS~~) (OKDHS) for a child in DHS OKDHS or tribal custody are available, when:

- (1) a foster child attends an Early Head Start (EHS) program contracted with DHS OKDHS to receive child care subsidy payments;
- (2) the resource is a:
 - (A) paid or non-paid resource parent authorized for child care subsidy benefits by Child Welfare Services (CWS);

- (B) tribal resource family providing care for the child in tribal custody in a paid placement when authorized by the ~~DHS~~ OKDHS tribal program staff;
 - (C) coordinated foster care parent when authorized by the district of service;
 - (D) shelter host home when authorized by the assigned child welfare (CW) specialist in the district of service;
 - (E) supported home when authorized by the assigned ~~DHS~~ OKDHS resource family partner liaison; or
 - (F) therapeutic foster home when authorized by the ~~Therapeutic Foster Care~~ therapeutic foster care (TFC) program staff; or
- (3) the need for child care is met:
- (A) when a single resource parent is:
 - (i) employed 20 hours a week or more;
 - (ii) enrolled and attending a formal education program for at least six credit hours per semester. A formal education program is defined as a course of study that leads to the attainment of an associate, bachelor's, or post-graduate degree;
 - (iii) enrolled and attending a training program. A training program is defined as a course of study that when completed, qualifies a person to meet requirements for a job the individual could not have obtained without the certificate of completion, accreditation, or licensure resulting from completion of training;
 - (iv) employed during night hours and needs ~~DHS~~ OKDHS paid child care to allow him or her to sleep during the day. During the night working hours, a feasible alternative is used at no cost to ~~DHS~~ OKDHS. Night working hours are defined as the hours between 11:00 p.m. and 7:00 a.m. The maximum amount of child care time ~~approved by the resource specialist~~ approves allows the resource parent eight hours of sleep plus travel time to and from the child care provider; and
 - (v) approved for child care by the resource program staff for reasons other than those listed in this subparagraph. These decisions are made on a case-by-case basis; or
 - (B) in a two-parent resource home, when:
 - (i) both resource parents are employed 20 hours a week or more and have the same working hours;
 - (ii) one resource parent works and the other resource parent has a significant disability that precludes providing care for the child; ■ 2
 - (iii) one resource parent works during the same hours the other resource parent is enrolled and attending a formal education or training program as defined in (3)(A) of this subsection;
 - (iv) sleep-time child care is needed during the day because one or both resource parents work nights. During the night working hours, a feasible alternative is used at no cost to ~~DHS~~ OKDHS. When one resource parent works nights, the other resource parent must work or need child care for a reason that requires the approval of resource program staff during the hours the other resource parent is sleeping. Night working hours are defined as the hours between 11:00 p.m. and 7:00 a.m. The maximum amount of child care time ~~approved by the resource specialist~~ approves allows the resource parent

eight hours of sleep, plus travel time to and from the child care provider; or
(v) one resource parent works during the same hours the other resource parent needs child care for a reason other than those listed in this subparagraph. In this situation, resource program staff approve the need for subsidized child care ~~must be approved by resource program staff~~ on a case-by-case basis; or

(4) child care is provided:

(A) in a licensed and contracted child care center with a one star plus or higher star status, unless there are no centers with a one star plus or higher star status in the community or special exception criteria are met. Special exception criteria are:

(i) the child was already approved for care at the one star center prior to January 1, 2003, or prior to the provider's star status being reduced to one star. The child may remain in this facility, unless the child stops attending there for more than 30-calendar days. The child may be approved at this same facility again when the only reason the child did not attend for more than 30-calendar days was because of a school break or due to circumstances beyond the control of the resource home, such as the child's illness;

(ii) care is requested for a child living in the same home as a child already approved for care per (3)(A)(i) of this paragraph for the same one star child care provider; or

(iii) the resource parent demonstrates no other child care option meets the family's needs; ~~■ 3~~ or

(B) in a licensed and contracted child care home regardless of star level; or

(C) by an approved in-home provider who cares for the child at the resource parent's home, per Oklahoma Administrative Code (OAC) 340:40-13-2.

(b) Child care subsidy benefits available through Adult and Family Services (AFS).

Child care subsidy benefits may be available through local ~~DHS~~ OKDHS AFS for child care, per OAC 340:40, to:

(1) resource parents who finalized an adoption of a foster child;

(2) a child in tribal custody placed by the tribe in a home without a resource case in KIDS; and

(3) a child in the custody of another state placed in a kinship home in Oklahoma through the Interstate Compact on the Placement of Children.

(c) Foster care child care subsidy benefits not paid by ~~DHS~~ OKDHS. Foster care child care subsidy benefits are not paid by ~~DHS~~ OKDHS, when the:

(1) resource parent has an ownership interest in the chosen child care center;

(2) foster child attends a family child care home where the child lives, unless:

(A) the child care home provided child care to the child immediately prior to the foster care placement; and

(B) it is in the child's best interests to remain in the kinship provider's child care home; or

(3) resource parent works in the child care home during the same hours the child attends child care;

(4) resource parent chooses more than one child care provider to provide service to a child on the same day;

(5) resource parent makes informal arrangements for child care;

(6) provider is receiving state or federal funds, such as Head Start or public schools,

and is not charging all parents for the hours the subsidy payment is requested. EHS programs are exempt from this rule; ■ 4 or

(7) provider is caring for a school-age child during the regular school day when such student could be attending a public or private school during those hours. ■ 5

(d) **Child care subsidy benefits for a child with disabilities.** A child with disabilities is potentially eligible for the higher special needs rate for child care subsidy benefits. Each child with disabilities requires a separate and specific certification of the child care provider. ■ 6

(1) A child with disabilities is defined as a child receiving:

(A) Supplemental Security Income (SSI). This includes those whose SSI payment stops because of financial reasons, but who still meet the medical definition of disability as determined by the Social Security Administration;

(B) SoonerStart (Medicaid) early intervention services; or

(C) special education services provided per an Individualized Education Program (IEP) by the child's school district.

(2) When the child with disabilities is 13 years of age and older, the resource parent ~~must provide~~ provides a statement from a licensed health care professional verifying that the child is physically or mentally incapable of self-care as age-appropriate before care is approved, and annually at review. Subsidized child care benefits are not approved when a licensed health care professional states that the child is capable of self-care as age-appropriate.

(e) **Resource parent's responsibility for electronic benefit transfer (EBT).** Refer to OAC 340:40-10 for information regarding the EBT system that includes the manual claim process. Resource parent responsibilities for EBT include:

(1) watching the EBT training video;

(2) completing and submitting a signed Form 04MP042E, Application for Child Welfare Child Care Benefits;

(3) swiping the EBT card every day the child attends child care;

(4) not swiping the EBT card for any day the child does not attend child care;

(5) checking the message on the point of service machine for correct times of attendance and approval;

(6) not giving the EBT card or personal identification number (~~PIN~~) to anyone, including the child care provider; and

(7) paying for care that ~~DHS~~ OKDHS does not pay because the:

(A) EBT card was not swiped for the correct days and times the child attended child care;

(B) swipes were denied and not corrected within 10-business days; or

(C) provider loses the weekly rate payment for absent days because the correct attendance for every day the child attended that month was not swiped.

(f) **Therapeutic child care services.** ■ 7 Therapeutic child care services are paid by ~~DHS~~ OKDHS when recommended by a mental health professional and supporting documentation is provided. Prior authorization from the CWS Finance and Business Operations (~~FBO~~) (FB) is required. CWS ~~FBO~~ FB makes the determination of the availability of funds.

(g) **Overpayment of child care.** ■ 8 ~~DHS~~ OKDHS seeks repayment for any child care subsidy benefit paid in error to a licensed child care center, home, or professional in the

resource parent's own home. The resource parent ~~is responsible for reimbursing~~ reimburses these costs to ~~DHS OKDHS~~ when the overpayment occurs due to the resource parent's ineligibility.

(h) **Informal care arrangements for the foster child.** Resource parents may make informal care arrangements with friends, neighbors, or relatives for the foster child's occasional care.

(1) Resource parents apply the reasonable and prudent parent standard when selecting an informal care provider to care for the foster child and ensure he or she possesses the maturity and skills to address the child's needs.

(2) The foster child may stay with a friend, when the resource parent:

(A) knows the family;

(B) reasonably believes the family, household members, and environment are safe for the child; and

(C) exchanges contact information, including names, addresses, and phone numbers.

(3) The resource parent notifies the resource specialist when using informal care arrangements. The resource parent ~~cannot~~ may not use an informal care provider who the resource specialist determines is unsafe.

(4) The resource parent ~~must obtain~~ obtains permission from the foster child's assigned CW specialist before allowing the foster child's relatives to provide informal care for the child.

(5) An informal care provider, living outside of the resource parent's home, must be 18 years of age and older.

(6) A teenager living in the resource parent's home must be 16 or 17 years of age, related to the resource parent, and is limited to providing 12-consecutive hours of informal care. The resource specialist and the resource parent assess the teen's ability and appropriateness to assume responsibility for the foster child and ensure his or her needs and well-being can be met.

(7) The resource parent does not ~~utilize~~ use a child in ~~DHS OKDHS~~ custody to care for a younger child unless approved by the resource specialist.

(8) Informal care providers ~~must be~~ are notified on how to reach the resource parent and other emergency contacts.

(9) An individual providing care for more than seven-consecutive days must be an approved alternate caregiver.

(i) **Alternate caregiver selected by the resource parent.** ■ 9 The resource parent is required to identify at least one formal, alternate caregiver, but no more than two, who can fulfill the resource parent's role for the child in ~~DHS OKDHS~~ custody placed in the resource home in case of family emergencies, or when the family needs an extended break for up to 14-consecutive days. The alternate caregiver is limited to providing care only for resource families for which the caregiver is approved.

(1) The alternate caregiver is not used as a placement for the child.

(2) The resource parent ~~is responsible for identifying~~ identifies and ~~reimbursing~~ reimburses the alternate caregiver. When funding is available, respite vouchers may be used for reimbursement.

(3) The alternate caregiver ~~must be~~ is at least 21 years of age.

(4) The alternate caregiver and each adult household member in the alternate

caregiver's home must be willing to:

(A) submit to a name-based records search by the Oklahoma State Bureau of Investigation, per OAC 340:75-7-15;

(B) submit to a ~~DHS~~ OKDHS records search including, but not limited to:

(i) ~~CW~~ CWS history, per OAC 340:75-7-15;

(ii) Restricted Registry; and

(iii) Community Services Worker Registry; and

(C) submit to an Oklahoma State Department of Health Nontechnical Services Worker Abuse Registry search;

(D) submit to a Juvenile Online Tracking System records search for each child, 13 through 17 years of age, living in the home, per OAC 340:75-7-15;

(E) engage in an evaluation of the home to assess the location, condition, and capacity to accommodate the child in ~~DHS~~ OKDHS custody;

(F) provide one reference on Form 04AF026E, Alternate Caregiver Reference Letter;

(G) comply with discipline policy, per OAC 340:75-7-38, and confidentiality policy, per OAC 340:75-1-42; and

(H) participate in a yearly update.

(j) **Respite care.** ■ 10 Respite care ~~can~~ may only be provided by an approved resource home. A resource home is not limited to providing respite care to only one resource family.

(k) **Resource home insurance.** Liability insurance is provided for resource families for damages caused by the child in ~~DHS~~ OKDHS custody per the terms of the policy. Resource families have the right to receive a copy of the liability insurance policy, per Section 1-9-119 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-119). Resource parents are responsible for any deductibles.

(l) **Foster care associations.** ■ 11 ~~DHS~~ OKDHS cooperates with and promotes the development of foster care associations for resource parents in each district. ~~DHS~~ OKDHS provides information to resource families about local foster care associations.

(m) **Foster Care and Adoption Support Center.** The Foster Care and Adoption Support Center, 1-800-376-9729, is maintained by the Foster Care and Adoption Support Unit and assists with questions and problem resolution.

(n) **Foster parents' rights.** Foster parents' rights are found in 10A O.S. § 1-9-119 and a copy is given to every resource parent at the annual update.

(o) **Shared information.** Information shared between CWS employees, resource parents, and parents includes, but is not limited to the:

(1) child's legal status;

(2) upcoming court hearings;

(3) reason for the child's foster care placement;

(4) child's and parent's prior and present living experiences; and

(5) child's medical, psychological, and behavioral information, current photographs, and educational records.

(p) **Foster care grievance procedures.** The resource parent and child in foster care have access to ~~DHS~~ OKDHS grievance procedures through the Office of Client Advocacy, per OAC 340:2-3. Foster parent grievances are confidential and the foster parent has the right to be free from harassment and retaliation, per 10A O.S. § 1-9-119.

(q) **Foster care mediation program.** The resource parent may access the foster care mediation program through the Oklahoma Commission on Children and Youth (OCCY), per OAC 340:75-7-291.

(r) **Resource parent complaints about ~~DHS~~ OKDHS employees.** Resource parents may file a complaint with OCCY Office of Juvenile System Oversight about an action of a ~~DHS~~ an OKDHS employee involving retaliation or discrimination against a resource parent, per OAC 340:75-7-292.

(s) **Training topics relevant to fostering.** Pre-service and in-service training is provided to enhance the resource parent's foster parenting skills.

(t) **Travel reimbursement for the resource parent. ■ 12**

(1) The resource parent, including a tribal resource parent, may be reimbursed for four trips per month for mileage incurred when providing transportation for the child in ~~DHS~~ OKDHS custody placed in the resource home. When multiple children are included on a trip, the trip is counted as one trip for the group. Travel reimbursement may occur when the:

(A) resource parent provides travel associated with the child's permanency and well-being, limited to:

(i) visits with parents and any person approved by the child's CW specialist;

(ii) visits with the child's sibling; or

(iii) court hearings; and

(B) round trip for a single event is 26 miles or more; and

(C) trips are documented and filed monthly on Form 10AD006E, Travel Claim, provided by a CW specialist, and processed through the Foster Care and Adoption Support Center.

(2) Travel reimbursement may occur when transporting a child to and from the foster placement to Oklahoma Schools for the Blind or Deaf on a bi-weekly basis after all other options are exhausted.

(u) **Tax deduction available.** An Oklahoma income tax deduction may be available for resource parents who meet requirements, per 68 O.S. § 2358.5-1. A resource parent with tax questions related to the care of a child in ~~DHS~~ OKDHS custody contacts a tax professional.

INSTRUCTIONS TO STAFF 340:75-7-65

Revised ~~9-15-20~~ 9-14-24

1. **(a) Approval process for child care.** Form 04MP042E, Application for Child Welfare Child Care Benefits, is not approved until the resource parent or the resource parent's authorized representative completes the child care interview and provides the work schedule, class schedule, or medical disability documentation to the resource specialist.

(a)(b) Child care may be approved for a child younger than 3 years of age to attend an Early Head Start (EHS) program without the resource parent meeting a need factor for child care.

(b)(c) When the resource parent contacts the resource specialist to request child care, the resource specialist:

(1) **staffs with the child's child welfare (CW) specialist to determine if the child's needs can be met in a child care setting;**

- (2) completes Form 04MP042E, and reviews the form with the resource parent, securing his or her signature on the form;
- (3) verifies the resource parent's employment, educational enrollment, or disability and documents the child care need in the child's Child Abuse and Neglect Information System (KIDS) case and resource file;
- (4) refers to the Child Care and Child Care EBTU How To's in KIDS/Help/How To's;
- (5) enters the child care request in KIDS Child Care screens within two-business days with no time exceptions allowed, after receipt of verification necessary to approve or deny the application;
- (6) determines the appropriate number of days child care is needed based on the resource parent's schedule including travel time or disability need. The appropriate authorization is entered in KIDS Child Care screens.
 - (A) Monthly child care is authorized when care is needed for fewer than 15-calendar days per month or more than 23-calendar days per month.
 - (i) Full-time child care is authorized when care is needed for more than four hours each day.
 - (ii) Part-time child care is authorized when care is needed for four hours or less each day.
 - (B) Weekly child care is authorized when care is needed for more than four hours each day and at least 15-calendar days, but no more than 23-calendar days per month.
 - (C) Weekly child care is authorized when a foster child attends an EHS program regardless of the resource parent's need for child care.
 - (D) Blended child care is authorized for the child four years of age and older when care is needed Monday through Friday, part-time, the days school is in session, and full-time for school holidays. The resource specialist determines the appropriate blended unit type.
 - (i) The traditional school year blended unit type is authorized when the child attends a school with a traditional nine-month school calendar. The child care facility must be open on school holidays, except for summer break for traditional blended unit type approval.
 - (ii) The extended school year blended unit type is authorized when the child attends a school with a year-round or a continuous learning calendar. The child care facility must be open during school holidays including Christmas, fall, spring, and summer breaks;
- (7) files the signed form in the resource file; and
- (8) evaluates the need for child care during the annual update and documents the child care need in the KIDS and resource files. A new Form 04MP042E with the resource parent's signature is required at the annual update when child care is still needed.

~~(c)~~(d) Once When approved, eligibility continues until the annual update even though the resource parent no longer meets the need for child care.

- 2. Resource parent with a significant disability. Medical information from the primary physician regarding the resource parent's disability is required and documented in the child's KIDS case and resource file. When child care subsidy

benefits are provided for the disabled resource parent, the resource specialist and the resource supervisor evaluate the need for child care at the annual update and document the need in the child's KIDS case and resource file.

3. Exceptions for the use of a one star child care center.

(1) Exceptions The resource supervisor may grant exceptions for use of a one star child care center may be granted by the resource supervisor. Prior to granting an exception, the procedures in (A) and (B) of this paragraph are completed.

(A) The resource specialist:

(i) provides the resource parent a list of each contracted one plus or higher star centers and all contracted child care homes that meet the resource parent's search criteria.

(I) The resource parent is not required to use a one plus or higher star child care home before considering a one star child care center.

(II) When there are no one star plus or higher star child care centers in the community, the resource parent is provided a list of one star child care centers.

(III) An exception is not required when a one star child care center is the only available child care center in the community;

(ii) uses the Child Care Locator, on the Oklahoma Department of Human Services (DHS) Infonet (OKDHS) InfoNet Tools to generate the list; and

(iii) instructs the resource parent to contact each Child Care Locator provider on the list to determine if care is available during the hours needed.

(B) When the resource parent is unable to find a provider that meets his or her needs, the resource supervisor reviews the resource parent's attempts to find a provider and determines whether to grant an exception.

(2) Reasons to grant an exception may include when:

(A) openings are not available during the hours child care is needed. For example, the resource parent works during the evening or overnight and no one provides child care during those hours;

(B) providers are not willing to meet the child's special needs. For example, the provider is unable to meet the needs of the child with disabilities or provide transportation to and from the child's school;

(C) providers are not within a reasonable distance from the resource parent's home; or

(D) other options are not available based on the case's specific circumstances.

(3) When the resource supervisor agrees an exception is warranted, the resource specialist documents in KIDS Child Care screens why an exception was granted.

4. Programs receiving federal or state grant funds. Programs receiving federal or state grant funds, such as Head Start or pre-kindergarten, typically do not charge all parents for the designated program hours. In these instances, the

provider only qualifies for subsidy payments for care before and after designated program hours, also known as wraparound care. The resource specialist approves the appropriate unit type based on the resource parent's need and the required number of subsidy hours.

5. Exceptions for child care for the school-age child. The school-age child is defined as a child 5 years of age through the day before he or she turns 19 years of age. Child care is not approved during regular school day hours because school is a feasible alternative to child care. An exception may be granted when the school-age child:
 - (1) with disabilities receives shortened-day services from the local school system; or
 - (2) is suspended or expelled from school and the school system verifies no other educational alternative is available to the child.
6. Special needs certification. The resource parent, child care provider, Child Care Services (CCS) licensing staff, and Adult and Family Services (AFS) staff complete the appropriate sections of Form 08AD006E, Certification for Special Needs Rate for Licensed Child Care Homes and Centers, when the special needs rate, per Oklahoma Administrative Code (OAC) 340:40-7-3.1, is requested. The child care provider initiates the process by accessing Form 08AD006E on the provider web or by contacting AFS Child Care Subsidy staff.
 - (1) Determination of special needs certification requirements are made by:
 - (A) CCS licensing staff for the provider; and
 - (B) AFS Child Care Subsidy staff for the child in DHS OKDHS custody.
 - (2) When the provider meets certification requirements, CCS licensing staff sends Form 08AD006E to AFS Child Care Subsidy staff to determine if the child meets certification requirements. AFS Child Care Subsidy staff completes Form 08AD007E, Scoring Sheet for Special Needs Rate Determination, and determines whether to approve the child for the severe or moderate special needs rate or to continue services at the applicable daily or weekly rate.
 - (3) When approved, AFS Child Care Subsidy staff emails a scanned copy of Form 08AD006E to the KIDS Helpdesk and requests the appropriate special needs rate be applied in KIDS.
 - (4) KIDS Helpdesk staff uploads a copy of Form 08AD006E to the KIDS case.
 - (5) AFS Child Care Subsidy staff sends a copy of Form 08AD006E to:
 - (A) the child care provider;
 - (B) the resource parent; and
 - (C) CCS licensing staff.
7. Therapeutic child care.
 - (1) The CW specialist requests approval for therapeutic child care when:
 - (A) a letter from a behavioral health professional provider documents the:
 - (i) child's goal;
 - (ii) therapy needed to reach the goal; and
 - (iii) expected time requirement for this treatment; and
 - (B) the CW specialist staffs the case with the CW supervisor and resource specialist and all agree therapeutic child care is required.

- (2) The CW specialist provides a memo to Child Welfare Services (CWS) Finance and Business Operations ~~(FBO)~~ (FB) with the behavioral health professional's letter. The memo includes the:
- (A) child and case name;
 - (B) therapeutic child care program name;
 - (C) number of therapeutic child care hours needed per day;
 - (D) number of therapeutic child care days needed per week;
 - (E) name of the behavioral health professional recommending therapeutic child care;
 - (F) resource parent's name; and
 - (G) reason for therapeutic child care.
- (3) CWS ~~FBO~~ FB sends a memo notifying the CW specialist of the determination with specific instructions regarding payment of services, when approved.
- (4) The CW specialist documents the circumstances and actions in KIDS Contacts. No service line is entered in the KIDS Child Care screen.
8. Child care services overpayment. DHS OKDHS seeks repayment for any child care service paid in error. The CW specialist provides ~~FBO~~ FB information that includes:
- (1) the child's case name and number;
 - (2) the child's name and date of birth;
 - (3) a summary of the circumstances that led to the potential overpayment, including the original and new family share co-payment amounts, when applicable;
 - (4) the period covered by the overpayment; and
 - (5) if the overpayment was caused by DHS OKDHS, resource parent, or provider error, per examples in OAC 340:40-15-1.
9. Approving an alternate caregiver. The resource specialist:
- (1) obtains the name of the potential alternate caregiver, relationship, or connection to the resource family, and the length of time the alternate caregiver has known the resource family.
 - (A) The resource specialist makes personal contact with the alternate caregiver to determine the person's ability and willingness to provide temporary, short-term care and determines if he or she may experience the same family emergencies as the resource family.
 - (B) The person or persons recommended to provide alternate care, such as a relative or close friend, must be at least 21 years of age;
 - (2) completes, regarding the potential alternate caregiver and each adult living in the potential caregiver's home:
 - (A) an Oklahoma State Bureau of Investigation name search;
 - (B) an Oklahoma Department of Public Safety check;
 - (C) an Oklahoma State Courts Network search at www.oscn.net;
 - (D) an Oklahoma District Court Records search at www.odcr.com;
 - (E) a Sex Offender Registry check at <http://sors.doc.state.ok.us/>;
 - (F) a Mary Rippy Violent Offender Registry check at <http://sors.doc.state.ok.us/>;

(G) a ~~DHS~~ OKDHS records review, including:

(i) ~~CW~~ CWS records;

(ii) the Community Services Worker Registry at <https://cswrpublic.okdhs.org/cswrpublic>. When an individual's name is located on the Community Services Worker Registry, the resource specialist requests the individual's records, and includes that information in the overall assessment. When an individual's name is located on the Community Services Worker Registry, the applicant ~~cannot~~ may not be approved without a Foster Care and Adoptions deputy director's approval; and

(iii) Restricted Registry at <https://ccrrpublicjl.okdhs.org/ccrrpublicjl/public/>. When an individual's name is located on the Restricted Registry, the individual is denied; and

(H) an Oklahoma State Department of Health (OSDH) Nontechnical Services Workers Abuse Registry search at <https://www.phin.state.ok.us/nar/>. When an individual's name is located on the OSDH Nontechnical Services Workers Abuse Registry, the resource specialist requests the individual's records, and includes that information in the overall assessment. When an individual's name is located on the OSDH Nontechnical Services Workers Abuse Registry, the applicant ~~cannot~~ may not be approved without a Foster Care and Adoptions deputy director's approval;

(3) completes, regarding any child of the potential alternate caregiver or child of an adult household member who is 13 through 17 years of age, a Juvenile Online Tracking System check;

(4) documents the results of each background check on Form 04AF007E, Records Check Documentation;

(5) assesses all ~~CW~~ CWS history and criminal or delinquency history, per OAC 340:75-7-15 Instructions to Staff;

(6) obtains a copy of the potential alternate caregiver's driver license, or state-issued identification, and required vehicle liability insurance verification;

(7) completes Form 04AF004E, House Assessment, and Form 04MP061E Water Safety Checklist and Agreement for the Resource Applicant or Parent;

(8) completes Form 04AF021E, Verification of Receipt of DHS Rules, with the alternate caregiver;

(9) contacts one reference provided by the alternate caregiver using Form 04AF026E, Alternate Caregiver Reference Letter;

(10) makes a decision to approve or deny the potential alternate caregiver after assessing the information obtained and after consultation with the resource supervisor. The resource specialist documents all information in the KIDS Resource Alternate Caregiver screen, scans it into the KIDS Resource File Cabinet, and files it in the resource file;

(11) informs the resource parent of the decision; and

- (12) reapproves the alternate caregiver during the annual update by completing (1) through (10) of this Instruction.
10. **Respite care.** A resource home providing respite care must meet all requirements of an approved resource home and is not required to have a relationship or direct connection with the family.
11. **Foster care associations.** The resource specialist provides the resource parent with information on how to contact the foster care association.
12. **Travel Reimbursement.** When the resource parent is eligible for travel reimbursement, the CW specialist submits approved Form 10AD006E, Travel Claim, directly to the Foster Care and Adoption Support Center. SoonerRide is expected to serve as the resource for all travel related to medical, behavioral health, dental, or vision appointments.

PART 8. RESOURCE HOME CONTINUOUS QUALITY ASSESSMENT

340:75-7-94. Resource home annual updates, non-compliance or rule violations, investigations, closures, and fair hearings, and reassessment to re-open a previously closed resource. ■ 2, 3, & 5

Revised 9-16-19 9-14-24

(a) **Annual update.** ■ 1 The resource family assessment is updated annually from the resource home's approval date in KIDS.

(b) **Resource home non-compliance or rule violation issues.** ■ 4 When non-compliance or rule violation issues in the home require remediation for continued use of the home, a written plan of compliance is developed as a tool to address the safety and stability of the child in Oklahoma Department of Human Services (~~DHS~~) (OKDHS) custody placed in the home.

(c) **Resource home investigation.** ■ 6

(1) When a Child Protective Services investigation results in removal of a child in ~~DHS~~ OKDHS custody from the home:

(A) Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement, is provided by the child welfare (CW) specialist, per Oklahoma Administrative Code (OAC) 340:75-6-86; and

(B) the resource parent receives Form 04MP031E, Notice of Decision Not to Return Child After Investigation, from the CW specialist when a decision is made not to return the child to the home.

(2) Per Section 1-9-119 of Title 10A of the Oklahoma Statutes, the resource parent has the right to request and receive a fair and impartial administrative hearing regarding decisions that affect certification, retention, or placement of a child in ~~DHS~~ OKDHS custody in the resource home.

(d) **Closure of the resource home.** ■ 7 The resource home is closed and the contract is terminated, when:

- (1) resource home services are no longer needed;
- (2) kinship children are no longer placed in the kinship resource home;
- (3) the child leaves a resource home jointly-approved for that specific child;
- (4) the child is no longer placed in the resource home approved for the specific child;
- (5) the resource parent requests closure;

- (6) the resource parent fails to timely implement or maintain compliance with provisions of Form 04AF023E, Written Plan of Compliance, to resolve conditions that present a risk to the child or conditions that do not conform to the contract;
- (7) there are non-compliance issues related to a rule, statute, contract, or a written plan of compliance that are unresolved including, but not limited to, failure of the resource parent or household member to meet or maintain the initial screening and requirements, per OAC 340:75-7-10.1 or maintain compliance with background requirements, per OAC 340:75-7-15; or
- (8) rules, statutes, or contract violations by the resource parent or household member occurred that resulted in ~~DHS~~ OKDHS determining the child to be unsafe in the resource home. ■ 2

(e) **Fair hearing.** ■ 8 When the approved resource home is closed, the resource parent has the right to appeal closure through the fair hearing process, per OAC 340:75-1-12.6.

(f) Reassessment to re-open a previously closed resource. When the resource is closed for more than 12 months but less than five years, the resource may be opened with an approved reassessment within 30-calendar days of the disposition date. ■ 10

INSTRUCTIONS TO STAFF 340:75-7-94

Revised ~~9-15-20~~ 9-14-24

1. (a) Annual update. The annual update:

(1) is completed yearly by the assigned resource specialist following the home's approval on Form 04AF038E, Annual Update. When a resource home is moving towards adoption of a child placed in the home, the resource specialist completes Form 04AF044E, Adoption Addendum, and Form 04AN037E, Request for Resource Family Adoption Reference;

(2) prior to completion of a home visit with the resource family, requires that the resource specialist:

(A) completes Form 04AF045E, Annual Update Records Check, including all new records since completion of previous Forms 04AF007E, Records Check Documentation or 04AF045E. The resource specialist reviews new and previous Forms 04AF007E and 04AF045E to ensure all applicable information is documented;

(B) reviews all written plans of compliance (WPC), policy violations, referrals, and investigations that occurred in the resource home;

(C) reviews the records found on Oklahoma State Courts Network (OSCN) and Oklahoma District Court Records (ODCR) including, but not limited to:

- (i) divorce records;
- (ii) protective orders; and
- (iii) civil lawsuits; and

(D) completes a search of the:

- (i) Community Services Worker Registry at <https://cswrpublic.okdhs.org/cswrpublic/>;
- (ii) Restricted Registry at <https://ccrrpublicjl.okdhs.org/ccrrpublicjl/public/>; and

(iii) Oklahoma State Department of Health (OSDH) Nontechnical Services Workers Abuse Registry at <https://www.phin.state.ok.us/nar/>; and

(E) reviews the Oklahoma State Bureau of Investigation (OSBI) records and prosecution (RAP) Back report entered in the KIDS Resource File Cabinet document management system (DMS) regarding each resource parent and adult household member, when applicable. The resource specialist:

(i) obtains the disposition of each arrest or charge reported on the OSBI RAP Back report; and

(ii) discusses the report with the resource parent or adult household member; and

(F) conducts a Juvenile Online Tracking System (JOLTS) check when a household member becomes 13 years of age;

(G) obtains fingerprints and a background check when a member of the household becomes 18 years of age; and

(H) consults with the child welfare (CW) specialist assigned to each child in Oklahoma Human Services (OKDHS) custody placed in the resource home to identify any issues or concerns that have arisen with the resource family; and

(3) includes documentation of face-to-face interviews with each resource parent, child, and any other adult household members. The visit is arranged at a convenient time for the resource family and is conducted in the resource home. The resource specialist provides Form 15GR008E, Notice of Grievance Rights – Foster Parents, a copy of the Statement of Foster Parents' Rights, and a copy of the liability insurance policy to the family during the home visit. The resource specialist provides the resource parent with materials to obtain the required 12 hours of in-service training and addresses concerns not previously addressed with the resource family;

(4) consists of:

(A) signed and dated Form 04AF038E, Annual Update;

(B) signed and dated Form 04AF045E;

(C) signed and dated Form 04AF004E, House Assessment, with:

(i) a copy of each resource parent's current driver license, state identification card, or for active military members and spouses, a current military identification card;

(ii) a copy of the current insurance verification for each resource parent's vehicle; and

(iii) copy of pet vaccinations, per Oklahoma Administrative Code (OAC) 340:75-7-18; and

(iv) signed and dated Form 04MP061E, Water Safety Checklist and Agreement for Resource Applicant or Parent; and

(D) signed and dated Form 15GR008E;

(E) two personal references from the resource parent. The resource specialist sends Form 04AF034E, Resource Family Personal Reference Letter Annual Update, to each reference;

- (F) Form 04AF014E, Resource Family Reference Letter for School Personnel, completed for each child in OKDHS custody. When a resource parent does not have a child in OKDHS custody enrolled in school, an additional personal reference is required;
 - (G) Form 04AF013E, Adult Behavioral Health Reference Letter, or Form 04AF012E, Child's Behavioral Health Reference Letter, when a household member, other than a child in OKDHS custody, received behavioral health services since the last assessment period. The resource specialist uses Form 13HI003E, Authorization to Disclose Medical Records, to obtain permission from the resource parent to receive his, her, or the child's behavioral health information. In addition to Form 04AF013E, the resource specialist requests behavioral records from the behavioral health professional;
 - (H) documentation of all completed resource parent training;
 - (I) signed and dated Form 04AF021E, Verification of Receipts of OKDHS Rules; and
 - (J) new fingerprints for all adults, whose fingerprints are more than five years old; and
- (5) Every every fifth year, the annual update includes a new:
- (A) Form 04AF008E, Medical Examination Report, for each adult household member residing in the home;
 - (B) Form 04AF017E, Resource Parent Health History, for each adult household member residing in the home; and
 - (C) Form 04AF010E, Resource Family Financial Assessment, with copies of paycheck stubs.
- (b) Annual update review results.
- (1) The resource specialist and resource supervisor discuss any concerns identified in Form 04AF038E, Annual Update.
 - (2) The resource specialist and each resource parent review and sign Form 04AF038E.
 - (3) The resource supervisor signs and approves Form 04AF038E.
 - (4) A signed copy of Form 04AF038E, except for the protected information section, is provided to the resource parent.
 - (5) The resource specialist scans Form 04AF038E and attachments into the KIDS Resource File Cabinet DMS and files a copy in the resource file.
2. Continuous resource home approval. The resource home remains approved until there is a specific action by either party to cancel or terminate the contract or close the home.
3. Unfinished annual update.
- (1) When an annual update is unfinished due to non-compliance or lack of cooperation by the resource parent, the resource specialist:
 - (A) staffs with the resource supervisor to determine the action to take;
 - (B) prepares Form 04AF042E, Request for Exception to Resource Home Requirements, and gives the resource parent 30-calendar days to meet the requirements; and

- (C) does not place an additional child in the resource home until the requirements are met.
 - (2) When the requirements are not met within 30-calendar days and children are not currently placed in the resource home, the resource specialist closes the resource home, per ~~Oklahoma Administrative Code (OAC) 75-7-94 ITS # 7.~~
 - (3) When the requirements are not met within 30-calendar days and children are currently placed in the resource home, the resource specialist:
 - (A) prepares a WPC; and
 - (B) does not place an additional child in the resource home until the requirements are met.
 - (4) When the WPC requirements are not met, the resource specialist staffs with the field manager.
- 4. (a) Safety and compliance concerns or issues in the resource home.
 - (1) Child Welfare Services (CWS) evaluates safety or compliance concerns or issues in the resource home at the time the concern or issue is observed or received that includes, but is not limited to:
 - (A) discipline practices;
 - (B) the resource parent's judgment or supervision; or
 - (C) concerns or issues that affect the safety of or placement stability for the child placed in the resource home.
 - (2) CWS staff evaluates and determines the need for a child abuse and neglect referral, per OAC 340:75-3-410.
 - (3) When the concerns or issues do not meet the criteria for abuse or neglect, per OAC 340:75-3, the CW specialist or resource specialist documents the information on Form 04AF022E, Report of Violation of Rules in a OKDHS Resource Home. The resource specialist discusses the rules violation with the resource supervisor to determine if a WPC is needed.
 - (4) The resource specialist assesses the concerns or issues and takes action within 10-business days from the date the concerns or issues were received.
- (b) Resource alert.
 - (1) Concerns or issues that affect the safety of or placement stability for a child placed in the resource home that require ongoing monitoring are documented as a resource alert. Resource alerts increase communication between specialists working with the resource parent(s) and children placed in the resource home. Resource alerts require ongoing monitoring by each specialist that works with a child placed in the resource home and the resource parent(s). Resource alerts include, but are not limited to, indicating:
 - (A) a resource parent(s) with high stress level;
 - (B) an identified inappropriate caregiver or caregivers denied by OKDHS;
 - (C) frequent visitors to the home that may require assessment;
 - (D) prior substance abuse history by the resource parent(s);
 - (E) lack of resources or support; or
 - (F) the home's physical environment presents potential safety risks to a child.

(2) When a concern or issue related to the resource home or a child placed in the home is identified, the CW specialist that identifies the concern or issue contacts the other assigned specialists the same day to discuss the concern or issue and develop a plan for ongoing monitoring.

(3) The resource specialist adds an Alert – Resource Notice contact in KIDS within two-business days. The contact outlines the concern or issues that require ongoing monitoring and describes the type of monitoring that must occur and for what length of time. Types of monitoring may include, but are not limited to:

(A) additional phone contact;

(B) additional visits in the home;

(C) unannounced visits to the home;

(D) assessment of individuals identified in the home frequently; or

(E) assessment of individuals providing care for a child outside the home.

(4) Prior to initiating monthly contact with the resource family, the resource specialist contacts each child's assigned CW specialist to discuss the resource alert and any new information related to the concern.

(5) The resource specialist documents in KIDS contacts each occurrence of ongoing monitoring. The contact type selected is Alert – Resource Notice Ongoing Monitoring in KIDS. Ongoing monitoring occurs monthly, at a minimum.

(6) When the concern or issue is resolved, the resource specialist documents how the issue was resolved and closes the resource alert in KIDS.

(c) WPC. When non-compliance issues or rule violations in the resource home require remediation for continued use of the home, Form 04AF023E, Written Plan of Compliance, is initiated. The WPC is a joint effort between the resource specialist, resource supervisor, assigned CW specialist, and CW supervisor along with the resource parent to identify action steps the resource parent and OKDHS can may take to bring the resource home into compliance. This includes implementation of a plan to provide additional supports for the resource home, when needed.

(1) The resource specialist uses Form 04AF023E to develop the WPC with the resource parent to address issues regarding rule violations and concerns, per OAC 340:75-7-94.

(2) The resource specialist consults with the child's CW specialist each month to discuss the WPC or other concerns and documents in a resource case contact in KIDS.

(3) When a WPC is in effect and new non-compliance issues are identified, Form 04AF023E is reviewed to determine if additional action is warranted. When necessary, additional action steps are added to the current WPC.

(4) When the resource parent disputes the identified issues and refuses to sign Form 04AF023E, the resource supervisor forwards Form 04AF023E to the field manager for review. The field manager reviews and assists in developing a plan to resolve the issue within 10-business days that may include phone or face-to-face contact with the resource parent.

(d) Preparing the WPC. When developing, preparing, and executing Form 04AF023E the resource specialist:

- (1) consults with all CW specialists with a child placed in the resource home and staffs the issues with the CW supervisors;
- (2) in conjunction with the resource parent, identifies measurable action steps;
- (3) identifies a time limit, generally not exceeding 90-calendar days;
- (4) obtains each resource parent's signature on Form 04AF023E;
- (5) signs and dates Form 04AF023E and submits it to the resource supervisor for approval. The resource supervisor approves the WPC in KIDS and signs Form 04AF023E;
- (6) provides a copy of Form 04AF023E with each required signature to the resource parent and each child's CW specialist;
- (7) consults with each child's assigned CW specialist either in-person or by phone monthly to review the progress during the specified time requirements;
- (8) adds action steps to the current WPC on Form 04AF023E when new issues are identified;
- (9) updates signatures and dates at each review and when new action steps are added; and
- (10) consults with each child's assigned CW specialist and evaluates Form 04AF023E for completion, makes a recommendation regarding continued use of the resource home, and staffs the recommendation with the resource supervisor.

(A) The resource supervisor approves the WPC recommendation and resolution in KIDS and signs Form 04AF023E.

(B) The resource parent and the resource specialist sign and date the WPC resolution.

(C) Original Form 04AF023E is provided to the resource parent and a signed copy is filed in the resource file and scanned into the KIDS Resource File Cabinet DMS.

5. (a) Screened-out consultations.

~~(a)~~(1) The resource supervisor or the resource family partner (RFP) liaison supervisor assesses the screened-out referral within two-business days of receipt to determine if immediate action is needed. The supervisor:

~~(1)~~(A) reviews all available information in the new report including the narrative, allegations, and reporter information;

~~(2)~~(B) reviews all ~~CW~~ CWS and criminal history thoroughly to determine if a behavior pattern exists;

~~(3)~~(C) discusses the new report with the resource specialist;

~~(4)~~(D) determines if the resource specialist needs to gather additional information from the child, resource family, or collaterals to discuss during the screen-out consultation; and

~~(5)~~(E) consults with the field manager, RFP agency director, or child's assigned supervisor regarding immediate action, when needed.

(b)(2) The resource supervisor, the RFP liaison supervisor, or the RFP liaison schedules a conference call that ~~must be~~ is held within 10-business days to discuss the screened-out referral with the required participants in ~~(1)(A)~~ through ~~(7)(J)~~, who are the:

- ~~(1)(A)~~ permanency planning (PP) specialists;
- ~~(2)(B)~~ PP supervisors;
- ~~(3)(C)~~ resource specialist;
- ~~(4)(D)~~ resource supervisor;
- ~~(5)(E)~~ RFP, therapeutic foster care (TFC), or intensive treatment family care (ITFC) agency worker;
- ~~(6)(F)~~ RFP, TFC, or ITFC agency supervisor;
- ~~(7)(G)~~ RFP, TFC, or ITFC liaison supervisor;
- ~~(8)(H)~~ enhanced foster care field coordinator, if applicable;
- ~~(I)~~ child's tribal worker; and
- ~~(9)(J)~~ tribal resource worker, when any.

(c)(3) Prior to the conference call, the resource specialist sends the Resource Information Sheet, located in the KIDS resource, and all completed record checks to all participants. Each participant reviews all available information on the resource home including a review of previous referrals and investigations, resource alerts, policy violations, and WPCs.

(d)(4) The screened-out consultation includes:

- ~~(1)(A)~~ discussing the current allegations of the screened-out referral;
- ~~(2)(B)~~ identifying any safety issues in the home;
- ~~(3)(C)~~ discussing previous assigned or screened-out referrals in totality;
- ~~(4)(D)~~ discussing previous resource alerts, policy violations, and WPCs;
- ~~(5)(E)~~ discussing placement decisions for each child currently in the home;
- ~~(6)(F)~~ assessing if additional supports are needed;
- ~~(7)(G)~~ determining if a resource alert is warranted;
- ~~(8)(H)~~ determining if a policy violation occurred;
- ~~(9)(I)~~ determining if a WPC is warranted;
- ~~(10)(J)~~ determining if more frequent PP contact with each child is needed; and
- ~~(11)(K)~~ establishing each CW specialist's or RFP worker's role and responsibilities.

(e)(5) During the conference call, a plan is developed to address identified needs including supports, responsible parties, and time frames for the plan's implementation and monitoring.

(f)(6) During the conference call, when it is determined that a WPC is not sufficient to address identified concerns a higher-level staffing is initiated by the resource supervisor. This staffing is held within two-to-five business days from the screened-out consultation and the resource supervisor invites the workers, supervisors, field manager(s), RFP agency director, district director(s), and child's tribal worker, when any, involved in the resource and PP cases.

(g)(7) All screened-out consultations are documented in the KIDS Resource within five-business days of the screened-out consultation. The referral(s) associated with the screened-out consultation is selected for the contact. Resource staff documents the screened-out consultation in the resource case using "Screen-out Consultation" as the contact purpose.

(h)(8) When there is a concern that the referral was inappropriately screened-out or a conflict exists on how to proceed, the resource supervisor or the RFP liaison supervisor staffs with the field manager, field administrator, RFP agency director, and district director(s) for further referral review. When the review determines the referral warrants an investigation, the resource supervisor or RFP liaison supervisor contacts the CWS Hotline and requests the initial referral be assigned.

(i)(9) When a duplicate screened-out referral is received, the resource supervisor and PP supervisor determine if a separate screened-out consultation is required. When all concerns can be addressed, including any new information from the duplicate screened-out referral, only one screened-out consultation is held.

(j)(10) The resource specialist notifies the resource parent(s) within 30-calendar days that a screened-out referral was received. The resource specialist discusses the nature of the allegations, but the reporter's identity is not disclosed. The notification may occur face-to-face or by phone and may be discussed during the monthly contact or quarterly visit.

(k)(11) The resource specialist documents all completed follow-up actions and information collected in the resource contacts in KIDS. The contacts must be clear that the behaviors or actions reported in the screened-out referral were addressed with all pertinent parties and include any action steps or resolution to the reported issue.

6. **(a)** Referrals screened-out as policy violations.

(a)(1) When a report of child abuse or neglect is received and subsequently screened-out with the reason of "policy violation," the Hotline specialist sends a same-day email to the assigned resource specialist, supervisor, and field manager notifying them that the report was received and requires follow-up.

(b)(2) The resource supervisor or the RFP liaison supervisor conducts a review of the screened-out referral within two-business days, as previously outlined in ITS # 5.

(c)(3) When the referral is screened out as a policy violation, the family's assigned resource specialist:

(1)(A) reviews all available information in the new report including the narrative, allegations, and reporter information;

(2)(B) reviews all ~~CW~~ CWS and criminal history to determine if a behavior pattern exists;

(3)(C) contacts the reporter of the screened-out report for additional information, when needed;

~~(4)~~**(D)** initiates face-to-face contact with the alleged victim and resource family within five-business days from receipt of the Hotline specialist's email notification;

~~(5)~~**(E)** gathers information from collaterals with pertinent knowledge about the screened-out report, such as other children in OKDHS custody in the home, child's therapist, medical provider, tribal partners, or the child's teacher;

~~(6)~~**(F)** consults with the resource supervisor and field manager or contract agency director, or child's assigned specialist and supervisor, as needed;

~~(7)~~**(G)** communicates information gathered to all participants during the screen-out consultation; and

~~(8)~~**(H)** documents the screened-out consultation within five-business days.

~~(d)~~**(4)** When the information gathered supports that a policy violation occurred or a WPC needs to be initiated, resource staff follows guidance in OAC 340:75-7-94.

~~(e)~~**(5)** The resource specialist documents all completed follow-up actions and information collected in the resource contacts in KIDS. The contacts must clearly indicate that the behaviors or actions reported in the screened-out referral were addressed with all pertinent parties and include any action steps or resolution about the reported issue.

7. Resource home investigation.

(1) 10-day staffing. The resource specialist attends the 10-day staffing that occurs during the resource home investigation, per OAC 340:75-7-37.1.

(2) Use of the resource home during an investigation.

(A) The CW specialist assigned to conduct the investigation notifies the resource specialist when initiating an investigation of the resource home.

(B) A child is not placed in the resource home until sufficient information is available for a recommendation.

(C) When sufficient information is available, a recommendation as to the continued use of the resource home is made by the CW specialist, CW supervisor, resource specialist, and resource supervisor.

(D) The discussion and decision are documented in the KIDS Resource Contacts by the resource specialist.

(3) Child's removal from the resource home during the investigation. When the child in OKDHS custody was in the resource home for three months or longer and is removed from the resource home during the investigation, the resource parent is provided a copy of Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement. The CW specialist staffs with the CW supervisor, who consults with the district director, as necessary, to determine whether to:

(A) return the child to the resource home; or

(B) seek a different placement for the child.

(4) Child not returning to the resource home. When the decision is to not return the child to the resource home, the CW specialist:

- (A) notifies the resource parent of the decision immediately by phone; and
 - (B) provides the placement plan and the rationale behind the decision in writing using Form 04MP031E, Notice of Decision Not to Return Child After Investigation, to the resource parent within three-business days after the decision.
- (5) Concerns after a referral or investigation. The resource specialist, resource supervisor, assigned CW specialist, and CW supervisor review all referrals, whether screened-out or accepted, all investigations, and all reports to the district attorney regarding the resource home for issues or concerns. The resource specialist consults with the assigned CW specialist and CW supervisors regarding needed action or additional supports for the family as a result of the resource home investigation. When a supported home is involved, the ~~DHS~~ OKDHS RFP liaison facilitates a conversation with the RFP foster care worker, RFP foster care supervisor, assigned CW specialist, and CW supervisor regarding needed action or additional supports for the family as a result of the resource home investigation. Action is taken within 10-business days upon completion of the program review by the Child Protective Services Programs Unit staff, per OAC 340:75-3-500.
- 8. Resource home closure. The resource contract is terminated, per OAC 340:75-7-52.
 - (1) Reason for closure. A resource home is closed upon consultation with the resource supervisor when:
 - (A) the kinship resource home is no longer needed. Prior to closure, the resource specialist consults with the resource supervisor to determine if the kinship resource parent is in good standing, and if the family wants to convert to a traditional resource home, per OAC 340:75-7-12 and 340:75-7-19 Instructions to Staff # 3. When the family wants to convert to a traditional resource home, Form 04AF037E, Resource Conversion Addendum, ~~must be~~ is completed prior to opening a new resource. The resource specialist opens a new resource in KIDS as Type - CW Foster Family;
 - (B) services are no longer needed for a jointly-approved home that is child specific;
 - (C) a resource parent requests closure and the home is in good standing with no identified issues of concern. The home is closed per the resource parent's request;
 - (D) non-compliance issues cannot be resolved. The resource specialist completes the requirements to close the home; or
 - (E) an investigation results in a substantiated finding of abuse or neglect, the field manager reviews the results and considers the safety of a child in OKDHS custody, the resource parent's protective capacity, and the resource parent's compliance with recommended services in deciding to close the home. Substantiated findings of abuse or neglect do not automatically result in the closure of a resource home.

- (2) Closure process following child removal from resource home. When a child(ren) was removed from the resource home due to a safety issue or investigation, the resource specialist:**
- (A) contacts the CW specialist and ensures Form 04MP014E, Notice of Child's Removal from Out-of-Home Placement, was provided to the resource parents(s). When Form 04MP014E was not provided, the CW specialist or resource specialist provides Form 04MP014E to the resource parent(s);**
 - (B) reviews KIDS Resource File-Cabinet DMS for Form 04MP031, Notice of Decision Not to Return Child After Investigation, and any court hearing on that removal;**
 - (C) waits at least 10-business days from the date Form 04MP014E was provided before sending Form 04FC008E, Notice of Closure to OKDHS Resource Parents, to the resource parent(s); and**
 - (D) indicates on Form 04FC008E that an administrative hearing is not granted when the court:**
 - (i) already ordered child(ren) removed from the resource home; or**
 - (ii) following the court hearing upheld the OKDHS decision to remove child(ren) from the resource home.**
- (3) Closure process. The resource specialist:**
- (A) contacts the resource parent to explain the reason for the closure and makes diligent efforts to resolve concerns or misunderstandings;**
 - (B) documents the action in KIDS Resource Contacts;**
 - (C) completes Form 04FC008E by:**
 - (i) describing the reason for closure of the resource home in concise language;**
 - (ii) detailing OKDHS requirements the resource home no longer meets and attaching copies of relevant OKDHS rules, laws, or the foster care contract; and**
 - (iii) mailing or hand-delivering original Form 04FC008E to the resource parent, filing a copy in the resource file, and scanning it into the KIDS Resource File-Cabinet DMS; and**
 - (D) enters:**
 - (i) a contact in the KIDS Resource Contacts;**
 - (ii) in concise language a summary outlining the reason for closure including the resource parent's performance history; and**
 - (iii) a recommendation regarding future consideration of the resource family; and**
 - (E) enters a comment in the closure summary in the Open Close History tab in the KIDS Resource referring to Contacts for complete closure summary.**
- (4) Time requirements for closure of the resource home.**
- (A) Action is taken within 10-business days of the decision to close the resource home to provide Form 04FC008E. Unless there has been a request for a fair hearing, the resource is closed in KIDS 30-calendar days from the date of the closure notice when the closure is based on:**

- (i) policy violations;
 - (ii) non-compliance with a WPC; or
 - (iii) the resource parent's request.
- (B) When the substantiated finding of a child abuse or neglect investigation is appealed, action is taken within 10-business days following notification of the decision by the Appeals Program Unit.
9. Fair hearing. When a resource parent requests a fair hearing, the resource specialist provides the resource parent Form 13MP005E, Resource Family Request for a Fair Hearing. The resource specialist assists the resource parent with completing and submitting Form 13MP005E to the Legal Services Appeals Unit. The resource specialist:
- (1) prepares a fair hearing summary by completing Form 13MP002E, Hearing Summary, per OAC 340:2-5-96 to:
 - (A) explain why the resource home is being closed;
 - (B) briefly describes the:
 - (i) action taken;
 - (ii) facts supporting the action; and
 - (iii) information relied upon in taking the action; and
 - (C) document:
 - (i) the number of children the family has cared for since approval;
 - (ii) the number, type, and outcome of child abuse and neglect referrals and rule violation episodes that occurred during the resource parent's tenure or association with OKDHS; and
 - (iii) when the resource parent requested an appeal of the findings of any investigation and, if so, the outcome; and
 - (D) describe the WPC history and results;
 - (E) list all training the resource family completed and completion dates;
 - (F) attaches attach documentation that supports the OKDHS decision to close the resource home, such as:
 - (i) the foster care contract;
 - (ii) Form 04FC008E; and
 - (iii) Form 04AF021E, Verification of Receipt of OKDHS Rules.
 - (I) Form 04KI003E, Report to District Attorney, is not used in the fair hearing process unless the administrative hearing officer presiding over the hearing orders it disclosed after an in camera review and based upon a finding of compelling reasons.
 - (II) The resource specialist informs the CW specialist who completed the child abuse or neglect investigation and the CW supervisor of the hearing.
 - (III) The CW specialist ~~must attend~~ attends the fair hearing. When the CW specialist is no longer employed by OKDHS, the CW supervisor or district director ~~must attend~~ attends the hearing; and
 - (2) submits original Form 13MP002E, Hearing Summary to the OKDHS Legal Services Appeals Unit;
 - (3) reviews OAC 340:2-5-90 through 340:2-5-105 regarding the administrative hearing process; and

- (4) reviews all case-related information to prepare for the fair hearing.
- 10.(a) Reassessment to reopen a previously closed resource. The reassessment:**
- (1) is completed by the assigned resource specialist using Form 04AF029E, Guidelines for the Resource Family Reassessment, and documented on Form 04AF030E, Resource Family Reassessment;**
- (2) requires that the resource specialist, prior to completion of a home visit with the applicant family:**
- (A) completes Form 04AF007E, Records Check Documentation, per OAC 340:75-7-15; and**
- (B) reviews OSBI records and prosecution (Rap) Back report entered in the KIDS Resource DMS regarding each applicant and adult household member, when applicable fingerprints are within 5 years of processing date. If fingerprints are expired, a new OSBI name-based search and fingerprints are required; and**
- (3) includes documentation of face-to-face interviews with each applicant, biological or adopted child, and any other adult household members. The resource specialist provides Form 15GR008E, Notice of Grievance Rights – Foster Parents, a copy of the Statement of Foster Parents' Rights, and a copy of the liability insurance policy to the family during the home visit. The resource specialist provides the applicant(s) with materials to obtain the required 12 hours of in-service training; and**
- (4) consists of:**
- (A) signed and dated Form 04AF030E;**
- (B) signed and dated Form 04AF007E;**
- (C) signed and dated Form 04AF004E, House Assessment, with:**
- (i) a copy of each applicant's current driver license, state identification card, or for active military members and spouses, a current military identification card;**
- (ii) a copy of the current insurance verification for each applicant's vehicle;**
- (iii) a copy of pet vaccinations, per OAC 340:75-7-18; and**
- (iv) signed and dated Form 04MP061E, Water Safety Agreement; and**
- (D) signed and dated Form 15GR008E;**
- (E) signed and dated Form 04AF017E, Resource Parent Health History, for all adult household members;**
- (F) completed Form 04AF008E, Medical Examination Report, for all adult household members;**
- (G) signed and dated Form 04AF010E, Resource Family Financial Assessment, and copies of recent paycheck stubs;**
- (H) signed and dated Form 04AF018E, Child Needs Information List;**
- (I) signed and dated Form 0FAF021E, Verification of OKDHS Rules;**
- (J) signed and dated Form 04MP042E, Application for Child Welfare Child Care Benefits, if applicable;**
- (K) signed and dated Form 04AF005AE, Notice to Resource Applicants;**
- (L) signed and dated Form 04AF001E, Resource Family Assessment Application, and a copy of each applicant's Social Security card; and**

(M) references completed per OAC 340:75-7-18 ITS.

(b) Reassessment review results.

(1) The resource specialist and resource supervisor discuss any concerns identified in Form 04AF030E.

(2) The resource specialist and each resource parent review and sign Form 04AF030E.

(3) The resource supervisor signs and approves Form 04AF030E.

(4) A signed copy of Form 04AF030E, except for the protected information section, is provided to the resource parent.

(5) The resource specialist scans Form 04AF030E and attachments into the KIDS Resource DMS and files a copy in the resource file.

PART 30. ENHANCED FOSTER CARE

340:75-7-301. Enhanced foster care (EFC) general [ITS ONLY]

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

(B) 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) child has a minimum of two elevated Child Behavioral Health Screeners;

(D) 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) 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) child's conditions are directly attributed to a mental illness or serious emotional disturbance, a medical issue, or a developmental or intellectual delay;
- (G) evidence 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; 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.

(2) 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 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 the supplemental EFC training;
- (3) demonstrating a willingness and capacity to provide the level of supervision the child requires or needs on an ongoing basis;
- (4) agreeing to participate in a child's treatment needs and planning actively; and
- (5) receiving approval from the regional field manager.

INSTRUCTIONS TO STAFF 340:75-7-301

Revised 9-15-23 9-14-24

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 the applicable regional EFC mailbox listed on Form 04EF003E. 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 the applicable regional EFC mailbox listed on Form 04EF003E. When a child in need of placement may benefit from EFC services, the child's assigned CW specialist indicates the need for EFC services during the child placement interview. The request for EFC services is made when placement is located.~~

~~(3) EFC program staff reviews the referral request and collaborate with the child's assigned CW specialist, resource specialist, and service provider to initiate services makes a "sounds like" or "does not sound like" determination if the child meets one or more of the criteria for EFC as outlined on the referral.~~

~~(4) When a "sounds like" determination is made, EFC program staff:~~

~~(A) collaborates with the child's assigned CW specialist and resource specialist to obtain a recommendation for the child and resource family to participate in EFC services;~~

(B) contacts the resource parent(s) to explain program requirements and obtains the resource parent's agreement to participate in EFC services;
(C) schedules an initial consultation with a service provider to initiate services; and
(D) requests a Child and Adolescent Needs and Strengths assessment that is completed by a qualified person.

~~(5) EFC program staff is responsible for uploading~~ uploads the EFC Referral into the ~~child's~~ child's case in the document management system.

2. EFC training.

(1) Child-specific EFC resource parents complete a supplemental EFC training within 90-calendar days of the ~~child's~~ child's EFC approval.

(2) EFC resource homes complete supplemental EFC training prior to approval as an EFC home and taking a placement.

(3) The resource ~~family's~~ family's assigned resource specialist is ~~responsible for enrolling~~ enrolls 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 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 uses the addendum to make final determination on the conversion and approval of an EFC Home. Form 04EF002E is completed when a resource home requests consideration for approval as an EFC home.

(5) A kinship or traditional home receiving EFC services for a specific child placed in the home is not automatically approved 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

Revised 9-15-23 9-14-24

(a) **Initial consultation for services.** The initial consultation is completed with the treatment team within five-business days of determination the child meets EFC criteria. The consultation 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(s);
- (3) biological parent(s) or guardian, when appropriate;
- (4) child's assigned child welfare (CW) specialist and his or her supervisor;
- (5) resource specialist and his or her supervisor;
- (6) service provider(s); and
- (7) regional EFC program staff; and
- (8) other professionals providing support to the child or resource parent(s).

(b) **EFC SSP.** ~~EFC is individualized to the child's and resource family's needs. The resource family's resource specialist~~ Thirty-calendar days after the initial consultation, a treatment team meeting is held which includes individuals listed in (a)(1)-(8). EFC program staff completes Form 04EF001E, Enhanced Foster Care Service & Support Plan within 30-calendar days of the initial consultation during the meeting with the treatment team. The EFC SSP outlines the child's and family's individualized needs and the identified service array and supports. ~~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 treatment team meeting (TTM) takes place 30-calendar days after the initial consultation and every 60-calendar days from the last TTM. The TTM informs the child's ongoing need and utilization of EFC services. EFC program staff facilitates the meetings and complete Form 04EF004E, Enhanced Foster Care Treatment Team Meeting Documentation. The TTM covers topics regarding the child's progress on treatment goals and objectives, the ~~family's~~ family's participation and engagement in EFC services, and any additional services or supports needed.

(d) **EFC ongoing approval.** The regional EFC program staff approves EFC services in six-month increments. Upon request from the ~~child's~~ child's assigned ~~child welfare~~ CW specialist or resource specialist, the regional EFC program staff evaluates service progress, resource family participation, and the ~~child's~~ child's current eligibility for EFC services.

INSTRUCTIONS TO STAFF 340:75-7-303

Revised ~~9-15-23~~ 9-14-24

1. Enhanced foster care (EFC) initial consultation. Accommodations are made for the resource parent(s) to participate in the consultation to clearly describe the child's strengths and needs and resource parent(s)' strengths. Services offered to the resource family are based on the treatment team's information, supporting documentation, and input from the resource parent(s). Services are initiated A service intake or screening is completed by the service provider within five-business days of the consultation. The child's assigned child welfare (CW) specialist participates in the services intake with the family and provider.

- (1) When an Oklahoma Department of Mental Health and Substance Abuse Services (OKDMHSAS) contracted provider(s) is involved, OKDMHSAS schedules and facilitates the consultation with the treatment team.
 - (2) When only private providers are involved, EFC program staff schedules and facilitates the consultation with the treatment team.
 - (3) EFC program staff ensures ~~proper~~ appropriate consultation is scheduled based on the information and completes a follow-up with the treatment team two weeks after the consultation to verify services are initiated.
2. EFC services and supports.
- (1) Standard services and supports include:
 - (A) crisis prevention and response planning;
 - (B) access to 24 hour crisis intervention services;
 - (C) monthly in-home quality worker visits by the child's child's assigned ~~child welfare (CW)~~ specialist and resource ~~family's~~ family's resource specialist, including discussion about service progress and support needs;
 - (D) ~~weekly~~ individual therapy and treatment planning for the child;
 - (E) therapeutic parenting services or family therapy;
 - (F) Child and Adolescent Needs and Strengths (CANS) Assessment;
 - (G) evidence-based treatment models; and
 - (H) supplemental foster care rate (~~Difficulty of Care Level V~~).
 - (2) Additional services and supports include:
 - (A) service coordination;
 - ~~(B)~~ or wraparound treatment;
 - ~~(C)~~(B) specialized services; and
 - ~~(D)~~(C) 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 resource family's assigned resource specialist 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). 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. The EFC regional coordinator schedules and facilitates and first treatment team meeting (TTM) held 30-calendar days after the consultation. The EFC regional coordinator completes the EFC SSP during the TTM with input from all treatment team members.~~
 - (2) Items in the EFC SSP include:

- (A) ~~the frequency of communication to occur between the resource parent(s) and Oklahoma Human Services~~ child's functioning, including strengths and needs;
 - (B) ~~the child's monthly visitation plan, when applicable~~ the child's individualized service array;
 - (C) ~~a schedule for every TTM~~ monthly family time plan;
 - (D) identified child and family therapy or therapeutic parenting services to be provided;
 - (E) ~~the training completion plan~~ resource family's functioning, including strengths, needs and identified supports;
 - (F) ~~a respite plan;~~
 - (G) ~~a crisis prevention and intervention plan; and~~
 - (H)(G) ~~the contact information for the treatment team; and~~ treatment team action steps
 - (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 obtains signatures and uploading uploads~~ the EFC SSP into the KIDS resource contacts and the resource family's family's case in the document management system (DMS). The resource specialist provides a copy of the signed EFC SSP to the child's assigned CW specialist who uploads the document into KIDS DMS.
4. EFC TTM. The EFC program staff facilitates the TTM and completes Form 04EF004E, Enhanced Foster Care Treatment Team Documentation.
- (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~~ child's treatment plan;
 - (C) medications;
 - (D) problematic sexual behavior;
 - (E) therapeutic parenting services;
 - (F) ~~child's~~ child's monthly visitation plan, when applicable;
 - (G) crisis planning and intervention services;
 - (H) the resource family's family's respite plan;
 - (I) EFC feedback; and
 - (J) EFC recommendations and follow-up.
 - (4) ~~The EFC program staff is responsible for documenting documents~~ the TTM in KIDS contacts in the ~~child's~~ child's KK case and uploading Form 04EF004E into the ~~child's~~ child's case in the document management system DMS.
5. EFC progress reports.

- (1) The EFC program staff and ~~child's~~ 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~~ documents receipt of progress reports in KIDS contacts in the ~~child's~~ child's KK case and ~~uploading~~ uploads Form 04EF005E in the ~~child's~~ child's case in the ~~document management system~~ DMS.
6. EFC ongoing approval. The regional EFC program staff approves EFC services in six-month increments and evaluates service progress and the ~~child's~~ child's current eligibility criteria for EFC services.
- (1) The ~~child's~~ 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 3. DEVELOPMENTAL DISABILITIES SERVICES FOR CHILDREN IN CUSTODY

340:75-8-36. Identification, application, and needs assessment

Revised 9-15-16 ~~9-14-24~~

- (a) Children in Oklahoma ~~Department of Human Services (DHS)~~ (OKDHS) custody, who have an intellectual disability and meet eligibility requirements for Home and Community-Based Services (HCBS), per Oklahoma Administrative Code (OAC) 317:40-1-1, may be jointly served by Child Welfare Services (~~CWS~~) and Developmental Disabilities Services (DDS).
- (b) The child welfare (CW) specialist has responsibility to make application for DDS services for children in ~~DHS~~ OKDHS custody. ■ 1
- (c) ~~A needs assessment for DDS services is initiated by the child's CW specialist at the earliest possible time for the child 3 years of age or older.~~ ■ 2

(1) DDS area intake staff completes the needs assessment and identifies services necessary to meet the child's needs.

(2) DDS services, when appropriate and when funding is available, may be provided in the child's:

- (A) family home;
- (B) foster home;
- (C) adoptive home; or
- (D) group home per OAC 317:40-1-1.

~~(d)~~(c) When the needs assessment determines the child's needs require HCBS, DDS area staff forwards the completed DDS eligibility packet to the Oklahoma Health Care Authority (OHCA). The completed eligibility packet includes Form 06MP001E, Request for Developmental Disabilities Services, and all required attachments provided by the CW specialist. ■ 2 & 3

~~(e)~~(d) OHCA reviews the completed eligibility packet and makes a determination of eligibility for HCBS. ■ 4

INSTRUCTIONS TO STAFF 340:75-8-36

Revised ~~9-15-16~~ 9-14-24

1. Initial application and assessment for Developmental Disabilities Services (DDS).

(1) When, at any time, the child welfare (CW) specialist believes a child in Oklahoma Department of Human Services ~~(DHS)~~ (OKDHS) custody may be eligible for services, the CW specialist:

(A) immediately staffs the child's needs with the CW supervisor and refers to Form 04MP013E, Child Welfare/Developmental Disabilities Services Checklist; and

(B) completes Form 06MP001E, Request for Developmental Disabilities Services; and

~~(C) attaches Form 04MP028E, CW Request for DDS Needs Assessment.~~

(2) When, at any time, the CW Community Partnership nurse believes a child in ~~DHS~~ OKDHS custody may be eligible for DDS services, the nurse may initiate the application and assessment process.

(3) When the child is in:

(A) permanent ~~DHS~~ OKDHS custody, the CW supervisor signs completed Form 06MP001E; and or

(B) emergency or temporary ~~DHS~~ OKDHS custody, the child's parent signs Form 06MP001E. When the child's parent is unwilling or unable to sign Form 06MP001E, the CW specialist ~~requests the court~~ may sign Form 06MP001E.

(4) The CW specialist submits the completed and signed Form 06MP001E to the DDS area intake office serving the child and documents the application process in KIDS/Client/Finance/Eligibility screen.

2. DDS needs assessment.

(1) DDS staff:

(A) completes a written needs assessment for each Form 04MP028E received on behalf of a child in ~~DHS~~ OKDHS custody; and

- (B) maintains a tickler file for all children in ~~DHS~~ OKDHS custody with an intellectual disability whose needs are met by Medicaid, school, or other sources, and completes another needs assessment when the child reaches 17 years of age.
- (2) When DDS area staff determines a child's needs may best be met by:
- (A) Home and Community-Based Services (HCBS), staff then requests a completed eligibility packet from ~~CW~~ Child Welfare Services (CWS) staff and submits it to the Oklahoma Health Care Authority (OHCA) for consideration; or
- (B) Soonercare (Medicaid), school, or other sources, staff then consults with the CW specialist to assist in accessing appropriate services for the child. When there is disagreement by ~~CW~~ CWS staff, ~~CW~~ CWS staff may appeal the decision to the ~~Child Welfare Services~~ CWS programs liaison to DDS to initiate an administrative review.
- (3) DDS area staff provides a copy of the written needs assessment to ~~CW~~ CWS staff and works with ~~CW~~ CWS staff to identify referrals and needed resources.
- (4) At any time the child's needs change, ~~CW~~ CWS staff submits a subsequent referral, per Oklahoma Administrative Code (OAC) 340:75-8-36 Instructions to Staff # 1, for HCBS, and DDS staff completes another needs assessment.
3. Application. The completed DDS eligibility packet includes Forms:
- (1) 06MP001E; and
- (2) 04MP028E and attachments of the child's:
- (A) social history, including developmental milestones, sexual and physical abuse history, and history of any alleged delinquent behavioral problems;
- (B) psychological assessment, within one year, that includes the intelligence quotient (IQ) score and adaptive functioning assessment;
- (C) medical assessment, within 90-calendar days, on Form 08MA080E, Report of Physician's Examination;
- (D) copy of full-certified birth certificate or, ~~Application for Search and Certified Copy of Birth Certificate, Infonet under Form Information, Non-OKDHS Forms or at the Oklahoma State Department of Health Division of Vital~~ Records:
http://www.ok.gov/health2/documents/VR_BCRequest_interactive.pdf
verification the birth certificate has been requested;
- (E) current immunization record;
- (F) legal documents showing ~~DHS~~ OKDHS custody status, Disposition Order, last court review, and Termination of Parental Rights Order, when applicable; and
- (G) Social Security card or Form SS-5, Application for Social Security Card.
4. HCBS eligibility determination. The child's CW specialist receives notification of eligibility determination for HCBS from the DDS area intake worker or the DDS case manager on 06MP003E, Notice of Action - Request for Services. When

the child is approved for HCBS, the CW county of jurisdiction specialist enters the DDS status and approval date in KIDS Contacts screen and the child's IQ on KIDS Medical screen.

340:75-8-40. Accessing Developmental Disabilities Services (DDS) for a child with an intellectual disability ■ 1 through 3 [ITS ONLY]

Revised 9-15-16

An array of services, support options, and placement settings, designed to meet individual needs exist for a child in Oklahoma Department of Human Services (DHS) custody who has an intellectual disability. Per Oklahoma Administrative Code (OAC) 340:75-8-36, the child may live with a family or in another community-based setting while receiving DDS services.

- (1) The child's child welfare (CW) specialist pursues appropriate placement resources for a child in DHS custody consistent with OAC 340:75-6-40.
- (2) Home and Community Based Services, arranged by DDS staff, may be available to meet the child's identified needs and may be provided in most placement settings.
- (3) Early identification, expedient application, and joint planning between CW and DDS staff, facilitate appropriate referrals and service plan development for a child with a developmental disability.

INSTRUCTIONS TO STAFF 340:75-8-40

Revised ~~9-15-16~~ 9-14-24

1. ~~(a)~~ **Grand staffing. When a child's needs can no longer be met in less restrictive forms of care, such as own home, relative home, adoptive home, or any type of foster family care, the child is assessed and referred for grand staffing. The grand staffing process is a monthly meeting conducted by Developmental Disabilities Services (DDS) and Child Welfare Services (CWS) to review, assess, and determine service and placement needs for children who present significant challenges that prevent services in a family setting.**
 - (1) The DDS case manager or the child welfare (~~CW~~) specialist makes a referral for grand staffing.
 - (2) Children staffed in grand staffing:
 - (A) require:
 - (i) 24-hour supervision by trained staff;
 - (ii) professional crisis management; and
 - (iii) intensive support services to establish and maintain life in a community-based setting; and
 - (B) have ongoing severe and persistent emotional and behavioral disturbances.
 - (3) Children in emergency shelter settings are grand staffed when DDS area staff or ~~CW~~ CWS staff are unable to identify appropriate placement or service resources.
 - (4) Referrals to provider agencies for residential service options are initiated through grand staffing.

(5) The DDS programs manager or designee for Residential Services must ~~authorize~~ authorizes all pre-placement visits and all placements of children in DHS OKDHS custody with any DDS contracted provider.

~~(b) Requesting grand staffing.~~

~~(1) Following supervisory staffing, Form 04MP035E, Request for CWS/DDS Grand Staffing, is completed to initiate the request for a grand staffing by the CW specialist or DDS intake worker or case manager and submits Form 04MP035E to the DDS programs manager or designee for Residential Services.~~

~~(2) Following receipt of Form 04MP035E, the DDS programs manager reviews Form 04MP035E completed by DDS or CW staff. The staff with the most knowledge about the referred child completes Form 04MP035E.~~

~~(3) Area DDS staff and CW staff, with supervisory approval, attend grand staffing meetings when requested by the CWS or DDS programs manager or designee.~~

2. Grand staffing results. Following the grand staffing, the DDS programs manager or designee and CWS programs manager or designee notify respective staff of the outcome or action needed and request any additional information.
3. Pre-placement visits to DDS placements. Pre-placement visits by children in DHS Oklahoma Human Services custody to DDS placements do not occur prior to the approval of the DDS area manager.

SUBCHAPTER 13. OTHER CHILD WELFARE SERVICES AND MEDICAL SERVICES FOR CHILDREN IN OUT-OF-HOME CARE

PART 1. ELIGIBILITY FOR SUBSTITUTE CARE SERVICES AND CLAIMS FOR PAYMENT

340:75-13-9. Birth verification

Revised ~~9-15-17~~ 9-14-24

~~No later than 15-calendar days after the emergency custody hearing, when a petition is filed, the parent, custodian, or legal guardian provides a copy of the child's birth certificate, to the Child Welfare (CW) specialist per Section 1-4-203 of Title 10A of the Oklahoma Statutes. Child Welfare Services Birth Certificate staff obtains birth certificates through an automated application to the Department of Vital Records (DVR). ■ 1 through 3 Upon receipt, the CW specialist files the copy in the paper case record and scans it into the KIDS File Cabinet. When the child is discharged from Oklahoma Department of Human Services custody and the original birth certificate or certified copy remains in the paper case record, the original or certified copy is given to the child or caregiver.~~

INSTRUCTIONS TO STAFF

Revised ~~9-15-17~~ 9-14-24

1. (a) ~~Copy of birth certificate. Within 15-calendar days after the emergency custody hearing placing a child in Oklahoma Department of Human Services (DHS) custody, the child welfare (CW) specialist requests the parent provide a copy of the child's birth certificate. When the parent fails to provide a copy~~

~~within 20-calendar days, the CW specialist submits a request to Child Welfare Services (CWS) Operations and Business Processes Section (OBPS) for a certified copy of the child's birth certificate. Applications are not necessary for initial birth certificates following a child's removal, which includes out-of-state birth certificates. Child welfare (CW) specialists receive an original copy in the mail. Child Welfare Services Birth Certificate staff uploads a copy of the birth certificate into KIDS document management system prior to mailing. An additional original copy is kept at state office to be:~~

- ~~(1) sent with the child to the permanent placement;~~
- ~~(2) given to the child upon emancipation;~~
- ~~(3) used for permanency proceedings; and~~
- ~~(4) on a check-out basis. Please contact *CWS.BirthCertificateRequests if needing to check out an additional original copy.~~

~~(b) In-state birth certificates. To request a full-certified copy of a birth certificate from the Oklahoma State Department of Health (OSDH) Division of Vital Records, the child's CW specialist:~~

- ~~(1) completes Form 10CL017E, Claim Code Slip. The CW specialist ensures the Case Related Information and Contact Information sections of Form 10CL017E are fully completed. A separate Form 10CL017E is required for each child on a shared case KK number;~~
- ~~(2) utilizes Application for Search and Certified Copy of Birth Certificate located on Oklahoma Department of Human Services (DHS) InfoNet under Quick Links: Non-DHS Forms or at the OSDH Division of Vital Records: http://www.ok.gov/health2/documents/VR_BCRequest_interactive.pdf;~~
- ~~(3) enters the required information pertaining to the child on the online application, including the child's:
 - ~~(A) full name at birth;~~
 - ~~(B) date and place of birth;~~
 - ~~(C) father's full name; and~~
 - ~~(D) mother's full maiden name;~~~~
- ~~(4) obtains a certified copy of the most recent court order indicating the child is in DHS legal custody;~~
- ~~(5) enters his or her name and county address as the mailing address on the application in order to return the birth certificate to the appropriate person and signs the application;~~
- ~~(6) mails Form 10CL017E, the application, the court order, and a copy of the DHS employee identification (ID) of the person signing the application to CWS OBPS. CWS sends the application to Vital Records for processing; and~~
- ~~(7) retains a copy of the application in the child's case record.
 - ~~(A) Vital Records sends the certified copy of the birth certificate to CWS for mailing to the local DHS office.~~
 - ~~(B) When Vital Records returns the application noting that the certified birth certificate cannot be found with the information provided, CWS returns the application to the requesting CW specialist who:~~~~

- ~~(i) checks the information for accuracy and, when needed, checks with the birth hospital to ensure the proper paperwork was filed with Vital Records, before resubmitting the application to CWS; and~~
 - ~~(ii) when unable to locate any further information and obtain a certified birth certificate, contacts CWS Resource Unit for assistance;~~
 - ~~(C) The CWS copy of the application is destroyed upon receipt of the full-certified copy of the birth certificate from Vital Records.~~
- ~~(c) Amended birth certificates. The CW specialist submits Form 03PA209E, Acknowledgment of Paternity, or a court order to obtain an amended birth certificate for the child. When a court order is submitted in lieu of Form 03PA209E, the CW specialist includes the father's date and place of birth with the order.~~
- ~~(d) Out-of-state birth certificates. To request a full-certified copy of the birth certificate for a child born in another state, the child's CW specialist:
 - ~~(1) downloads and completes that state's birth certificate application from: <http://www.cdc.gov/nchs/w2w.htm>. The CW specialist's name and office mailing address are included on the application;~~
 - ~~(2) includes a copy of the court order placing the child in DHS custody or the court order requiring the birth state to release a copy of the child's birth certificate;~~
 - ~~(3) completes:
 - ~~(A) Form 10AD012E, Claim Form, that includes the child's name and KK number. When copies of birth certificates are needed for two or more children who share a case KK number, include all of the children on the same Form 10AD012E; and~~
 - ~~(B) Form 10CL017E, Claim Code Slip. The CW specialist ensures the Case Related Information and Contact Information sections of Form 10CL017E are fully completed. A separate Form 10CL017E is required for each child on a shared case KK number; and~~~~
 - ~~(4) remits to CWS OBPS the birth certificate application, Forms 10AD012E and 10CL017E, the court order, and a photocopy of his or her DHS ID badge.~~~~
- ~~(e) CWS OBPS procedures for out-of-state birth certificates. Upon receipt of the CW specialist's request for an out-of-state birth certificate and required documents listed in Oklahoma Administrative Code (OAC) 340:75-13-9 Instructions to Staff # 1(c), CWS OBPS:
 - ~~(1) verifies the information on Form 10AD012E and requests that state to complete Form 23CO135E, Vendor Information, when the vendor is not currently listed in the Office of State Finance vendor database;~~
 - ~~(2) submits original Form 10AD012E and, when applicable, Form 23CO135E to DHS Financial Services for payment processing. The birth certificate application, photocopy of a DHS ID badge, when applicable, and Form 10CL017E are retained by CWS OBPS;~~
 - ~~(3) upon receipt of a warrant from Financial Services, mails the warrant, original birth certificate application, photocopy of a DHS ID badge, when applicable, and Form 10AD012E to that state's Vital Records office; and~~
 - ~~(4) maintains copies of all documentation.~~~~

~~(f) Receipt of out-of-state birth certificates. The out-of-state Vital Records office mails the full-certified copy of the birth certificate to the address on the birth certificate application. Upon receipt of the birth certificate, the CW specialist scans the certificate into the KIDS File Cabinet.~~

2. Upon receipt the CW specialist verifies the information on the birth certificate matches the information in the KIDS system.

3. Requests to amend a birth certificate and death certificate require an application from the CW specialist. Applications are emailed to *CWS.BirthCertificateRequests.

(1) To add the father, a properly completed acknowledgment of paternity or a certified court order determination of paternity is required with the application.

(2) When a certified court order is submitted, the order identifies the child by full name or initials, full date of birth, and place of birth. The order addresses vital records as party to the order and give details of what changes are to be made to the child's record.

(3) When adding a father, the court order includes full information for the father. It includes father's full name, date of birth, place of birth, and Social Security number. If the child's name is to change, this is listed in the order spelling out the full name as it should be shown on the record.

PART 2. TITLE IV-E ELIGIBILITY AND REIMBURSABILITY

340:75-13-12. Title IV-E applications for children in OKDHS or tribal custody

Revised ~~6-1-12~~ 9-14-24

Custody specialists accept process applications for Title IV-E eligibility and determine Title IV-E eligibility for children in Oklahoma Department of Human Services (OKDHS) custody or in the custody of Indian tribes that have a contractual agreement with OKDHS for payment of foster care services. ■ 1

INSTRUCTIONS TO STAFF 340:75-13-12

Revised ~~6-15-15~~ 9-14-24

1. (a) Child welfare (CW) specialist responsibilities for initiating a the automated referral for the Title IV-E application. Within five two-business days of the filing of a petition regarding a child child's removal and placement in out-of-home care or that results in a child's removal from the home, the CW specialist:

(1) completes an Oklahoma Department of Human Services (DHS) (OKDHS) records search through the Information Management System (IMS) for history related to the child and family members;

(2) opens a KIDS case;

(3) enters the child's removal information via KIDS Removal screen; per 340:75-3-300 ITS 10(6).

(A) When the child's removal information is entered into the KIDS Removal screen, a KIDS assignment is automatically generated to the custody specialist.

(B) The KIDS assignment to the custody specialist is considered the referral for:

(i) Title XIX medical benefits; and

(ii) Title IV-E eligibility determination; and

(4) ~~scans~~ uploads Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Home Placement and Medical Care of Child, or the first court order issued that results in the child's removal from the home into the KIDS ~~File Cabinet~~ document management system (DMS) no later than 15-business days following the issuance of the order or signing of Form 04FC007E;

(5) when the child has no Social Security number, completes and submits Form SS-5, Application for a Social Security Card, and ~~scans~~ uploads the document into the KIDS ~~file cabinet~~ DMS verifying an application was submitted, per Oklahoma Administrative Code ~~(OAC) 340:75-13-10;~~

~~(7)~~(6) documents each activity regarding the application process in KIDS Contacts screen;

~~(8)~~(7) views the current eligibility status in the child's KIDS Eligibility Determination screen. The KIDS case is updated with Title IV-E and Title XIX eligibility status through a nightly batch interface between IMS and KIDS; and

~~(9)~~(8) ~~scans~~ uploads each subsequent court order to the KIDS ~~File Cabinet~~ DMS within 15-business days of each hearing.

(b) Application for Title IV-E for the Indian child in tribal custody. When Form 04TB004E, Indian Child Welfare Program Referral, is received from the tribe, the DHS Child Welfare Services (CWS) tribal coordinator ~~IV-E program staff:~~

(1) completes a search of the child and family's DHS OKDHS history through IMS;

(2) opens a KIDS case;

(3) enters the child's removal information via KIDS Removal screen;

(4) responds to email requests from the tribal custody specialist for all known financial, employment, and medical insurance information regarding the specified relative from whom the child was removed;

(5) ~~scans~~ uploads into the KIDS ~~File Cabinet~~ DMS:

(A) the tribal court order removing the Indian child from the home or Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Home Placement and Medical Care of Child; and

(B) Form 04TB004E; and

~~(C) when the child has no Social Security number, a completed and submitted Form SS-5, Application for a Social Security Card, to verify an application was submitted, per OAC 340:75-13-10;~~

(6) documents each activity regarding the Title IV-E application process in KIDS Contacts screen; and

(7) reports to the tribal custody specialist changes in the child's circumstances, such as county of placement, return home, income, and resources; and

~~(8) when the tribal court order is incomplete, faxes or emails the order to the CW Services tribal coordinator with a notation to include the case in the tribal Title IV-E monitoring process.~~

(c) Custody specialist responsibilities. Upon receipt of the Title IV-E KIDS workload assignment, the custody specialist:

(1) obtains and ~~prints~~ uploads all household composition verification documents to the IV-E eligibility determination packet including:

(A) emails from the CW specialist verifying household composition and income at the time of the child's removal from the home;

(B) information from the KIDS system;

(C) information from the CW specialist or tribal representative who has personal knowledge of the household's situation at the time of the child's removal;

(D) Form 04KI003E, Report to District Attorney;

(E) the removal court orders from the KIDS file cabinet DMS;

(F) all available income verifications including:

(i) Family Assistance/Client Services (FACS) case notes from family support cases open at the time of the child's removal from the home;

(ii) relevant IMS screens including:

(I) PY, an index data exchange information and case data for a particular person;

(II) Oklahoma Wage Link (OWL or OWC) the most current Oklahoma Employment Security Commission wage information and unemployment benefits;

(III) Child Support Services;

(IV) EB, financial assistance program;

(V) EC, food stamp eligibility information;

(VI) ED, medical assistance eligibility information; and

(VII) other relevant sources of income verification ~~per OAC 340:65-3-4 Instructions to Staff (ITS)~~;

(2) to complete the initial Title IV-E determination packet, enters into the KIDS IV-E screens the:

(A) income;

(B) household composition; and

(C) court order information;

(3) ~~prints and signs~~ digitally signs and uploads Form 04KI002E, Title IV-E Eligibility Determination;

(4) completes the initial Title IV-E determination within 45-business days of receipt of the assignment; and

(5) maintains all ~~printed~~ household composition verification in the initial Title IV-E Determination ~~section of the paper case record~~ packet in KIDS DMS.

340:75-13-13. Title IV-E eligibility criteria

Revise ~~9-15-20~~ 9-14-24

A child is determined eligible for Title IV-E when paragraphs (1) and (2) are present.

(1) **Legal status.** The child's removal or placement is the result of a:

(A) court finding, determined on a case-by-case basis documented in a court order that:

(i) continuation in the home is contrary to the child's welfare, or that the placement is in the child's best interests, or language to that effect, per Oklahoma Administrative Code (OAC) 340:75-3-300.

(I) The finding ~~must be~~ is made in the first court order that sanctions the child's removal from the home.

(II) Failure to include this finding in the first court order results in a determination of ineligibility for Title IV-E foster care reimbursement for the duration of the child's stay in out-of-home care; and

(ii) prior to the placement of the child in out-of-home care, reasonable efforts were made to prevent the removal from the home, or reasonable efforts were not required due to an emergency, per Section 1-4-201 of Title 10A of the Oklahoma Statutes and OAC 340:75-1-16.

(I) The determination ~~must be~~ is made no later than 60-calendar days from the date of the child's removal from the home.

(II) Failure to include this finding within 60-calendar days of the child's removal results in a determination of ineligibility for the duration of the child's stay in out-of-home care; or

(B) voluntary consent with a signed written agreement between Oklahoma Department of Human Services (~~DHS~~) (OKDHS) or a tribe and the child's parent or legal guardian that is binding on the parties to the agreement and specifies the child's legal status, the rights and obligations of the parent or legal guardian, and the rights and responsibilities of ~~DHS~~ OKDHS or the tribe. A court order with required Title IV-E findings and custody to ~~DHS~~ OKDHS or the tribe is necessary when the child is in out-of-home care more than 90-calendar days, per OAC 340:75-4-12.1.

(2) Relationship to Aid to Families with Dependent Children (AFDC). The Title IV-E determination is made based on the child's circumstances in the month of the ~~child's removal from the home and up to the point of~~ initiation of court proceedings that led to the removal. The child must have been categorically related to the AFDC program using the AFDC rules in effect as of July 16, 1996, per ~~DHS~~ OKDHS:10-1-1. To qualify for Title IV-E, a child is:

(A) removed:

(i) physically and legally from the parent; or

(ii) constructively from the parent or specified relative, per ~~DHS~~ OKDHS:10-1-21, regardless of whether the child was physically moved from the current relative or non-relative caregiver's home. The child must have been living with the parent or specified relative and AFDC eligible in that home:

(I) in the month of the initiation of court proceedings; or

(II) within six months of the initiation of court proceedings and would have been eligible in the month court proceedings were initiated if the child was living in that home; ■ 2 and

(B) a citizen of the United States or having an alien status that qualifies for Title IV-E; and ■ 3

(C) deprived of parental support or care, per 1996 AFDC policy; ■ 4

(D) the household's countable income ~~must be~~ is below the 1996 AFDC need standard; ■ 5 and

(E) Title IV-E, Section 472 of the Social Security Act allows a resource value of \$10,000 for Title IV-E eligibility.

INSTRUCTIONS TO STAFF 340:75-13-13

Revised ~~9-15-20~~ 9-14-24

1. Legal status.

(1) Child Welfare Services (CWS) cases.

(A) A Title IV-E eligibility determination is made only when the custody specialist has:

(i) a copy of the court order removing the child from the home that contains the specific judicial determinations required by state and federal law; or

(ii) completed Forms 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Home Placement and Medical Care of Child, or 04IL001E, Voluntary Placement Request.

(B) Upon review of the applicable documents, the custody specialist reviews the court order to ensure it contains the required judicial findings.

(C) The district director develops and documents a plan with the local court to ensure the orders:

(i) contain the required Title IV-E findings; and

(ii) are received within five-business days of the petition filing. The plan includes procedures for:

(I) review of each order for Title IV-E-required judicial findings;

(II) documentation of all insufficient orders;

(III) action steps for collaborating with the court to correct future orders; and

(IV) annual review of the plan and remediation of problem issues.

(2) Tribal cases. When the tribal court order does not contain Title IV-E-required judicial determinations, ~~a copy of the order is faxed to the DHS tribal coordinator,~~ the tribal custody specialist notifies the CWS tribal IV-E program staff who consults with the tribe regarding judicial determinations necessary for determining Title IV-E eligibility.

2. Constructive removal. The date of constructive removal by court order is used as the date of actual removal, per Section 1356.21(k) of Title 45 of the Code of Federal Regulations. Constructive removal is a non-physical or paper removal of custody from the parent or legal guardian under certain circumstances. A child may already be living with a non-custodial relative when Oklahoma Department of Human Services (DHS) (OKDHS) Child Protective Services intervenes and DHS OKDHS may determine the child should remain in the relative's home, with the relative acting as the child's kinship foster parent. A child in this situation is "constructively removed" for time period requirements even though the child did not change homes.

3. **Citizenship or alien status.** Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), codified at Section 1641(b) of Title 8 of the United States Code (8 U.S.C. § 1641(b)), only United States citizens and qualified aliens are eligible for Title IV-E funded foster care and adoption assistance. A qualified alien is:
 - (1) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), 8 USC 1101 et seq.;
 - (2) a refugee, admitted under § 207 of the INA;
 - (3) an alien granted asylum under § 208 of the INA;
 - (4) a Cuban or Haitian entrant, as defined in § 501(e) of the Refugee Education Assistance Act of 1980;
 - (5) an alien granted parole for at least one year under § 212(d)(5) of the INA;
 - (6) an alien whose deportation is being withheld under:
 - (A) § 243(h) of the INA as in effect prior to April 1, 1997; or
 - (B) § 241(b)(3) of the INA, as amended;
 - (7) an alien granted conditional entry under § 203(a)(7) of the INA in effect before April 1, 1980;
 - (8) a battered spouse, battered child or parent, or a child of a battered person with a petition under § 204(a)(1)(A) or § 244(a)(3) of the Immigration and Naturalization Act; and
 - (9) a victim of a severe form of trafficking, per 22 U.S.C. § 7102.
 - (A) All qualified alien children who are eligible for Title IV-E purposes are eligible for Medicaid under Title XIX.
 - (B) An alien child may be determined eligible for Title IV-E purposes, regardless of how long they have been in the United States.
 - (C) The parent of the removed child provides written documentation of the status of the child's residency in the United States. When the parent has no documentation of citizenship or lawful presence in the United States for the child or asserts some other immigration status, the CWS child welfare (CW) specialist contacts DHS OKDHS Legal Services for guidance.
 - (i) The use of federal funds for medical treatment, other than emergency Medicaid purposes, is prohibited for persons who are not in the qualified categories.
 - (ii) Medical services for children in DHS OKDHS legal custody who are not qualified aliens are paid from state funds.
4. **Deprivation of parental support.** The child is eligible for Title IV-E when, in addition to meeting other conditions of eligibility, the child is deprived of parental support or care because either parent:
 - (1) is deceased;
 - (2) is absent from the home;
 - (3) meets the definition of unemployed or underemployed parent, per 1996 Aid to Families with Dependent Children (AFDC) policy;
 - (4) is physically or mentally incapacitated; or
 - (5) is the parent solely responsible for the child, such as a single adoptive parent.

5. **Income Standards for Title IV-E Eligibility.** A child is eligible for Title IV-E when, in addition to meeting other conditions of eligibility, the household's countable income is below the 1996 AFDC need standard.

(4) Verification for AFDC income and deprivation eligibility may be obtained through sources including, but not limited to:

(A)(1) information from the child abuse and neglect system (KIDS);

(B)(2) information from the ~~child-welfare~~ CW specialist or tribal representative who has personal knowledge of the household's situation at the time of the child's removal;

(C)(3) Form 04KI003E, Report to District Attorney;

(D)(4) all available income verifications including:

(i)(A) Family Assistance/Client Services (FACS) case notes from family support cases open at the time of the child's removal from the home;

(ii)(B) relevant Information Management System screens including:

(i)(i) PY, an index data exchange information and case data for a particular person;

(ii)(ii) Oklahoma Wage Link (OWL or OWC) the most current Oklahoma Employment Security Commission wage information and unemployment benefits;

(iii)(iii) Child Support Services;

(iv)(iv) EB, financial assistance program;

(v)(v) EC, food stamp eligibility information; and

(vi)(vi) ED, medical assistance eligibility information; and

(E)(5) other relevant sources of income verification as listed in Oklahoma Administrative Code 340:65-3-4 Instructions to Staff.

340:75-13-21. Reimbursement for the child in tribal custody of an Indian tribe

Revised 9-15-15 ~~9-14-24~~

(a) **Title IV-E eligibility and the Indian child.** Oklahoma Department of Human Services (DHS) seeks Title IV-E reimbursement for any eligible Indian child when the child is placed in an approved foster home per Section 1356.67 of Title 45 of the United States Code of Federal Regulations, procedures for the transfer of placement and care responsibility of a child from a state to a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement. Title IV-E eligibility is determined by the tribal custody specialist ~~utilizing~~ using the criteria set forth in Oklahoma Administrative Code (OAC) 340:75-13-13.

(b) **Tribal responsibilities related to Title IV-B and Title IV-E.** The tribe is ~~is~~ responsible for:

(1) ~~developing~~ develops and ~~implementing~~ implements policies and practices that ensure compliance with federal regulations related to Titles IV-B and Title IV-E of the Social Security Act. Child Welfare Services (CWS) monitors tribal compliance with the regulations through annual on-site visits, per OAC 340:75-19-32; and

(2) ~~providing~~ provides required information needed to determine Title IV-E eligibility to the assigned CWS regional tribal coordinator.

(A) The CWS regional tribal coordinator ~~scans~~ uploads completed Form 04TB004E, Indian Child Welfare Program Referral, and all court orders into the KIDS ~~file cabinet~~ document management system.

(B) The tribal custody specialist contacts the CWS regional tribal coordinator to request needed information for the initial eligibility determination or annual eligibility re-determination, per OAC 340:75-19-33.

340:75-13-22. Trial home visit [ITS ONLY]

Revised 5-26-05

A child who is returned to the parent(s)' home and remains in Oklahoma Department of Human Services (OKDHS) custody is considered on a trial home visit. The child retains Title IV-E eligibility for up to six months, and longer if the court extends the trial home visit. ■ 1

INSTRUCTIONS TO STAFF 340:75-13-22

Revised ~~6-15-15~~ 9-14-24

1. (a) Child returns home - Oklahoma ~~Department of Human Services (DHS)~~ custody.

(1) When a child returns home while in custody, the child welfare (CW) specialist:

(A) enters a KIDS Trial Reunification placement episode. The child retains Title IV-E eligibility for up to six months; and

(B) advises the parent(s) to apply for or assume medical coverage for the child. ~~The medical case remains open until the parent(s) is notified.~~

(2) The KIDS removal, Title IV-E eligibility, and custody specialist's assignment remain open.

(b) Subsequent removal of the child within six months.

(1) At the time of a subsequent removal, the CW specialist end dates the KIDS Trial Reunification placement episode and enters the new placement.

(2) No action is required of the custody specialist as the child who is home less than six months in Trial Reunification status retains Title IV-E eligibility.

(c) Subsequent removal of the child after six months.

(1) When the court order does not include an extension of trial reunification for a specified period of time, the CW specialist:

(A) end dates the KIDS Trial Reunification placement episode at six months. This automatically end dates Title IV-E eligibility on KIDS. A KIDS tickler is generated to indicate the child's removal was end dated; and

(B) enters a new removal in KIDS. The removal is treated as a new removal for Title IV-E purposes.

(2) The custody specialist:

(A) determines Title IV-E eligibility; and

(B) when the custody specialist does not receive the required court orders or findings for this new removal after requesting such, notifies

the district director, per Oklahoma Administrative Code 340:75-13-13 Instructions to Staff.

(3) When the court order includes a specified period of time when trial reunification ends, the child retains Title IV-E eligibility until the end date specified by the court.

(A) The CW specialist:

(i) updates the KIDS Trial Reunification placement episode to reflect the extension; and

(ii) when the child returns to out-of-home care, end dates the KIDS Trial Reunification placement episode and enters the new placement episode.

(B) No action is required by the custody specialist as the child retains Title IV-E eligibility due to trial reunification status.

PART 7. MEDICAL SERVICES

340:75-13-61. Medical services to children in placement

Revised 9-15-20 9-14-24

Children in Oklahoma Department of Human Services (~~DHS~~) (OKDHS) custody and out-of-home placements have fee-for-service medical cases. The Oklahoma Health Care Authority pays for each medical service provided at the Medicaid allowable rate. The child welfare specialist:

(1) ensures medical services are provided, per Oklahoma Administrative Code (OAC) 340:75-14-3;

~~(2) informs the placement provider of medical service providers who are eligible for payment through medical resources;~~

~~(3) applies for SoonerCare (Medicaid) for a child within five business days of the child's removal from the home following execution of a court order to remove the child by entering the child's removal and placement information into the Child Abuse and Neglect Information System (KIDS) Removal screen KIDS as soon as possible, but no later than two-business days after the child was physically placed in OKDHS custody per OAC 340:75-3-300 ITS 10(6).~~

(A) When the child's removal information is entered into the KIDS Removal screen, a KIDS assignment is generated to the custody specialist.

(B) The KIDS assignment to the custody specialist is considered the referral for:

(i) Title XIX medical benefits; and

(ii) Title IV-E eligibility determination; and

~~(4)(3) notifies the placement provider of the child's medical ID number and person code upon receipt to facilitate medical services and payment.~~

340:75-13-63. Prior authorization and claims procedures for medical services

Revised 9-15-20 9-14-24

Prior authorization is required for medical services, per Oklahoma Administrative Code (OAC) 317:30-3-82. Procedures and guidelines for prior authorization are outlined in OAC 317:30-3-82, available to all healthcare providers at www.ohca.state.ok.us www.oklahoma.gov/ohca.

(1) **Contact Oklahoma Health Care Authority (OHCA).** For services, supplies, or equipment requiring prior authorization, the healthcare provider contacts the OHCA-contracted agency for specific instructions and assistance.

(2) **Contact Child Welfare Services (CWS) Finance and Business Operations (FBO) (FB).** When ~~child welfare (CW)~~ CWS staff or placement providers are referred to a collection agency for nonpayment of a medical bill for a child in Oklahoma Department of Human Services custody, ~~CW~~ CWS staff contacts ~~CWS FBO~~ FB for guidance regarding payment procedures. Any medical payments made from state funds are paid at rates no greater than established Oklahoma Medicaid rates.

340:75-13-74. Medical identification cards [ITS ONLY]

Revised 6-1-12

A child in Oklahoma Department of Human Services (OKDHS) or tribal custody in out-of-home placement receiving Medicaid is issued a medical identification card. ■ 1

INSTRUCTIONS TO STAFF 340:75-13-74

Revised ~~9-15-20~~ 9-14-24

1. (a) Medical identification card.

(1) The initial medical identification card for the child in Oklahoma Human Services (OKDHS) or tribal custody is ~~scanned~~ uploaded to the ~~KK case~~ KIDS document management system (DMS) when the custody specialist certifies the SoonerCare (Medicaid) case.

(2) When the child is in tribal custody, the assigned tribal custody specialist retains the SoonerCare (Medicaid) case.

(3) A medical identification card is issued when:

(A) a child in OKDHS or tribal custody is in out-of-home placement;

(B) a child in OKDHS or tribal custody is placed in Oklahoma;

(C) youth 18, 19, or 20 years of age:

(i) were in OKDHS or tribal custody at the time the youth turned 18 years of age; and

(ii) remain in OKDHS or tribal foster care or other living situation for which OKDHS assumes full or partial financial responsibility;

(D) a non-Title IV-E eligible child in OKDHS custody is placed out-of-state through the Interstate Compact on the Placement of Children, and the receiving state does not provide medical assistance to other states' non-Title IV-E eligible children;

(E) a child in OKDHS or tribal custody is living in the home of a parent and child's family information qualifies the child for medical assistance. The child welfare (CW) specialist encourages the family to apply for medical assistance online with SoonerCare (Medicaid);

(F) a child residing in Oklahoma qualifies for Oklahoma adoption pre-finalization adoption assistance or Oklahoma adoption assistance;

(G) a non-Title IV-E eligible child receiving Oklahoma adoption assistance resides in another state and the receiving state does not provide medical assistance for the child;

- (H) a child is not in OKDHS or tribal custody and the child's family information qualifies the child for medical assistance as determined by the Oklahoma Health Care Authority. The CW specialist encourages the family to apply for medical assistance; and
- (I) youth 18, 19, or 20 years of age:
 - (i) were in OKDHS out-of-home care and custody on his or her 18th birthday;
 - (ii) have left OKDHS or tribal care; and
 - (iii) meet the state's medical assistance Medicaid eligibility criteria.
- (4) A medical card is not issued to a child when the child:
 - (A) resides in the home of a parent, regardless of custody status, and the family income information exceeds eligibility standards for medical assistance;
 - (B) is in OKDHS or tribal custody, resides out-of-state, and receives medical assistance in the child's state of residence; and
 - (C) receives Oklahoma adoption assistance, resides out-of-state, and receives medical assistance in the child's state of residence.
- (5) The medical identification number remains assigned to the child throughout the child's stay in OKDHS or tribal custody and the card is given to each placement provider when the child's placement changes.
- (6) The medical identification card is ~~delivered~~ emailed to the child's primary CW specialist ~~who sends and uploaded to KIDS DMS~~. The CW specialist provides the card to the child's placement provider.
- ~~(b) Replacement medical identification card. Lost medical identification cards are replaced on an individual basis at the request of the CW specialist. Check the KK File Cabinet and email the custody specialist for a new copy when a scanned copy is not in the File Cabinet.~~

340:75-13-80. Determination of medical eligibility

Revised ~~9-15-20~~ 9-14-24

- (a) **Determination of medical assistance eligibility.** Determination of eligibility for the state's medical assistance programs is required when a child:
 - (1) is removed from home and placed in the custody of Oklahoma Department of Human Services (~~DHS~~) (OKDHS) or a federally recognized Indian tribe when the state is paying for the Indian child's care; or
 - (2) enters state-paid care by signed parental agreement. ■ 1
- (b) **Unqualified alien child.** A child who is an undocumented or unqualified alien is not eligible for medical assistance except in emergency medical situations, regardless of custody status until the child was lawfully determined to be a permanent resident for five years or otherwise meets federal requirements as a qualified alien per Oklahoma Administrative Code 317:35-5-25. ■ 2
- (c) **Child or youth not in ~~DHS~~ OKDHS or tribal custody and medical assistance.** An application for medical assistance may be made on behalf of a child or by a youth not in ~~DHS~~ OKDHS or tribal custody. ■ 3
 - (1) The child in a family-centered services case ~~must meet~~ meets eligibility requirements based on the family income to qualify for medical assistance.

- (2) ~~A youth in voluntary DHS placement is assigned a custody specialist to ensure he or she has the same medical coverage as a child in DHS or tribal custody.~~
- (3) A youth leaving ~~DHS~~ OKDHS or federally recognized tribal care who is 18 years of age may receive medical assistance. Per the 2014 Affordable Care Act, a youth in ~~DHS~~ OKDHS or tribal custody and out-of-home placement on his or her 18th birthday may be eligible to receive medical benefits until his or her 26th birthday. The youth:
- (A) ~~must meet~~ meets eligibility criteria to maintain continuous coverage;
 - (B) who loses medical coverage may apply online with SoonerCare and receive medical coverage until his or her 26th birthday provided all eligibility requirements are met. ~~DHS~~ OKDHS does not pay for services not covered by the Oklahoma Health Care Authority medical program for the youth; and
 - (C) receiving Supplemental Security Income ~~must apply~~ applies in the local ~~DHS~~ OKDHS office.
- (4)~~(3)~~ A pregnant youth 18 years of age or older may apply for pregnancy-related services covered under Title XXI.

INSTRUCTIONS TO STAFF 340:75-13-80

Revised ~~9-15-20~~ 9-14-24

1. Medical assistance eligibility determination.

(1) Within ~~five-~~ two-business days of the child's removal from the home, the child welfare (CW) specialist per Oklahoma Administrative Code (OAC) 340:75-3-300 ITS 10(6):

- (A) completes a search of the child and family's Oklahoma Department of Human Services (~~DHS~~) (OKDHS) history through the Information Management System (IMS);**
- (B) opens a KK case and enters all available information in the KK case;**
- (C) ~~scans~~ uploads the court order that documents the child's removal from the home into the ~~Child Abuse and Neglect Information System (KIDS) File Cabinet~~ KIDS document management system (DMS) no later than 15-business days following the hearing; and**
- (D) provides the child's Social Security number or ~~scans~~ uploads proof of application receipt into the ~~KIDS File Cabinet~~ (DMS) to verify the application was submitted, per ~~Oklahoma Administrative Code (OAC) OAC 340:75-13-10.~~**

(2) The custody specialist:

- (A) certifies the eligible child on a ~~C case or H~~ C, H, or J case in Family Assistance/Client Services (FACS) system effective, the:**
 - (i) first-calendar day of the month following of the child's removal from the home ~~when the child was receiving medical assistance at the time of the removal;~~**
 - (ii) date Form 04FC007E, Authorization from Parent or Guardian for Voluntary Foster Home Placement and Medical Care of Child, or Form 04IL001E, Voluntary Placement Request, as applicable, was signed; or**
 - (iii) ~~date of removal, when the child was not a medical assistance recipient on the date of removal;~~**

- (B) removes the child from any other medical case and updates those cases on FACS with custody information; and
- (C) ~~prints~~ uploads Form 04K1072E, Medical Eligibility Determination, from KIDS, signs, and files in the ~~Initial Determination~~ section of the eligibility file KIDS DMS.
- (3) Each child's child's medical case is reviewed every 12 months, per OAC 317:35-7-62.
- (A) When a review of the medical case is due, the custody specialist:
- (i) reviews information from the KIDS case and IMS programs and applications; and;
 - (i) verifies the child remains in custody and in an out-of-home placement;
 - (ii) checks PY screens and updates income if necessary;
 - (iii) updates review information in FACS and enters a case note documenting that the review was completed and the child remains in custody and in an out-of-home placement; and
 - (iv) uploads a digitally signed ED screen into the Child Welfare Services (CWS) medical review section of KIDS DMS reflecting that the review was completed
 - ~~(ii) updates the medical case information.~~
- (B) The CW specialist immediately notifies the custody specialist via email when:
- (i) ~~DHS~~ OKDHS or a tribe no longer has custody of the child; and
 - (ii) there are changes in the child's:
 - (I) type of placement;
 - (II) county of residence;
 - (III) benefits; or
 - (IV) health insurance coverage.
- (4) The medical case for a child in ~~DHS~~ OKDHS or tribal paid care is retained in the county of the assigned custody specialist.
2. Acquiring medical or dental care or prescriptions for the undocumented alien child. When an undocumented alien child in ~~DHS~~ OKDHS custody in out-of-home placement:
- (1) requires an emergency procedure, the CW specialist consults the custody specialist regarding submission of required documentation to Oklahoma Health Care Authority (OHCA) for approval; or
 - (2) receives routine medical services, the CW specialist obtains a completed claim from the medical provider and notes undocumented alien child and the child's KK number on the claim and forwards the claim to ~~Child Welfare Services (CWS) Finance and Business Operations (FBO) (FB)~~.
- (A) When the undocumented alien child requires medical, dental, vision, or mental health services, the CW specialist mails the original claim form to ~~CWS FBO~~ FB with a coversheet including the:
- (i) child's name;
 - (ii) KK number; and
 - (iii) child's undocumented alien status.

(B) When the undocumented alien child requires prescriptions, the original pharmacy labeling information receipt is mailed to CWS FBO FB with a coversheet that includes the:

- (i) child's name;**
- (ii) KK number; and**
- (iii) child's undocumented alien status.**

- 3. Medicaid certification for former foster care youth. A youth aging out of foster care is certified for Medicaid without an application or required review. Changes in address or other demographics are reported by the youth to OHCA.**

SUBCHAPTER 15. ADOPTIONS

PART 14. POST ADOPTION SERVICES

340:75-15-128.4. Special needs determination

Revised ~~9-15-22~~ 9-14-24

A child is determined to have special needs by meeting all criteria in (A) through (C) of this subsection and, to be eligible for:

- (1) federally-funded adoption assistance, per Oklahoma Administrative Code (OAC) 340:75-15-128.2;
- (2) state-funded adoption assistance, per OAC 340:75-15-128.3; or
- (3) reimbursement of non-recurring adoption expenses, per OAC 340:75-15-128.1.

(A) The child cannot return home. When Oklahoma Human Services (OKDHS) recommends the child not return to his or her parent's home, it is documented with:

- (i) a Petition for Termination of Parental Rights;
- (ii) an Order of Termination of Parental Rights from a court of competent jurisdiction;
- (iii) a signed Relinquishment of Parental Rights, when the child is under the jurisdiction of the court;
- (iv) other official documentation when a child can be adopted per state or tribal law without parental rights termination or relinquishment; or
- (v) verification of the parent's death, when the child is orphaned.

(B) Special factors or conditions exist. OKDHS determines that one or more of the factors or conditions listed in (i) through (vii) of this subparagraph exists, and that the child may not be placed with the adoptive parent without adoption assistance.

- (i) **Physical disability.** The child has a physical condition that adversely affects his or her day-to-day motor functioning.
- (ii) **Intellectual disability.** The child has significantly sub-average, general cognitive capacity, motor-functioning, or both existing concurrently with deficits in adaptive behavior, manifested during the developmental period adversely affecting a child's or youth's socialization and learning.
- (iii) **Age and type of placement.** Eligibility based on the child's age and type of placement is determined according to (I) and (II) of this unit.

- (I) **Kinship placement.** There is no age requirement when the child is placed with a relative who meets the specified degree of relationship per

OAC 340:10-9-1.

(II) **Non-related placement.** When no other special needs are determined and the child ~~must be~~ is 8 years of age and older.

(iv) **Sibling relationship.**

(I) A child of any age and at least one sibling are placed in trial adoption status in the same home.

(II) A child younger than 3 years of age, not determined eligible to receive an adoption assistance payment at the time of the adoption assistance application, becomes eligible when there is a sibling relationship.

(III) When an adoptive child was not adoption-assistance eligible at the time of adoption and the adoptive parent accepts a sibling's placement within one year of the original child's adoption finalization date, the original child becomes eligible for an adoption assistance payment.

(IV) The effective date the adoption assistance payment begins for the original child is the eligibility date for the sibling.

(v) **Emotional disorder.** A child with an emotional disorder exhibits one or more of the characteristics in (I) through (IV) of this unit over an extended period of time and to a marked degree:

(I) an inability to build or maintain satisfactory interpersonal relationships;

(II) inappropriate types of behavior or feelings under normal circumstances;

(III) a general pervasive mood of unhappiness or depression; or

(IV) a tendency to develop physical symptoms or fears associated with personal problems.

(vi) **Racial or ethnic factor.** The child is American Indian, Hispanic or Latino, Asian, or African American and 3 years of age and older.

(vii) **High risk of emotional disorder or physical or intellectual disability.**

The child who has a high risk of emotional disorder or physical or intellectual disability for conditions not currently being treated may qualify for adoption assistance. When no other special factors or conditions exist, a monthly payment is not approved until there are documented symptoms of emotional disorder or physical or intellectual disability. Indicators of high risk for emotional disorder or physical or intellectual disability are:

(I) social and medical histories, such as the biological parents' or family member's emotional disorder;

(II) events or life experiences, such as severe sexual abuse; or

(III) prenatal exposure to drugs or alcohol.

(C) **Unsuccessful efforts to place the child without assistance.** A

reasonable, but unsuccessful effort is made to place the child without adoption assistance, except where it is not in the child's best interests due to factors, such as a strong emotional tie to a foster parent who plans to adopt the child or placing the child with a relative.

(i) Documentation of efforts to place the child without adoption assistance is required and includes specific recruitment efforts for an adoptive parent who can meet the child's special needs. ~~Examples of specific recruitment efforts include:~~

~~(1) adoption events;~~

- ~~(II) adoption exchanges; and~~
- ~~(III) media and Internet efforts.~~

(ii) Per OAC 340:75-15-128.5, Form 04AN001E, Adoption Assistance Application, ~~must state~~ states why the child may not be placed in an adoptive home without adoption assistance and include the:

- (I) specific factors that make it difficult to place the child;
- (II) efforts made to place the child without assistance; and
- (III) reasons it is not in the child's best interests to attempt to place the child for adoption without assistance.