

COMMENT DUE DATE: February 16, 2021

Date: January 15, 2021

Shirley Russell, Policy Programs Administrator 405-595-7873
Nancy Kelly, Policy Specialist, Legal Services – Policy 405-522-6703
Dena Thayer, Programs Administrator, Legal Services - Policy 405-693-6542

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 amendment is **permanent**.

SUBJECT: CHAPTER 75. CHILD WELFARE SERVICES

Subchapter 3. Child Protective Services
Part 1. Purpose, Definitions, and Child Abuse and Neglect Hotline Protocol
340:75-3-130 [AMENDED]
Part 3. Child Safety Evaluation Criteria and Procedure
340:75-3-300 [AMENDED]
Part 4. Specialized Investigative Protocols, Child Death or Near-Death Reporting Protocols
340:75-3-460 [AMENDED]
Subchapter 6. Permanency Planning
Part 7. Family and Child Individualized Service Planning Components
340:75-6-40.8 [AMENDED]
Part 13. Independent Living
340:75-6-110 [AMENDED]
Subchapter 7. Foster Home Care
Part 2. Development of Resource Families
340:75-7-15 [AMENDED]
340:75-7-24 [AMENDED]
340:75-7-38 [AMENDED]
Subchapter 11. Child Welfare Community-Based Residential Care
Part 17. Contracted Community-Based Residential Care Providers
340:75-11-230 [AMENDED]
340:75-11-233 [AMENDED]
340:75-11-234 [AMENDED]
340:75-11-240 [AMENDED]
Part 21. Residential Intensive Treatment Services
340:75-11-265 [AMENDED]
Part 33. Contracted Level D Plus and Level E Placements
340:75-11-360 [AMENDED]
Subchapter 15. Adoptions
Part 10. Family Assessment and Preparation Process
340:75-15-84.1 [AMENDED]

Part 14. Post-Adoption Services
340:75-15-133 [AMENDED]
(WF 21-75)

SUMMARY:

The proposed amendments to Chapter 75 Subchapter 3: (1) require reporting changes for registered sex offenders living with minor children, per Senate Bill (SB) 163 (2019); (2) address standardized assessment requirements for children in the custody of Oklahoma Human Services (OKDHS), per House Bill (HB) 1075 (2019); and (3) require consideration of child maltreatment review prior to closing a child death investigation, per HB 2610 (2019).

The proposed amendments to Chapter 75 Subchapter 6 update the: (1) age a child may apply for reinstatement of a parent's rights, per HB 1273 (2019); and (2) planning requirements for a youth in OKDHS custody to successfully achieve permanency.

The proposed amendments to Chapter 75 Subchapter 7: (1) require additional background searches for resource parent applicants; (2) update kinship documentation requirements; and (3) remove outdated language.

The proposed amendments to Chapter 75 Subchapter 11: (1) update definitions, organization references, and time frames; (2) revise contract requirements; and (3) include family-style living programs to relevant contracts, per HB 1993 (2019).

The proposed amendments to Chapter 75 Subchapter 15: (1) require additional background searches for adoption applicants; and (2) correct program references.

PERMANENT APPROVAL: Permanent rulemaking is requested.

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

Chapter 75 Subchapter 3: Section 1150.6 of Title 10 of the Oklahoma Statutes (10 O.S. § 1150.6); 10A O.S. §§ 584, 1-1-101 et seq., 1-1-105, 1-2-101, 1-2-102, 1-2-105, 1-3-102, 1-4-201, 1-4-204, 1-4-208, 1-4-806, 1-6-102, and 1-6-105; 57 O.S. § 584; and Section 671 of Title 42 of the United States Code (42 U.S.C. § 671).

Chapter 75 Subchapter 6: 10A O.S. §§ 1-4-109 and 1-9-107; 70 O.S. § 3230; Foster Care Independence Act of 1999, Public Law (P.L.) 106-169, Section 475 of the Social Security Act as amended by P.L. 110-351, Fostering Connections to Success and Increasing Adoption Act of 2008; by the Preventing Sex Trafficking and Strengthening Families Act, P.L. 113-183; and the Family First Prevention Services Act, P.L. 115-123.

Chapter 75 Subchapter 7: 10A O.S. §§ 1-4-204, 1-4-704, 1-7-111, 1-7-115, and 1-9-106, and 1-9-123; 21 O.S. § 692; 57 O.S. § 582; 68 O.S. § 2358.5-1; 18 U.S.C. § 16; and Section 901 et seq. of Title 28 of the Code of Federal Regulations (29 C.F.R. § 901).

Chapter 75 Subchapter 11: 10A O.S. §§ 1-1-102, 1-1-105, 1-2-101, 1-3-102, 1-6-107, 1-7-103, 1-7-105, 1-9-110, and 1-9-123; 70 O.S. § 1-113; 74 O.S. § 85.1; and Drug-Free Workplace Act of 1988.

Chapter 75 Subchapter 15: 10 O.S. §§ 7505-5.3, 7505-5.4, 7505-6.3, and 7508-1.3; 10A O.S. §§ 1-4-7-05 and 1-7-111; 57 O.S. § 582; 18 U.S.C. § 16; and 45 C.F.R. § 1356.30.

Rule Impact Statement

To: Programs administrator
Legal Services - Policy

From: Deborah Shropshire, M.D., Director
Child Welfare Services (CWS)

Date: December 18, 2020

Re: **CHAPTER 75. CHILD WELFARE SERVICES**
Subchapter 3. Child Protective Services
Part 1. Purpose, Definitions, and Child Abuse and Neglect Hotline Protocol
340:75-3-130 [AMENDED]
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Part 10. Family Assessment and Preparation Process
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Part 14. Post-Adoption Services
340:75-15-133 [AMENDED]
(WF 21-75)

Contact: Shirley Russell, Policy Programs Administrator, 405-595-7873

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

The proposed amendments to Chapter 75 Subchapter 3: (1) require reporting changes for registered sex offenders living with minor children, per Senate Bill (SB) 163 (2019); (2) address standardized assessment requirements for children in the custody of Oklahoma Human Services (OKDHS), per House Bill (HB) 1075 (2019); and (3) require consideration of child maltreatment review prior to closing a child death investigation, per HB 2610 (2019).

The proposed amendments to Chapter 75 Subchapter 6 update the: (1) age a child may apply for reinstatement of a parent's rights, per HB 1273 (2019); and (2) planning requirements for a youth in OKDHS custody to successfully achieve permanency.

The proposed amendments to Chapter 75 Subchapter 7: (1) require additional background searches for resource parent applicants; (2) update kinship documentation requirements; and (3) remove outdated language.

The proposed amendments to Chapter 75 Subchapter 11: (1) update definitions, organization references, and time frames; (2) revise contract requirements; and (3) include family-style living programs to relevant contracts, per HB 1993 (2019).

The proposed amendments to Chapter 75 Subchapter 15: (1) require additional background searches for adoption applicants; and (2) correct program references.

Strategic Plan Impact.

The proposed amendments to Chapter 75 Subchapter 3 achieve OKDHS goals by ensuring policy on **child abuse and neglect** reflects statutory changes to benefit children, parents, and staff.

The proposed amendment to Chapter 75 Subchapter 6 achieves OKDHS goals by helping youth achieve permanency and transition to adulthood successfully which benefits children, parents, placement providers, and staff.

The proposed amendments to Chapter 75 Subchapter 7 achieve OKDHS goals by simplifying resource parent requirements and guidance in applying foster care rules, which benefit children, parents, placement providers, and staff.

The proposed amendments to Chapter 75 Subchapter 11 achieve OKDHS goals by recognizing CWS organizational and business process changes, which benefit children, parents, placement providers, and staff.

The proposed amendments to Chapter 75 Subchapter 15 achieve OKDHS goals by clarifying adoption parent requirements which benefit children, parents, and staff.

Substantive changes.

Subchapter 3. Child Protective Services

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

Oklahoma Administrative Code (OAC) 340:75-3-130 is amended to require any individual subject to the Sex Offenders Registration Act and who resides with a minor child to report to the Child Abuse and Neglect Hotline, per SB 163 (2019).

Part 3. Child Safety Evaluation Criteria and Procedure

OAC 340:75-3-300 is amended to ensure every child taken into OKDHS custody receives a standardized assessment evaluating physical, developmental, medical, mental health, and educational needs within 21-calendar days of coming into custody, per HB 1075 (2019).

Part 4. Specialized Investigative Protocols, Child Death, or Near-Death Reporting Protocols

OAC 340:75-3-460 is amended to require when a child maltreatment medical review is conducted by a child abuse examiner or a child abuse pediatrician regarding a child death that the child maltreatment medical review is considered prior to closing a child death investigation, per HB 2610 (2019).

Subchapter 6. Permanency Planning

Part 7. Family and Child Individualized Service Planning Components

OAC 340:75-6-40.8 is amended to change the age at which a child may file an application for a parent's reinstatement of rights.

Part 13. Independent Living

OAC 340:75-6-110 is amended to specify timeframes for preparing and reviewing a successful adulthood plan for a youth in OKDHS custody.

Subchapter 7. Foster Home Care

Part 2. Development of Resource Families

OAC 340:75-7-15 is amended to require a search of Oklahoma Department of Corrections (DOC) offender information as part of a background information search for resource applicants and adult household members.

OAC 340:75-7-24 is amended to align the kinship home documentation requirements with those of foster homes for consistency.

Part 4. Roles and Responsibilities

OAC 340:75-7-38 is amended to update language by deleting references to Bridge which is no longer part of the program's descriptors.

Subchapter 11. Child Welfare Community-Based Residential Care (CBRC)

OAC 340:75-11-230 is amended to update language for intensive treatment services to comply with contracting changes.

OAC 340:75-11-233 is amended to update age eligibility for access to CBRC placement.

OAC 340:75-11-234 is amended to remove outdated policy guidance and reference.

OAC 340:75-11-240 is amended to reflect process changes for general requirements for CBRC placement providers.

Part 21. Residential Intensive Treatment Services (ITS)

OAC 340:75-11-265 is amended to reflect process changes for contracted residential ITS to align with changes in OAC 340:75-11-240.

Part 33. Contracted Level D Plus and Level E Placements

OAC 340:75-11-360 is amended to provide contractors flexibility in adapting onsite education programs for each child in placement as needed.

Subchapter 15. Adoptions

Part 10. Family Assessment and Preparation Process

OAC 340:75-15-84.1 is amended to require a search DOC offender information as part of a background information search for resource applicants and adult household members.

Part 14. Post-Adoption Services

OAC 340:75-15-133 is amended to remove acronyms that reference the Confidential-Intermediary Search Program.

Reasons.

Chapter 75 Subchapter 3: The proposed amendments reflect state statutory changes.

Chapter 75 Subchapter 6: The proposed amendments clarify planning processes for CWS staff working to improve permanency outcomes for youth in OKDHS custody.

Chapter 75 Subchapter 7: The proposed amendments update rules on background information searches for resource parent applicants.

Chapter 75 Subchapter 11: The proposed amendments update rules to reflect changes to group home contracts and business processes.

Chapter 75 Subchapter 15: The proposed amendments update rules on background information searches for adoptive parents.

Repercussions.

Chapter 75 Subchapter 3: The proposed amendments address statutory changes improving outcomes for children and families.

Chapter 75 Subchapter 6: The proposed amendments improve outcomes for youth in OKDHS custody.

Chapter 75 Subchapters 7: The proposed amendments provide uniformity in policy application thus improving outcomes for children in OKDHS custody, resource parents, and staff.

Chapter 75 Subchapter 11: The proposed amendments aligning contracts and policy clarify responsibilities for group home providers and staff.

Chapter 75 Subchapters 15: The proposed amendments provide uniformity in policy application thus improving outcomes for children in OKDHS custody, adoptive parents, and staff.

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

Chapter 75 Subchapter 3: Section 1150.6 of Title 10 of the Oklahoma Statutes (10 O.S. § 1150.6); 10A O.S. §§ 584, 1-1-101 et seq., 1-1-105, 1-2-101, 1-2-102, 1-2-105, 1-3-102, 1-4-201, 1-4-204, 1-4-208, 1-4-806, 1-6-102, and 1-6-105; 57 O.S. § 584; and Section 671 of Title 42 of the United States Code (42 U.S.C. § 671).

Chapter 75 Subchapter 6: 10A O.S. §§ 1-4-109 and 1-9-107; 70 O.S. § 3230; Foster Care Independence Act of 1999, Public Law (P.L.) 106-169, Section 475 of the Social Security Act as amended by P.L. 110-351, Fostering Connections to Success and Increasing Adoption Act of 2008; by the Preventing Sex Trafficking and Strengthening Families Act, P.L. 113-183; and the Family First Prevention Services Act, P.L. 115-123.

Chapter 75 Subchapter 7: 10A O.S. §§ 1-4-204, 1-4-704, 1-7-111, 1-7-115, and 1-9-106, and 1-9-123; 21 O.S. § 692; 57 O.S. § 582; 68 O.S. § 2358.5-1; 18 U.S.C. § 16; and Section 901 et seq. of Title 28 of the Code of Federal Regulations (29 C.F.R. § 901).

Chapter 75 Subchapter 11: 10A O.S. §§ 1-1-102, 1-1-105, 1-2-101, 1-3-102, 1-6-107, 1-7-103, 1-7-105, 1-9-110, and 1-9-123; 70 O.S. § 1-113; 74 O.S. § 85.1; and Drug-Free Workplace Act of 1988.

Chapter 75 Subchapter 15: 10 O.S. §§ 7505-5.3, 7505-5.4, 7505-6.3, and 7508-1.3; 10A O.S. §§ 1-4-7-05 and 1-7-111; 57 O.S. § 582; 18 U.S.C. § 16; and 45 C.F.R. § 1356.30.

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 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 amendments are CWS staff, parents, resource parents, placement providers, and children involved in permanency cases. The affected classes bear no costs associated with the implementation of the rules.

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

Chapter 75 Subchapter 11: The classes of persons most likely to be affected by the proposed amendments are CWS staff, children, and placement providers. The affected classes bear no costs associated with implementation of the rule.

Chapter 75 Subchapter 15: The classes of persons most likely to be affected by the proposed amendments are CWS staff and adoptive homes. The affected classes bear no costs associated with the implementation of the rules.

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

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, foster parents, parents, placement providers, and children 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 11: The classes of persons who will benefit are CWS staff, group home providers, parents, and children in OKDHS custody.

Chapter 75 Subchapter 15: The classes of persons who will benefit are CWS staff, adoptive families, 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, 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:** There are no anticipated adverse effects on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act.
- 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, 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 July 29, 2019; modified October 8, 2020; modified December 18, 2020.

SUBCHAPTER 3. CHILD PROTECTIVE SERVICES

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

340:75-3-130. Child Abuse and Neglect Hotline ■ 5 through 14, and 16 through 20
Revised 9-15-17

(a) **Child Abuse and Neglect Hotline (Hotline).** Per Section 1-2-101 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-101), ~~the Oklahoma Department of Human Services (DHS)~~ (OKDHS) established a statewide, centralized ~~hotline~~ Hotline that operates 24 hours per day to receive child abuse or neglect reports at ~~1-800-522-3511,~~ and reports made by any person subject to the provisions of the Sex Offenders Registration Act who resides with a minor child, per 57 O.S. § 584. An allegation of child abuse or neglect reported in any manner to a ~~DHS~~ an OKDHS county office is immediately referred to the Hotline.

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

- (1) calls screened out;
- (2) referrals assigned;
- (3) calls received by persons unwilling to disclose basic personal information including, but not limited to, first and last ~~name~~ names; and
- (4) unsubstantiated or ruled out allegations.

(c) **Screening Hotline reports.** Each report received at the Hotline is screened to determine whether the allegations meet the definition of child abuse or neglect and are within the scope of child protective services (CPS) assessment or investigation, per 10A O.S. §§ 1-1-101 et seq. and Oklahoma Administrative Code (OAC) 340:75-3. When the allegations are not appropriate for CPS, the reporter may be provided an explanation as to why an assessment or investigation will not be conducted and, when appropriate, where a referral may be made to assist the family. ■ 1 & 2

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

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

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

(f) **Response to reporter concerning a ~~screened-out~~ screened-out report.** The reporter may be informed of the decision to screen out the referral and the reason for the decision. ■ 15

(g) **DHS OKDHS response to reports of child abuse or neglect.** Per 10A O.S. § 1-2-105, ~~DHS~~ OKDHS responds to an accepted report of child abuse or neglect by initiating

an assessment of the family or an investigation of the report in accordance with priority guidelines. The primary purpose of the assessment or investigation is the protection of the child. For assessments or investigations, ~~DHS~~ OKDHS gives special consideration to the risks of any minor child, including a child with a disability, who is vulnerable due to his or her inability to communicate effectively about abuse, neglect, or any safety threat.

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

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

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

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

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

(2) An investigation is conducted when:

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

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

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

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

(j) **Referral recordings.** Per 10A O.S. § 1-2-101(A)(5), ~~DHS~~ OKDHS electronically records each referral received by the Hotline and retains the recordings securely for 12 months. The recordings are confidential and subject to disclosure only when the court orders the disclosure of the referral. ~~DHS~~ OKDHS redacts any information identifying the reporting party unless otherwise ordered by the court.

INSTRUCTIONS TO STAFF 340:75-3-130

Revised 9-15-20

1. (a) **Purpose of the centralized Oklahoma Human Services (OKDHS) Child Abuse and Neglect Hotline (Hotline) child protective services (CPS) intake process. Assessment of safety begins at intake and continues until case closure. The Hotline CPS intake process includes:**

(1) **assisting and guiding the reporter with providing information regarding the alleged child abuse or neglect;**

(2) **interpreting what child abuse or neglect is to the reporter;**

(3) **identifying possible child abuse or neglect; and**

(4) **gathering sufficient information to make decisions about the alleged abuse or neglect as well as information pertaining to the six key questions**

located on Form 04KI030E, Assessment of Child Safety, and outlined in Oklahoma Administrative Code (OAC) 340:75-3-210.

(b) CPS intake decisions. Decisions are made during CPS intake at the Hotline in response to questions in (1) and (2) of this subsection.

(1) Does the report meet OKDHS guidelines for child abuse or neglect or indicate safety threats to a child?

(2) How urgent is the report?

(c) Referral recording maintenance. OKDHS electronically records each referral received by the Hotline and secures the recordings for 12-months. The recordings are confidential and subject to disclosure only when a court orders disclosure, per Section 1-2-101 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-2-101). When the court orders the referral's disclosure, OKDHS redacts any information identifying the reporting party unless otherwise ordered by the court.

2. Hotline functions. The Hotline phone number, 1-800-522-3511, is provided to the public for reporting child abuse and neglect. The Hotline does not take messages for OKDHS employees or others. Hotline functions include:

(1) documenting and processing reports received at the Hotline in the Child Abuse and Neglect Information System (KIDS);

(2) determining if the allegations require an emergency response and notifying district Child Welfare Services (CWS) personnel immediately when an emergency response is necessary; and

(3) conducting Information Management System (IMS) and KIDS searches for each person listed on the report and, when applicable, documenting on the report when the IMS or KIDS search was not completed for reasons, such as KIDS down time.

3. District office notification of a report of child abuse or neglect. During OKDHS business hours, the Hotline specialist enters the child abuse and/or neglect report in KIDS. The Hotline specialist forwards the report via KIDS to the district where the child victim is located.

(1) After business hours, when the referral requires an emergency response, the Hotline specialist phones the district office; the Hotline specialist may phone the district office during business hours when the referral requires an emergency response.

(A) When a child victim resides in one county and is located in a contiguous county at the time of the referral, the Hotline notifies the county of residence.

(B) When a child victim resides in one county and is located in a non-contiguous county at the time of the referral, the Hotline notifies the county where the child victim is located. When there are multiple child victims located in various counties, the Hotline notifies each county where an alleged victim is located.

(2) The assigned district where the child victim is located notifies and coordinates the investigation with other counties to facilitate safety.

(3) Each district maintains within KIDS a current child welfare (CW) specialist on-call list that includes contact information for local law enforcement, per the joint response protocol.

(4) When the original acceptance or prioritization requires change, the Hotline completes an override and enters the new designation in KIDS.

(5) When a referral is received by the district and the referral:

(A) does not meet acceptance criteria per a district staff review;

(B) is going to be addressed in an ongoing case or investigation; or (C) allows for the referral to be screened out with additional information:

(A)(i) the district supervisor sends an email to *CWS.DisputedReferrals stating the referral number, referral name, priority assigned, due date, and the reason for requesting review;

(B)(ii) the Hotline supervisor reviews the referral and makes a determination if the referral is appropriate to screen out; more information is needed; or the referral is to remain assigned;

(C)(iii) an email is sent by the Hotline supervisor to the requesting district supervisor and district director or field manager, when needed, informing them of the decision;

(D)(iv) for referrals dispositioned as a Priority I, the Hotline supervisor makes a determination within one hour when no additional information is needed; ~~once~~ When the additional information is obtained, a response is sent promptly; and

(E)(v) if when the district staff disagrees with the response from the Hotline supervisor, after consultation with the district director or field manager, the district director or field manager emails the Hotline director and Hotline assistant directors requesting a second-level review.

4. (a) Interviewing the child abuse or neglect reporter. The process of interviewing the person reporting suspected abuse or neglect is critical to child protection. The report is documented on Form 04KI001E, Referral Information Report. Gathering background information begins immediately upon receipt of a report of abuse or neglect.

(b) Assisting the reporter. The Hotline specialist assists the reporter by:

(1) responding to the reporter's fears and concerns; and

(2) discussing confidentiality.

(A) Per 10A O.S. § 1-6-102 requirements, the disclosure of information that may serve to identify any person who reported an allegation of known or suspected child abuse or neglect is prohibited unless the disclosure is specifically ordered by the court.

(B) When a report of abuse or neglect alleges someone other than the person responsible for the child's (PRFC) health, safety, or welfare is the perpetrator, the reporter is advised the reported information is provided to law enforcement, and when law enforcement requests, the reporter's identity may also be provided verbally;

(3) explaining the importance of reporting;

(4) explaining the CPS role;

- (5) explaining what information may be disclosed upon completion of the assessment or investigation to the reporter who properly identifies himself or herself; and
 - (6) providing the identified reporter with the KIDS referral number.
- (c) Gathering information. The focus of the interview with the reporter is to obtain information that relates to harm or threatened harm to the child. Information obtained focuses on, but is not limited to:
- (1) the alleged abuse or neglect;
 - (2) each child in the home;
 - (3) each PRFC; and
 - (4) family functioning, strengths, and support systems.
5. Documenting the child abuse or neglect report.
- (1) The Hotline specialist makes diligent efforts to obtain and document:
 - (A) the reporter's name, address, and phone number;
 - (B) the reporter's relationship to the child and the child's family and how well the reporter knows the child and the child's family;
 - (C) if the reporter knows of previous abuse or neglect;
 - (D) the reason for reporting;
 - (E) the reporter's source of information, such as personal knowledge or other sources;
 - (F) the names of collateral persons who may have relevant information regarding the report of child abuse or neglect;
 - (G) the family's response to the reporter's safety concerns when the reporter shared the concerns with the family;
 - (H) the child's and PRFC's identities and locations;
 - (I) if the reporter knows of any unsafe conditions in the home, such as:
 - (i) loaded firearms or other weapons;
 - (ii) persons who are volatile or mentally ill; and
 - (iii) the use or abuse of and types of illegal substances, or the known manufacturing or distribution of illegal substances;
 - (J) the seriousness of the situation and the urgency of a response;
 - (K) the family's primary language;
 - (L) the reporter's knowledge of the family's functioning as it relates to the six key questions located on Form 04KI030E and identified in OAC 340:75-3-210;
 - (M) the reporter's knowledge of the family's or child's tribal affiliation or if the child may be a ward of a tribal court;
 - (N) if there is any reason to believe the child may be an Indian child or resides on tribal land; and
 - (O) the reporter's knowledge of any disability or medical condition of any child in the home or caregiver in the home that might affect the caregiver's ability to protect the child.
 - (2) The Hotline specialist gathers background information by:
 - (A) searching for each person listed in the report in:
 - (i) KIDS for protective services alerts or previous CW reports; and
 - (ii) IMS, including an X-mail address search;

**(B) contacting CPS Programs Unit staff immediately for additional information when a child protective services alert is found; and
(C) reviewing OKDHS history when a person listed in the report received services.**

(i) All OKDHS record sources are checked, including:

(I) medical services;

(II) Adult and Family Services;

(III) Child Support Services;

(IV) OKDHS adoption records, when applicable;

(V) foster care resource and pre-resource records; and

(VI) the Juvenile On-Line Tracking System (JOLTS), when applicable.

(ii) When the CW case record is stored in Post-Adoption Services, in restricted status on KIDS, or stored in archives, CPS is contacted for assistance in obtaining necessary case information.

(3) When a registered sex offender is calling to report residing with a child, the Hotline specialist obtains the name and date of birth of each child in the home and the offense that the person is required to register for, per the Sex Offender Registration Act, 57 O.S. §§ 581 et seq. In addition, the Hotline specialist is to collect the required information listed above in (1) and (2) of this Instruction.

6. Exceptions to records and background information search. Prior to accepting the report, an OKDHS records and background search is conducted regarding each person listed in the report unless it is not possible to access KIDS or IMS.

7. Previous report with unable to locate finding assigned with new report. Critical thinking and sound judgement are used with any allegation previously made that resulted in a finding of unable to locate. When it is determined the previous allegation needs to be addressed, the previous report with unable to locate is documented on Form 04KI001E, Referral Information Report, and assigned for assessment or investigation with the new report.

8. Criteria for screening reports.

(1) Extreme care is taken when making screening decisions. The Hotline supervisor or specialist considers the potential risk factors and safety threats described by the reporter and the child's age and vulnerability.

(A) When the reporter does not report specific allegations of abuse or neglect, the child's age and vulnerability are considered during the screening process.

(B) Reports regarding children 5 years of age and younger are screened with extreme caution due to the young child's vulnerability to serious and life-threatening consequences resulting from abuse or neglect.

(C) CW history is considered when making screening decisions.

(D) Reports regarding children with disabilities are screened with extreme caution. The Hotline supervisor considers the child's functioning level and abilities based on his or her reported disability and the child's vulnerability to serious and life-threatening

consequences resulting from abuse, neglect, or any other safety threat including his or her inability to communicate effectively.

(E) Reports are not screened out regarding an unaccompanied minor when the PRFC's location is unknown or the PRFC refuses to provide care for the unaccompanied minor.

(F) Judicial reports are not screened out except with the referring court's permission.

(G) Reports regarding a newborn born into an open permanency planning (PP) or family-centered services (FCS) case are screened with extreme caution and cannot be screened out when:

(i) reunification of a sibling currently in out-of-home placement is not recommended;

(ii) a pending request for termination of parental rights (TPR) to a sibling exists;

(iii) TPR to a sibling occurred and no evidence exists of the condition being corrected that caused the TPR to the sibling;

(iv) a sibling is currently in an out-of-home ~~safety plan~~ Safety Plan;
or

(v) conditions that led to CW system involvement were not corrected.

(2) Reports appropriate for screening out that are not accepted for assessment or investigation are reports:

(A) that clearly fall outside the definitions of abuse and neglect, per OAC 340:75-3-120, including minor injury to a child 10 years of age and older who has no significant child abuse and/or neglect history or history of neglect that would be harmful to a young or disabled child, but poses less of a threat to a child 10 years of age and older;

(B) concerning a victim 18 years of age and older, unless the victim is in voluntary placement with OKDHS;

(C) where there is insufficient information to locate the family and child;

(D) where there is an indication that the family needs assistance from a social service agency but child abuse or neglect is not indicated;

(E) that indicate a child 6 years of age and older is spanked on the buttocks by a foster or trial adoptive parent with no unreasonable force used or injuries observed, per OAC 340:75-3-410. The screened-out report is referred to Foster Care as a policy violation; and

(F) that indicate the alleged perpetrator of child abuse or neglect is not a PRFC, there is no indication the PRFC failed to protect the child, and the report is referred to local law enforcement; and

(G) the family resides on tribal land and includes tribal members or the family is a tribal foster home with placement of only tribal custody children and the tribe accepted jurisdiction of the investigation.

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

(A) anonymous reports;

(B) custody or visitation disputes where abuse or neglect is alleged even when there are numerous reports; or
(C) reports concerning a family with a history of previous reports. There may be a legitimate explanation why previous assessments or investigations did not reveal enough information to substantiate the previous report.

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

9. Substance-affected newborns not accepted for investigation.

(1) When a report is received concerning an infant diagnosed with neonatal abstinence syndrome (NAS), commonly referred to as withdrawal or fetal alcohol spectrum disorder (FASD), and the report is not accepted for investigation, the:

(A) information is documented on Form 04KI001E, Referral Information Report, and screened out by the Hotline supervisor with a screen-out reason of "plan of safe care"; and

(B) plan of safe care referral is entered and assigned to the mother's county of residence.

(2) A new report is entered and forwarded to the Hotline any time the NAS- or FASD-diagnosed infant is at risk of abuse or neglect.

10. Reporter, collaterals, family, or other contacts during the screening process. Contact with the reporter, collaterals, family, or other contacts may be necessary during the screening process when:

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

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

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

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

(iii) All contacts are made for the sole purpose of gathering information to assist in the screening process and are not intended to be used as a tool to avoid assignment of a report.

(iv) Neither the Hotline specialist nor district personnel may contact the alleged victim(s), sibling(s), non-offending PRFC(s), or alleged perpetrator(s) in an attempt to gather additional information during the

- screening process, unless said person is the reporter and the contact is made for purposes stated in (i) - (iii); or
- (3) the Hotline specialist has reason to believe the collateral will notify the family of the screened-out report.
- 11. Preliminary inquiry when reports of abuse, neglect, or injury of a child received in an open PP, trial reunification, Interstate Compact on the Placement of Children (ICPC), or FCS case.**
- (1) When the child, who is a party to an open PP, trial reunification, ICPC, or FCS case is reported to have a physical injury and the injury's cause is unexplained, the report may be managed as a preliminary inquiry.
- (2) When the Hotline receives a referral, the Hotline refers the report for a preliminary inquiry to the CW specialist responsible for the child.
- (A) The CW specialist conducts and completes a preliminary inquiry within 23-hours of the report's receipt. The preliminary inquiry includes observing and photographing the alleged injury and interviewing the:
- (i) child;
 - (ii) adult witnesses; and
 - (iii) person who was the direct caregiver at the time of the incident.
- (B) When an injury is unexplained and appears to be consistent with normal childhood play or development, the CW specialist may utilize critical thinking skills and determine with supervisory consultation that a medical examination is not required. The supervisory consultation must be entered into the KIDS Case Contacts screen explaining the decision not to seek a medical examination.
- (C) The preliminary inquiry may include seeking a professional medical opinion when the explanation is implausible or is unexplained, and is not consistent with normal childhood play or development, as provided in (B) of this paragraph. A medical examination or consultation with a medical professional is required when a:
- (i) child 5 years of age and younger or a child with a perceived or diagnosed physical or developmental disability has any unexplained injury that does not meet the criteria provided in (B) or any implausibly explained or unexplained bruise or injury to the head, face, ears, neck, stomach, or genitals;
 - (ii) non-ambulatory child has a bruise, burn, or fracture; or
 - (iii) child 5 years of age and younger or a child with a perceived or diagnosed physical or developmental disability has a broken bone or fracture.
- (D) Injuries are photographed and stored in the case file by scanning into the child's case KIDS File Cabinet.
- (E) The CW specialist documents all information related to the injury in the child's case KIDS Contacts screen.
- (F) The CW specialist documents the injury's details in the child's case KIDS Injury screen.
- (G) The CW specialist reports the results of the preliminary inquiry to the Hotline and based on the information, the report is:

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

(H) Information justifying the screen-out disposition is documented in the referral Contacts screen and on Form 04KI001E by the CW specialist who conducted the preliminary inquiry.

(3) When the During the course of open PP, trial reunification, ICPC, or FCS required contacts, any information outlined in paragraph (2)(A) - (F) is gathered prior to a referral being received at the Hotline and the outcome of the preliminary inquiry process does not indicate a suspicion of abuse, neglect, or both, a referral to the Hotline is not necessary; when criteria (A) - (D) are met.

(A) The child is thoroughly inspected for additional injuries to include rearrangement of clothing when necessary.

(B) however, the The documentation is entered into the child's case KIDS Injury screen.

(A)(C) Prior to the decision not to contact the Hotline regarding an observed injury to the head, face, ears, neck, stomach, or genitals or a burn or fracture to a child 5 years of age and younger or to a child with a perceived or diagnosed developmental disability, the CW specialist and CW supervisor must consult with their assigned district director or field manager.

(B)(D) The district director or field manager is required to review all necessary information to make an informed safety decision and determine if a referral is made to the Hotline.

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

- (1) an indication the family may benefit from a referral to other services, such as the Supplemental Nutrition Assistance Program, immunizations, services at the local health department, or a local food pantry;**
- (2) no open investigation; and**
- (3) no existing KK case.**

13. Duplicate reports of child abuse or neglect. Allegations concerning the same incident received from the same or a different reporter are considered duplicate reports. When a duplicate report is received and the initial report is assigned for assessment or investigation, the duplicate report may be screened out and associated with the assigned assessment or investigation.

14. Subsequent reports of child abuse or neglect.

(1) Allegations concerning the same child and family received within 45-calendar days of a previously accepted and assigned report may be screened out and the allegations addressed in the on-going report.

(2) A subsequent report containing allegations of a child death, child near death, child trafficking, or sexual abuse to a child by a PRFC or other adult

who has close contact or access to the child are not screened out as a subsequent report and the allegations are investigated in the new report.

- 15. Response to reporter concerning a screened-out report.** When a report does not meet the criteria for acceptance, the reporter is advised the information he or she provided is kept and that future reported allegations of child abuse or neglect that meet the criteria will be accepted for assessment or investigation.
- 16. Guidelines for designation of the accepted report as an assessment or investigation.** The guidelines outlined in this Instruction to Staff assist the Hotline specialist and supervisor decide if a report is designated as an assessment or investigation and establish response times for initiation. The guidelines are not all-inclusive and do not replace critical thinking and sound judgment when assessing risk factors and safety threats.
 - (1) Risk factors considered in conjunction with the guidelines.** As in any decision-making process, the risk factors are considered first rather than strictly following the guidelines. Risk factors include the:
 - (A) child's vulnerability.** The alleged child victim's ability to self-protect is a critical risk factor based on the child's age, functioning, disability, and developmental stage. Allegations concerning the child 5 years of age and younger potentially constitute a serious and immediate safety threat to the child's health and safety. An older child may be vulnerable due to disability, past victimization, surroundings, or other factors;
 - (B) previous reports regarding the family;**
 - (C) severity of the allegations and alleged injury;**
 - (D) alleged perpetrator's access to the child; and**
 - (E) alleged victim's location.**
 - (2) An investigation is the more cautious approach and has an initiation response time of five-calendar days or less.**
- 17. Assessing prior CW and other background history.**
 - (1) Background information includes when the child and family are:**
 - (A) known to OKDHS and CPS;**
 - (B) currently receiving OKDHS or CW services;**
 - (C) known to CPS in another state; or**
 - (D) known to law enforcement, due to reports of violent crimes, domestic violence, substance use or abuse, or sexual abuse.**
 - (2) When a family has three or more previous CW reports, the CW specialist and CW supervisor:**
 - (A) review and discuss each previous report and the information contained in the entire case record;**
 - (B) determine if there is a pattern of behavior that contributes to safety threats within the family;**
 - (C) decide when additional information is needed to determine if there are significant problems within the family; and**
 - (D) consider all information when screening and determining response times.**
 - (3) The CW specialist contacts CPS immediately for additional information when a child protective services alert is found during a search.**

18. Accepted report designation.

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

- (A) child sexual abuse or child sexual exploitation by a PRFC;**
- (B) a child death or near death;**
- (C) a child placed in OKDHS emergency custody;**
- (D) abuse or neglect in a:**
 - (i) child care center or home that is licensed or should be licensed;**
 - or**
 - (ii) foster family or trial adoptive home;**
- (E) abuse or neglect resulting in serious injury or near death or risk of near death including, but not limited to:**
 - (i) a child 5 years of age and younger alleged to be left alone;**
 - (ii) fractures;**
 - (iii) burns or lacerations;**
 - (iv) head trauma;**
 - (v) life-threatening injuries;**
 - (vi) torture;**
 - (vii) mutilation;**
 - (viii) maiming;**
 - (ix) forced ingestion of a dangerous substance; or**
 - (x) confinement with life-threatening consequences;**
- (F) abuse or neglect requiring an immediate medical evaluation or treatment including, but not limited to:**
 - (i) non-organic failure-to-thrive;**
 - (ii) multiple injuries of varying ages;**
 - (iii) suspected fabricated or induced illnesses;**
 - (iv) injuries to fragile areas of the body, such as the head, face, ears, neck, stomach, or genitals;**
 - (v) serious medical neglect; and**
 - (vi) serious suicide threats or attempts and emergency intervention is required;**
- (G) abandonment;**
- (H) a drug-endangered child who is at risk of suffering physical, psychological, or sexual harm as a result of the use or abuse, possession, distribution, manufacture, or cultivation of controlled dangerous substances, or the attempt of any of these acts by the PRFC. A drug-endangered child includes, an infant:**
 - (i) born exposed to alcohol or a controlled dangerous substance; or**
 - (ii) diagnosed with NAS or FASD;**

- (I) reports regarding a family with previously confirmed or substantiated reports of serious abuse or neglect or sexual abuse within the last two years;
 - (J) reports regarding children previously adjudicated deprived;
 - (K) allegations of serious abuse or neglect in an open PP case, including trial reunification, ICPC, or an FCS case;
 - (L) allegations that the PRFC is violent, out-of-control, or exhibiting a behavioral health crisis;
 - (M) allegations that a child 5 years of age and younger was physically disciplined by a foster or trial adoptive parent. Refer to OAC 340:75-3-410 Instructions to Staff (ITS);
 - (N) when a child placed in a foster or trial adoptive home is exhibiting sexual behavior outside the normal range of development or inconsistent with case history. Refer to OAC 340:75-3-410 ITS;
 - (O) allegations that a child is having sexual contact with another child placed in a foster or trial adoptive home and the PRFC failed to provide appropriate supervision or protection. Refer to OAC 340:75-3-410 ITS;
 - (P) when a child is born to a PRFC who is a party to an open PP or voluntary FCS case and:
 - (i) the siblings are in out-of-home placement with no plans for reunification within the next few weeks;
 - (ii) there are plans to terminate the PRFC's parental rights; or
 - (iii) the siblings are in an out-of-home ~~safety plan~~ Safety Plan with no plans to end date the ~~safety plan~~ Safety Plan within the next few weeks;
 - (Q) when a child is reported to have a disability and is unable or has limited ability to communicate or is unable to provide appropriate self-care;
 - (R) when a child is reported to be a victim of human trafficking;
 - (S) the child is homeless or an unaccompanied minor without access to a parent or legal guardian to meet the child's need for shelter, clothing, food, or medical or behavioral health care;
 - (T) the alleged victim is 18 years of age and older, but was previously in OKDHS custody and is disclosing substantial abuse, neglect, or sexual abuse that occurred while placed in foster family care; and
 - (U) allegations a child was sexually abused by a relative or a close family friend and the PRFC(s) continue to allow access to the child or do not believe the child's disclosure regarding the sexual abuse.
- (2) Assessments. An assessment is conducted when the allegations in the report do not indicate a serious and immediate safety threat to a child, but do indicate inadequate parenting or life management. The first contact during an assessment may be made with the non-offending parent to arrange a time to interview and observe the alleged child victim. The report assigned as an assessment is responded to in 10-calendar days or less after acceptance. Examples of reports responded to as assessments include, but are not limited to:

- (A) a minor physical injury to a child 6 years of age and older resulting from discipline that does not require medical attention;
- (B) untreated minor physical injuries, illnesses, or impairments that within a short time period do not place the child in danger of significant harm;
- (C) when the school has fulfilled its statutory responsibility and exhausted all legal remedies, and:
 - (i) a child has a pattern of unexplained absences from school;
 - (ii) the pattern of absences appears to be caused by the PRFC's failure to enforce school attendance; or
 - (iii) the absences are not due to the child's truancy or homeschooling;
- (D) emotional abuse or neglect that does not indicate risk of serious physical harm to the child;
- (E) when the current report does not contain serious allegations, and:
 - (i) the history of prior reports does not contain serious allegations of abuse or neglect;
 - (ii) the allegations of abuse or neglect are not escalating in severity; and
 - (iii) no more than two reports were previously accepted. A third accepted report may be an assessment. A fourth accepted report must be an investigation; or
- (F) when a baby is born to a minor child in OKDHS custody and there are no concerns regarding a serious and immediate threat of harm to the newborn.

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

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

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

20. Response time for initiation of assessment or investigation.

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

(2) Priority I reports indicate the child is in present danger. Exceptions to the priority assignment may be made when the:

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

- (B) report indicates the need to interview the alleged victim in a neutral setting and a delay of initiation facilitates the need; or
- (C) alleged victim's current location is a barrier to timely investigation initiation.

PART 3. CHILD SAFETY EVALUATION CRITERIA AND PROCEDURE

340:75-3-300. Child safety evaluation ■ 1 through 15

Revised 4-9-19

(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.** The Oklahoma Department of Human Services (~~DHS~~) (OKDHS) evaluates whether to recommend emergency ~~DHS~~ 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 ~~DHS~~ OKDHS emergency custody. A child cannot be placed in ~~DHS~~ 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) ~~DHS~~ 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 or 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 ~~DHS~~ OKDHS. A child believed to be a victim of human trafficking is not considered in ~~DHS~~ OKDHS emergency custody solely upon identification, but is transferred to ~~DHS~~ 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 ~~DHS~~ 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, ~~DHS~~ 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, a ~~DHS~~ an OKDHS form for an ~~Immediate Protective Action Plan (IPAP)~~ a Safety Plan, is completed and implemented when the person responsible for the child's (PRFC) health,

safety, or welfare agrees to cooperate with ~~DHS~~ OKDHS efforts to ensure the child's safety. The ~~IPAP~~ Safety Plan describes the present danger identified by the child welfare (CW) specialist and addresses actions to be taken to ensure the child's safety until a thorough safety evaluation is completed. The PRFC and identified safety monitors sign the ~~IPAP~~ Safety Plan and agree to cooperate with ~~DHS~~ 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, and upon completion of a thorough safety evaluation, and when an alternative to ~~DHS~~ OKDHS custody is appropriate, a ~~DHS~~ an OKDHS form for a Safety Plan is completed and implemented, when the PRFC agrees to cooperate with ~~DHS~~ OKDHS efforts to ensure the child's safety. The ~~safety plan~~ Safety Plan is developed and implemented by agreement without court intervention and describes the impending danger identified by the CW specialist and addresses actions to take to control or eliminate any identified safety threat. The implementation of a short-term ~~safety plan~~ Safety Plan does not preclude ~~DHS~~ OKDHS from recommending court involvement.

(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 parent appears unable or unwilling to protect the child;
- (3) an emergency exists that prohibits the arrangement of timely resources or services to reduce risk and threats of abuse or neglect are unavailable; or
- (4) continued placement in the home is contrary to the child's health, safety, and welfare.

(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 ~~DHS~~ OKDHS safety evaluation indicates the child does not face an imminent safety threat, ~~DHS~~ 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 ~~DHS~~ 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 the filing of 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) A child who is in surroundings that pose an immediate threat to the child may be removed from the home by law enforcement without a court order. When law enforcement declines to remove the child or when ~~DHS~~ 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, ~~DHS~~ 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) **~~DHS~~ 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 ~~DHS~~ OKDHS emergency custody pending further hearing, a ~~DHS~~ 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 assumption of custody of the child from the hospital, school, or child care program can occur without risk to the child or the ~~DHS~~ 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 ~~DHS~~ OKDHS custody.** ~~DHS~~ OKDHS may remove the child in ~~DHS~~ OKDHS custody directly from the child's home when continued placement in the home is contrary to the child's health, safety, or welfare. ~~DHS~~ 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 ~~DHS~~ 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, enforcement of the emergency custody or pick-up order and recognition of Oklahoma's jurisdiction by the ~~another~~ other state must occur 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 ~~9-15-20~~

1. (a) Evaluating child safety.

(1) Form 04KI030E, **Assessment of Child Safety**, is the tool used to document the safety evaluation by focusing on six key questions when gathering information regarding family functioning to determine 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 and attitude about the maltreatment;
 - (iv) history or pattern of maltreatment of the subject child or others by the PRFC;
 - (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; and
 - (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 used by the PRFC and the circumstances for using the

discipline. Information gathered in this phase of the safety assessment includes:

- (i) methods of discipline used by the PRFC and 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 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 parenting practices used by the PRFC determining 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~~ 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~~ 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) The CW specialist completes Form 04MP078E, Part B, Safety Intervention Identified Safety Threats, applying the safety threshold to identify safety threats that are:

- (I) specific;
- (II) severe;
- (III) observable;
- (IV) occurring now or likely to occur in the near future;
- (V) out-of-control; and
- (VI) applicable to a vulnerable child.

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

- (I) Form 04KI030E Sections IV, Safety Decision, and V, Safety Threat Intervention; and
- (II) Form 04MP078E, or Form 04CP008E, Affidavit— 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 through the implementation of a short-term ~~safety plan~~ Safety Plan.
 - (B) The ~~safety plan~~ 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~~ 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~~ 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~~ 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~~ Safety Plan is modified as necessary.
 - (4) Upon the safety evaluation's completion, the ~~safety plan~~ Safety Plan is dissolved when present and impending danger are no longer present.
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~~ 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) The Oklahoma Human Services (OKDHS) makes reasonable efforts to provide a trained facilitator to guide the decision-making process.
- (2) Any determination that a CSM is not possible or unnecessary requires a district director's approval and the reasons supporting the decision are documented in the KIDS Referral Contact screen.
- (3) ~~When feasible, the~~ 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 ensure child safety; however, Child Welfare Services (CWS) maintains legal responsibility for child safety and must make a decision when the full team cannot reach consensus.
- (6) The CW specialist explains the CSM's purpose to the parent(s) and encourages inviting others, such as relatives, friends, or neighbors, who care about the child and/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, a plan for eliciting his or her point of view is developed by the CPS specialist who 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 review the CSM decision.
- (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 is not an appropriate plan to secure a child(ren)'s safety.

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

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

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~~ Safety Plan and family-centered services (FCS), the CW specialist attempts to engage the family in a ~~safety plan~~ Safety Plan and FCS.

(D) When it is not possible to engage the family in a ~~safety plan~~ 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. The CW specialist documents in a KIDS Case Contact, the DA's comments on Form 04KI003E, when court intervention is requested.

(E) When Form 04KI003E requests court intervention by recommending a deprived petition, is denied by the DA and, OKDHS is unable to work the case preventatively, the DA is notified in writing that OKDHS is closing CW 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.
- (3) Law enforcement or a 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 district attorney 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, considering the safety of the victim and other children, and the victim's behavioral needs.
- (i) The child can 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 and/or neglect.
- (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.
- (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) OKDHS staff notifies the district court, juvenile bureau, or OJA employee who assumed protective custody of the child when the final determination confirms the child is a victim of human trafficking.
- (4) The CW specialist consults with the CW supervisor throughout the evaluation process and documents the decision in the case record.
- (5) The CW specialist considers poor prognosis indicators as outlined in OAC 340:75-4-12 ITS.
- (6) 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 physical condition of the home is dangerous and poses an immediate threat of serious injury to the child. For example, exposed electrical wiring or other materials create an extreme danger of fire or there are gas leaks in the home.
- (G) The child was sexually abused or sexually exploited and the perpetrator has access to the child.
- (H) The PRFC purposefully or systematically withheld essential food or nourishment from the child. For example, the child was denied food for extended periods as a form of punishment for real or imagined misbehavior.
- (I) The PRFC refuses to obtain or consent to medical or psychiatric care 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 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~~ 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~~ Safety Plan or the PRFC does not agree to comply with the ~~safety plan~~ Safety Plan, protective or emergency custody of the child and court intervention is requested.

(B) A ~~safety plan~~ Safety Plan does not preclude a recommendation for court intervention and supervision by OKDHS.

(C) The ~~safety plan~~ Safety Plan:

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

(ii) is utilized when the safety evaluation is completed and present and/or impending danger is identified;

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

- (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~~ 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 a ~~safety plan~~ Safety Plan:

- (i) a monitor is identified;
- (ii) Form 04MP078E, Family Services Agreement/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~~ Safety Plan's purpose is to control safety threats immediately. The ~~safety plan~~ 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~~ Safety Plan;

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

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

8. ~~Safety plan~~ 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~~ 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~~ Safety Plan.

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

(7) Does the 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~~ Safety Plan participants.

(1) Prior to engaging individuals as ~~safety plan~~ 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~~ Safety Plan.

(2) When a ~~safety plan~~ Safety Plan is implemented, checks must be completed on an in-home or out-of-home ~~safety plan~~ 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~~ 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 to the OKDHS Office of Background Investigations (OBI) Form 04AD003E, Request for Background Check, requesting a name-based criminal history records search for the prospective ~~safety plan~~ Safety Plan monitor and each adult household member;

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

(i) is subject to the Oklahoma Sex Offender Registration Act and/or the Mary Rippe Violent Crime Offender Registration Act. 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

(iv) is subject to the Restricted Registry, also called Joshua's List. Refer to OAC 340:110-1-10.1;

(D) does not utilize individuals convicted of the felony offenses of:

(i) physical assault, battery, or a drug-related offense within the preceding five-year period;

(ii) child abuse or neglect;

(iii) domestic abuse;

(iv) a crime against a child including, but not limited to, child pornography 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;

(E) does not utilize an individual who is a registrant on the Restricted Registry;

~~(E)~~(F) conducts a search, no later than the next business day, to see if the ~~IPAP or safety plan~~ 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;

~~(F)~~(G) performs a Juvenile Online Tracking System (JOLTS) check on any child in the prospective home who is 13 through 17 years of age;

~~(G)~~(H) uses Form 04AF004E, House Assessment, as a guide when determining the home's physical safety on an out-of-home ~~safety plan~~ Safety Plan;

~~(H)~~(I) contacts, no later than the next business day, other states in which the ~~safety plan~~ Safety Plan monitor or adult household members resided and, requests CW history for each adult in the household;

~~(I)~~(J) with the district director's approval, preliminarily approves a ~~safety plan~~ Safety Plan monitor for any criminal or CW history found in a person's background search, such as protective order petitions, police reports, or judgements and sentences, only when the criminal or CW 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;

~~(J)~~(K) reviews the CW and criminal history of the prospective ~~safety plan~~ 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, or relevant misdemeanors, or registrants on Restricted Registry, per OAC 340:75-7-15;

~~(K)~~(L) when the ~~safety plan~~ 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~~ Safety Plan monitor is denied; and

~~(L)~~(M) documents information obtained regarding the assessment of the ~~safety plan~~ Safety Plan monitor, household members, and other ~~safety plan~~ 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 File Cabinet.

(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.

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 child may be removed from a hospital, educational facility, or a child care program by a CW specialist when the criteria in (1) through (5) of this Instruction 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 ~~district attorney (DA)~~ who obtains a written emergency custody court order that includes a statement that the child may be removed from the hospital,

educational facility, or a child care program by the CW specialist to protect the child from safety threats.

(3) A determination is made by the CW supervisor and district director that the child's removal from the hospital, educational facility, or child care program can occur without disruption to the facility or program; or hostility, risks, or threats to the child or CW specialist.

(4) A copy of the written emergency custody court order is provided by the CW specialist to the hospital, educational facility, or a 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, when the PRFC is present or as soon as possible. When the notification will place the specialist in danger, law enforcement assistance is requested.

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 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 File Cabinet;

(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-offending 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;

(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 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 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 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, enforcement of the custody order and recognition of Oklahoma's jurisdiction by the other state must occur to have the child returned. Each situation is

treated according to the laws and procedures of the state where the child is located.

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

(A) CW specialist:

(i) contacts the CPS Programs Unit 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.

PART 4. SPECIALIZED INVESTIGATIVE PROTOCOLS, CHILD DEATH, OR NEAR-DEATH REPORTING PROTOCOLS

340:75-3-460. Child death or near-death review ■ 1 through 11

Revised 9-16-19

(a) **Child death or near-death definitions.** The following words and terms shall have the following meanings, when Oklahoma ~~Department of Human Services (DHS)~~ OKDHS investigates a child death or near-death or is required to disclose certain information after a child death or near-death that does not meet ~~DHS~~ OKDHS criteria for investigation, per Section 1-6-105 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-6-105).

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

(2) "Near-death" means a child is in serious or critical condition as verified by a physician, registered nurse, or other licensed health care provider. Verification of the child's medical condition may be provided in person, by phone, email, facsimile, or mail.

(3) "~~Person responsible for a child~~ PRFC" means, for the purposes of this Statute only:

(A) ~~a PRFC's health, safety, or welfare as provided in PRFC, per~~ 10A O.S. § 1-6-105; and

(B) any person who voluntarily accepted the duty of supervising a child; or

(C) any person who was directed or authorized by the PRFC to supervise a ~~child~~ by the PRFC child's health, safety, or welfare.

(b) **Child death or near-death investigation protocol.** The child death or near-death investigation requires a multidisciplinary approach. The protocol used during the child death or near-death investigation is the same protocol used in other in-home and out-of-home investigations but includes additional interviews, coordination with law enforcement and medical professionals, and evaluation of case records, per Oklahoma Administrative Code (OAC) 340:75-3-200.

(c) **Child death and near-death investigations subject to program, administrative, or committee review.** The child death or near-death resulting from suspected abuse or neglect investigated by ~~DHS~~ OKDHS is subject to evaluation by program, ~~or administrative, or committee~~ review.

(d) **Public disclosure of ~~DHS~~ OKDHS child death and near-death information.** Requests for the release of information concerning the ~~DHS-investigated~~ OKDHS-investigated child death and near-death are processed, per OAC 340:75-1-44.

(e) **Death and near-death notice provided to Governor and Legislature.** When ~~DHS~~ OKDHS has reasonable cause to suspect the child death or near-death is the result of abuse or neglect, ~~DHS~~ OKDHS notifies the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives of the initial investigative findings of the child protective services review, per 10A O.S. § 1-6-105. Notice is communicated securely no later than 24 hours after the ~~reasonable~~ reasonable determination of reasonable suspicion.

(f) **Child maltreatment review.** When a child maltreatment medical review is conducted by a child abuse examiner or a child abuse pediatrician regarding a child

death, the child maltreatment medical review is considered prior to closing a child death investigation, per 10 O.S. § 1150.6.

INSTRUCTIONS TO STAFF 340:75-3-460

Revised ~~9-15-20~~

- 1. Child death or near-death investigations are assigned as a Priority I.**
 - (1) When information indicates the safety of the surviving siblings can be ensured without an immediate investigation, the Oklahoma Department of Human Services (OKDHS) Child Abuse and Neglect Hotline (Hotline) supervisor may assign the report as a Priority II with a response time of no more than two-calendar days for investigation initiation.**
 - (2) The Hotline supervisor documents the reason the report was not assigned as a Priority I on Form 04KI001E, Referral Information Report.**
- 2. Child death or near-death investigation consultation. The Child Protective Services (CPS) Programs Unit provides:**
 - (1) consultation regarding whether the death or near-death falls within the scope of Child Welfare Services (CWS); and**
 - (2) direction regarding the unique investigative procedures required in a death or near-death investigation.**
- 3. Reporting a child death or near-death to CPS Programs Unit.**
 - (1) When the abuse or neglect is suspected in connection with the child death or near-death report, the Hotline contacts the CPS Programs Unit by email the:**
 - (A) same business day; or**
 - (B) next business day when the death or near-death report is received during OKDHS non-business hours.**
 - (2) The initial information provided by the Hotline includes the:**
 - (A) child's name;**
 - (B) child's date of birth;**
 - (C) date of death or near-death incident;**
 - (D) child's race;**
 - (E) child's gender;**
 - (F) circumstances of the child's death or near-death;**
 - (G) KIDS report number;**
 - (H) assigned district; and**
 - (I) child's OKDHS custody status, when applicable.**
- 4. Initial child death or near-death report prepared by the CPS Programs Unit.**
 - (1) After Hotline receipt of the death or near-death notice, the CPS Programs Unit prepares an account of known circumstances of the child death or near-death including current and previous OKDHS and CWS child welfare (CW) history.**
 - (2) The initial report is sent to the:**
 - (A) the applicable district director and deputy directors;**
 - (B) OKDHS Legal Services;**
 - (C) the applicable programs staff;**
 - (D) OKDHS Office of Communications;**

- (E) the State Child Death Review Board;
 - (F) the Oklahoma Commission on Children and Youth; and
 - (G) Office of Client Advocacy.
5. **Critical incident.** A critical incident may include:
- (1) serious injury, abuse, neglect, or sexual abuse to a child who is in OKDHS custody, participating in a family-centered services case (FCS) or in an open investigation or assessment pertaining to that child's family at the time of the injury, abuse, neglect, or sexual abuse;
 - (2) highly publicized allegations of abuse, neglect, or sexual abuse to a child;
 - (3) a child death or near-death incident while there was an open CWS FCS case, assessment, investigation, permanency planning case (PP), or Interstate Compact for the Placement of Children (ICPC) case;
 - (4) child sex or labor trafficking involving multiple victims; or
 - (5) serious injury abuse neglect, or sexual abuse to a child reunified with the parent(s) for less than one year or the family has substantial child welfare (CW) history.
6. **Preliminary staffing required following the investigation of death, near-death, or critical incident.**
- (1) A preliminary staffing may be held within two-business days of the child death, near-death, or other critical incident investigation, when:
 - (A) the child was in OKDHS custody when the event occurred;
 - (B) there was an open CWS FCS, assessment, investigation, PP case, including trial reunification, or ICPC case when the event occurred; or
 - (C) there is recent CWS CW history or history that warrants immediate and extensive review by CWS administrators.
 - (2) The district director sets the date and time for the preliminary staffing.
 - (3) Mandatory participation in the preliminary staffing includes the:
 - (A) applicable deputy directors;
 - (B) applicable district managers; and
 - (C) CPS/Hotline programs administrator.
 - (4) The issues addressed during the preliminary staffing include:
 - (A) the steps taken to address the surviving siblings' safety;
 - (B) a review of CWS involvement including screened-out referrals, assessments, investigations, FCS, PP cases, including trial reunification, or ICPC, and related actions;
 - (C) media involvement and what CWS may do to assist the OKDHS Office of Communications; and
 - (D) the steps taken to reduce the impact of secondary trauma to CWS personnel and what supports, when any, are needed.
7. **Public inquiries from persons without an official need to know.** Media, public, or other inquiry about a specific case by persons without an official need to know is directed to the OKDHS Office of Communications.
- (1) CWS information and investigations are confidential unless otherwise provided by law.

- (2) All public communications regarding reports under investigation and the investigation itself are issued only by the OKDHS Office of Communications authorized personnel or by a designated CWS programs spokesperson.
8. Final determination in child death or near-death investigation. Upon completion of a child death or near-death investigation, a review is conducted by the CPS Programs Unit, per Oklahoma Administrative Code (OAC) 340:75-3-500.
9. Administrative review of child death or near-death notice of a child known to CWS. Upon receipt of the ~~notice of the death or near-death~~ notice of the a child known to CWS, the CPS Programs Unit reviews the case and notifies the CWS director who determines if an administrative review occurs, per OKDHS:2-3-2. A child known to CWS is a child, who at any time:
- (1) within six months prior to the child's death or near-death incident:
 - (A) was the subject of a CPS assessment or investigation alleging child abuse or neglect;
 - (B) was the subject of a CPS report the CPS Programs Unit determines was improperly screened out;
 - (C) resided in a household that included a member who was the subject of a CPS assessment or investigation alleging child abuse or neglect;
 - (D) was in OKDHS custody or under OKDHS supervision as a child alleged or adjudicated deprived;
 - (E) had an active CW case with OKDHS; or
 - (F) had an active FCS case; or
 - (2) during the two years preceding the child's death or near-death incident:
 - (A) was the subject of more than five CPS referrals of abuse or neglect or three assessments or investigations alleging child abuse or neglect; or
 - (B) resided in a household that included a household member who was the subject of more than five CPS referrals or three assessments or investigations alleging child abuse or neglect.
10. Program review of child death and near-death investigation. A program review is completed for each child death or near-death investigation conducted by OKDHS by the CPS Programs Unit. The review includes:
- (1) a review of the case record. The district provides the CPS Programs Unit a copy of the complete case that includes:
 - (A) Form 04KI003E, Report to District Attorney, and attachments;
 - (B) law enforcement reports;
 - (C) the medical examiner's Report of Autopsy;
 - (D) medical records pertaining to the death or near-death incident and previous records, when applicable;
 - (E) child maltreatment review, when completed; and
 - (F) all pertinent case information;
 - (2) an assessment of findings compliance with CPS standards, per OAC 340:75-3-120 and OAC 340:75-3-130; and
 - (3) requests for additional information from the CW specialist, when determined necessary by the CPS Programs Unit.
11. Completion of the child death or near-death investigation.

(1) When a child death occurs, OKDHS must request and obtain, if available, the child maltreatment review from the maltreatment physician. When a review is pending completion, OKDHS does not close the child death investigation until the child maltreatment review is received in order to consider the review as part of the investigation. When a child maltreatment review was not completed, OKDHS documents the request and that a review was not completed.

(2) When a child near-death occurs, the CW specialist sends a copy of the entire CPS case record to the CPS Programs Unit within 90-calendar days after the child's near-death. The CPS Programs Unit contacts the CW specialist for additional information, as needed.

(3) When a child death occurs, the CW specialist sends a copy of the entire CPS case record to the CPS Programs Unit within 30-calendar days after receiving notice from the CPS Programs Unit of receipt of the medical examiner's Report of Autopsy.

(4) When it appears the investigative process will not be completed within the time requirements, an extension for completion of the investigation or an extension to receive related paperwork may be granted, per OAC 340:75-3-510 Instructions to Staff.

SUBCHAPTER 6. PERMANENCY PLANNING

PART 7. FAMILY AND CHILD INDIVIDUALIZED SERVICE PLANNING COMPONENTS

340:75-6-40.8. Reinstatement of parental rights

Issued ~~7-1-13~~

(a) Per Section 1-4-909 of Title 10A of the Oklahoma Statutes, a child ~~45~~ 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 Department of 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 11-1-18

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.

PART 13. INDEPENDENT LIVING

340:75-6-110. Oklahoma Successful Adulthood (OKSA) program

Revised 4-9-19

(a) OKSA program eligibility. The OKSA program serves:

(1) youth 14 through 17 years of age who are in an out-of-home placement; and in:

- (A) Oklahoma Department of Human Services (~~DHS~~) (OKDHS) legal custody; or
- (B) the custody of a federally recognized Indian tribe;
- (2) young adults 18, 19, and 20 years of age, who:
 - (A) were in an out-of-home placement while in ~~DHS~~ OKDHS or tribal custody on his or her 18th birthday; or
 - (B) entered a guardianship or adoption at 16 years of age and older to achieve permanency and who have not yet reached his or her 21st birthday; and
- (3) young adults 21 to 26 years of age who participate for no more than five years in the Education and Training Voucher Program. ■ 1
- (b) **Legal authority for OKSA services.** Laws that guide OKSA services administered by ~~DHS~~ OKDHS are described in (1) and (2) of this subsection.
 - (1) **Federal successful adulthood law.** The Foster Care Independence Act of 1999 enacted as part of Public Law (P.L.) 106-169; Section 475 of the Social Security Act as amended by P.L. 110-351, Fostering Connections to Success and Increasing Adoption Act of 2008; by the Preventing Sex Trafficking and Strengthening Families Act, P.L. 113-183; and the Family First Prevention Services Act, P.L. 115-123:
 - (A) supports states in the delivery of successful adulthood services to eligible youth and provides them with services that focus on:
 - (i) education;
 - (ii) career planning;
 - (iii) life skills; and
 - (iv) aftercare services; and
 - (B) requires successful adulthood services:
 - (i) complement the youth's own efforts to achieve self-sufficiency; and
 - (ii) program participants recognize and accept personal responsibility for the transition from out-of-home care to adulthood.
 - (2) **State successful adulthood law.** Section 1-9-107 of the Oklahoma Statutes (10A O.S. §1-9-107) created the "Successful Adulthood Act," the purpose of which is to ensure eligible youth who, due to abuse or neglect, were or are in the ~~DHS~~ OKDHS foster care program or a federally-recognized Indian tribe with whom ~~DHS~~ OKDHS has a contract or agreement, receive the protection and support necessary to allow them to become self-reliant and productive citizens through the provision of requisite services that include, but are not limited to:
 - (A) transitional planning;
 - (B) housing;
 - (C) medical coverage;
 - (D) education; and
 - (E) tuition waivers, when eligible, per 70 O.S. § 3230.
- (c) **OKSA service provision.** OKSA services for youth:
 - (1) are initiated by the child welfare (CW) specialist according to the youth's age, as outlined in ~~DHS~~ OKDHS Publication No. 94-08, Oklahoma Successful Adulthood Program;
 - (2) in ~~DHS~~ OKDHS custody placed in other states, are ~~the~~ OKDHS responsibility of ~~DHS~~, per Oklahoma Administrative Code (OAC) 340:75-1-86;

(3) placed in Oklahoma through the Interstate Compact for the Placement of Children (ICPC) are approved by OKSA Program staff on a case-by-case basis, per OAC 340:75-1-86; and

(4) are initiated by the legal guardian or adoptive parent for youth who exited care at 16 years of age and older to permanent guardianship or adoption.

(d) **Requirements.** Eligible youth are provided each of the items listed in (1) through (6).

(1) **Successful adulthood case assessment.** The successful adulthood case assessment is a comprehensive evaluation of the youth's readiness for successful adulthood and identification of the services and supports required for him or her to achieve a maximum level of self-sufficiency. ■ 1

(2) **Successful adulthood plan.**

(A) The ~~permanency~~ CW specialist develops an initial plan for the youth transitioning to a successful adulthood within 60-calendar days of his or her 14th birthday or within 60-calendar days of the youth entering care after his or her 14th birthday. The plan is developed in consultation with the youth and, at his or her option, with up to two members of the ~~permanency~~ planning team to be chosen by the youth, not including the foster parent and ~~the~~ his or her ~~caseworker~~ CW specialist, subject to:

(i) the youth's selection of one person that may be designated to be the advisor and his or her advocate, with respect to the application of the reasonable and prudent parent standard to the youth; and

(ii) ~~DHS~~ OKDHS rejecting a person selected by the youth to be a member of the permanency planning team at any time when ~~DHS~~ OKDHS has good cause to believe the selected person would not act in the youth's best interests.

(B) The successful adulthood plan describes the services, supports, and activities the CW specialist, the permanency planning team, and youth identify as necessary for the youth to transition to successful adulthood, and includes the components required by federal and state statutes. ~~The~~ At a minimum, the successful adulthood plan is continually reviewed and updated each month with the youth and placement provider.

(C) ~~During~~ Prior to the 90-calendar day period immediately ~~prior to~~ before a youth's 18th birthday, ~~DHS~~ OKDHS and, as appropriate, the youth's representatives, provide the youth with assistance and support in developing an appropriate personalized transition plan based upon his or her input, and as detailed as he or she elects, including specific options regarding:

(i) housing;

(ii) health insurance;

(iii) education;

(iv) local opportunities for mentors and continuing support services; and

(v) employment supports and services. ■ 1 & 2

(3) **Notice of rights.** ■ 1

(A) Per 10A O.S. § 1-9-107, each child in ~~DHS~~ OKDHS foster care or a federally-recognized Indian tribe and in an out-of-home placement who reaches 14 years of age is given a notice of foster youth rights describing his or her rights to:

- (i) education, health, visitation, and court participation;
 - (ii) provision of documents specified in (4) of this subsection; and
 - (iii) stay safe and avoid exploitation.
- (B) The youth signs an acknowledgment stating he or she was provided a copy of the notice of foster youth rights and the rights were explained in an age-appropriate way.
- (4) **Essential documents.** Per 10A O.S. § 1-9-107, a youth about to leave foster care at 18 years of age and was in foster care for at least six months is given:
- (A) an official or certified copy of his or her United States birth certificate;
 - (B) a Social Security Administration Social Security card;
 - (C) his or her health insurance information;
 - (D) a copy of his or her medical records;
 - (E) a state-issued driver license or identification card; and
 - (F) official documentation necessary to prove the youth was previously in foster care.
- (5) **Judicial oversight.** A judicial determination is made:
- (A) at each dispositional and review hearing involving a youth 14 years of age and older, whether the OKSA services needed to assist the youth in making the transition from out-of-home care to successful adulthood are being provided, not provided, or are not appropriate;
 - (B) confirming that information was provided to the youth about the importance of designating another individual to make health care treatment decisions on his or her behalf when he or she:
 - (i) becomes unable to participate in his or her health care decisions; and
 - (ii) does not have, or does not want a relative, who would otherwise be authorized under state or tribal law, to make health care decisions for the youth; and
 - (C) that the youth was provided with the option of executing a health care power of attorney, health care proxy, or other similar documents recognized under state or tribal law. ■ 2
- (6) **OKSA support services.** A variety of services, resources, and funds are provided to facilitate successful transition into adulthood and each has distinct eligibility requirements.
- (A) **Youth 14 through 15 years of age.**
- (i) **Youth development funds.** OKSA youth development funds are obtained through community-contracted providers and are designed to support the youth's successful adulthood case plan in preparation for living independently. ■ 4
 - (ii) **Incentive payments.** The OKSA incentive payment is a category of youth development funds that allows for monetary payments to youth for survey and application completions and for accomplishments prior to exiting ~~DHS~~ OKDHS or tribal custody. ■ 5
 - (iii) **Teen panels.** Teen panels provide an opportunity for ~~DHS~~ OKDHS and tribal custody youth to educate staff, care providers, the community, and potential resource parents by presenting the youth's views and experiences in the CW system.

(B) Youth 16 years of age and older.

(i) ~~Community contracted~~ **Community-contracted services.** Contracts support the OKSA program activities and serve youth who are OKSA eligible.

■ 3

(ii) **Youth development funds.** OKSA youth development funds are obtained through ~~community contracted~~ community-contracted providers and are designed:

(I) to support the youth's successful adulthood case plan in preparation for living independently; and

(II) for emergencies the youth encounters after leaving out-of-home care while learning to live independently. ■ 4

(iii) **Incentive payments.** The OKSA incentive payment is a category of youth development funds that allows for monetary payments to youth for survey and application completions and for accomplishments prior to exiting ~~DHS~~ OKDHS or tribal custody. ■ 5

(iv) **Educational opportunities and scholarships.** Scholarships and OKSA services are available to assist the youth complete his or her education and training. ■ 6

(v) **Youth and Adult Advisory Board.** The Youth and Adult Advisory Board includes current and former ~~DHS~~ OKDHS and tribal custody youth, OKSA Program staff, and adult advisors. The board provides the youth an opportunity to work together with other interested youth and adults to:

(I) educate the community regarding issues related to youth in out-of-home placement;

(II) improve the CW system through problem solving;

(III) promote successful adulthood through training; and

(IV) bridge the gap between youth and adults. ■ 7

(vi) **Teen panels.** Teen panels provide an opportunity for ~~DHS~~ OKDHS and tribal custody youth to educate staff, care providers, the community, and potential resource parents by presenting youth views and experiences in the CW system.

(vii) **Voluntary placement of youth after 18 years of age.** Custody youth may request placement in a ~~DHS-paid~~ an OKDHS-paid placement and services from ~~DHS~~ OKDHS on a voluntary basis, or in special circumstances, a short-term voluntary placement while 18, 19, or 20 years of age, when the youth:

(I) reaches 18 years of age prior to completing his or her General Educational Development (GED) or high school education;

(II) did not obtain a GED or high school education and left an out-of-home placement after reaching 18 years of age; or

(III) has specified reasons approved by the district director for the county where the youth resides. ■ 8

(viii) **Credit reports for youth in out-of-home care.** Each youth beginning at 14 years of age and continuing until the youth is discharged from out-of-home care receives:

(I) an annual consumer credit report;

- (II) assistance interpreting the report; and
- (III) assistance resolving any inaccuracies or evidence of identity theft in the report. The court with jurisdiction over the youth is notified of any inaccuracies, evidence of identity theft, or other fraudulent activity. ■ 9

INSTRUCTIONS TO STAFF 340:75-6-110

Revised 4-9-19

- 1. Successful adulthood eligibility, case assessment, and plan. Pertinent information on successful adulthood eligibility criteria, case assessment, and the successful adulthood plan is included in the Oklahoma Successful Adulthood (OKSA) Guides located on the website at www.oksa.ou.edu. Oklahoma Department of Human Services (~~DHS~~) (OKDHS) Publication No. 94-08, Oklahoma Successful Adulthood Program (OKSA), provides the OKSA website location and quick response code.**
 - (1) The successful adulthood plan is required for the youth:**
 - (A) 14 years of age and older;**
 - (B) in ~~DHS~~ OKDHS or tribal custody; and**
 - (C) in out-of-home placement.**
 - (2) The child welfare (CW) specialist or tribal worker assists the youth with completion of the successful adulthood plan by following the instructions in the OKSA Plan for My Future Guide available on the OKSA website. The Guide:**
 - (A) includes information for the youth about the importance of designating another individual to make health care treatment decisions on the youth's behalf, when the youth:**
 - (i) becomes unable to participate in his or her health care decisions; and**
 - (ii) does not have, or does not want a relative, who would otherwise be authorized under state or tribal law, to make health care decisions for him or her; and**
 - (B) discusses the option of executing a health care power of attorney, health care proxy, or other similar documents recognized under state or tribal law.**
 - (3) The CW specialist ensures the youth has a copy of Form 04IL011E, Rights of Foster Youth.**
- 2. Judicial oversight. The CW specialist:**
 - (1) documents on Form 04KI009E, Court Report, or Form 04KI014E, Individualized Service Plan (ISP) Progress Report, each OKSA service provided since the last court hearing and attaches a copy of the youth's updated successful adulthood plan;**
 - (2) recommends the court make the finding, "appropriate successful adulthood services are provided";**
 - (3) ensures within 120-calendar days prior to the youth's 18th birthday that a family meeting is held to prepare Form 04PP018E, My Transition Plan, per Oklahoma Administrative Code (OAC) 340:75-6-31.1 Instructions to Staff (ITS) # 1;**

- (4) submits Form 04PP018E to the court within 90-calendar days of the youth's 18th birthday; and
- (5) assists and supports the youth in implementing Form 04PP018E as described in the OKSA 90 Day Transition Plan Guide on the OKSA website at www.oksa.ou.edu.
3. **Community-contracted services.** Community contractors are listed in **DHS OKDHS Publication No. 94-08**.
- (1) **Services provided through community contracts include:**
- (A) educational, vocational, and supplemental assistance;
 - (B) resource materials, such as instructional tools or supplies, needed for the youth's transition;
 - (C) OKSA teen conferences, seminars, and activities;
 - (D) technical assistance to **DHS OKDHS** and tribal CW staff and other contractors;
 - (E) training regarding the OKSA program and the preparation of youth for a successful transition to adulthood;
 - (F) processing requests for youth development funds;
 - (G) issuing youth development fund payments for goods and services;
 - (H) coordinating special successful adulthood funding to encourage **DHS OKDHS** regions or districts and tribes to develop successful adulthood activities within local communities that include, at a minimum, training for youth in an area of skill needed for successful transition to independence; and
 - (I) answering the Yes I Can toll free number at 1-800-397-2945 and providing services to young adults, 18 to 21 years of age, who were in foster care.
- (2) **To access community-contracted services, the CW specialist or tribal worker:**
- (A) refers to **DHS OKDHS Publication No. 94-08** for contact information; or
 - (B) calls the Yes I Can toll free number at 1-800-397-2945.
- (3) **The OKSA program provides reimbursement for mileage, per diem, and lodging to specified OKSA activities and events for **DHS OKDHS** and tribal CW staff and placement providers.**
4. **Successful adulthood youth development funds.**
- (1) **The approval of successful adulthood youth development funds is contingent upon funding availability.**
- (2) **Successful adulthood youth development funds are not used to reimburse youth, **DHS OKDHS** staff, or contractors for a purchase made on behalf of youth without prior approval from OKSA Program staff.**
- (3) **Eligibility criteria for successful adulthood youth development funds are listed in (A) through (D).**
- (A) **Youth development funds.**
 - (i) **The eligible youth:**
 - (l) **is 14 through 17 years of age and is currently in **DHS OKDHS** or tribal custody in out-of-home placement; or**

- (II) entered adoption or a permanent guardianship at 16 years of age and older.
 - (ii) Refer to ~~DHS~~ OKDHS Appendix C-19-A for eligible expense categories and cost limits.
- (B) Supportive services youth development funds.**
- (i) The eligible young adult:
 - (I) is 18, 19, or 20 years of age and was in ~~DHS~~ OKDHS or tribal custody and out-of-home placement on his or her 18th birthday; or
 - (II) entered adoption or a permanent guardianship at 16 years of age and older.
 - (ii) Refer to ~~DHS~~ OKDHS Appendix C-19-A for eligible expense categories and cost limits.
- (C) Housing youth development funds.**
- (i) The youth or young adult eligible for housing funds was in ~~DHS~~ OKDHS or tribal custody and out-of-home placement on his or her 18th birthday and is not yet 21 years of age.
 - (ii) The young adult, CW specialist, or contracted agency staff contacts OKSA Programs staff for additional requirements.
- (D) One-time only youth development funds.**
- (i) The youth or young adult eligible for one-time only funds is:
 - (I) 14 through 17 years of age, and in ~~DHS~~ OKDHS or tribal custody in out-of-home placement;
 - (II) 18 through 20 years of age, and in ~~DHS~~ OKDHS or tribal custody in out-of-home placement on his or her 18th birthday; and
 - (III) 16 through 20 years of age, and entered a permanent guardianship or adoption at 16 years of age and older.
 - (ii) Refer to ~~DHS~~ OKDHS Appendix C-19-A for eligible expense categories and cost limits.
- (4) Accessing successful adulthood youth development funds for youth or young adults in out-of-home care. To access all categories of youth development funds for the eligible youth or young adult, the CW specialist or tribal worker:**
- (A) prior to requesting funds, determines if the goods and services are available elsewhere at no cost;
 - (B) refers to ~~DHS~~ OKDHS Appendix C-19-A for a list of goods and services, cost limits, and codes;
 - (C) discusses goods and services that support the youth's or young adult's successful adulthood case plan with the youth or young adult and placement provider during each visit and documents the discussion in the Child Abuse and Neglect Information System, KIDS, Contacts screen;
 - (D) completes Form 04IL006E, Request for Successful Adulthood Development Funds, and includes complete vendor information and instructions regarding where the youth development fund payment is

sent;

(E) submits Form 04IL006E to the contractor. The contractor then:

(i) processes the request by verifying the youth's or young adult's available funding and determines if the request supports the youth's or young adult's successful adulthood plan; and

(ii) submits Form 04IL006E to the community-contracted fiscal agent, who issues the youth development fund payment and sends the payment to the location designated in the instruction section of Form 04IL006E;

(F) enters the goods and services in KIDS OKSA Services screen;

(G) verifies the goods and services were received by the youth or young adult and advises him or her that the fiscal agent must have all receipts for the youth's or young adult's goods and services to continue to receive youth development funds;

(H) assists in obtaining the receipts for goods and services, when requested by the fiscal agent; and

(I) documents the funds request in the Contacts screen of the youth's or young adult's KIDS case record.

(5) Accessing one-time only, supportive services, and housing development funds for young adults 18, 19, or 20 years of age who exited out-of-home care at 18 years of age and older. When the young adult contacts the current OKSA community contractor, the contractor:

(A) verifies the young adult's eligibility for goods and services and opens a KIDS OKSA case;

(B) consults with the young adult regarding the fund request and how it complements the young adult's efforts to achieve self-sufficiency;

(C) requests the young adult provide supporting documentation for the request when necessary;

(D) submits Form 04IL006E to the contracted fiscal agent. The contracted fiscal agent issues the fund payment and sends the payment to the location identified in the instruction section of Form 04IL006E; and

(E) enters the conversations with the young adult in KIDS Contacts screen and documents the goods and services received on KIDS OKSA Services screen.

5. Exit interviews.

(1) The youth or young adult calls Yes I Can on or after his or her 18th birthday to complete an intake survey and learn about what services are available to youth exiting custody after age 18. An incentive payment is received upon the survey's completion.

(2) The CW specialist is responsible for informing the youth or young adult to call Yes I Can on or after his or her 18th birthday.

6. OKSA scholarship and educational opportunities.

(1) Oklahoma's Promise (OK Promise).

(A) Section 2601 et seq. of Title 70 of the Oklahoma Statutes (70 O.S. §§ 2601 et seq.) sets forth a scholarship program for students to enroll

during the eighth, ninth, or tenth grades that pays for tuition at an Oklahoma public two-or four-year college or university.

(B) OK Promise application for youth in ~~DHS~~ OKDHS custody. Child Welfare Services program staff initiates enrollment for the eligible youth in OK Promise and documents enrollment in KIDS Education and Contacts screens.

(2) Tuition waiver. 70 O.S. § 3230 provides tuition waivers for eligible youth or young adults in ~~DHS~~ OKDHS or tribal custody for undergraduate resident tuition at institutions within the Oklahoma State System of Higher Education and resident tuition for enrollment in post-secondary programs of area vocational-technical districts.

(A) The youth or young adult is eligible until, he or she:

- (i) earns a degree or program certificate; or
- (ii) reaches 26 years of age, whichever comes first.

(B) To receive a tuition waiver, the youth or young adult must:

- (i) have been in ~~DHS~~ OKDHS custody or a federally-recognized Indian tribe for any nine of the 24 months between his or her 16th and 18th birthdays;
- (ii) be an Oklahoma resident;
- (iii) have graduated from:
 - (I) a high school accredited by the Oklahoma State Board of Education;
 - (II) the Oklahoma School of Science and Mathematics;
 - (III) an approved public high school in states bordering Oklahoma; or
 - (IV) have completed General Educational Development (GED) requirements;
- (iv) have satisfied admission standards determined by Oklahoma State Regents for Higher Education for first-time students;
- (v) have secured admission to and enrolled in a post-secondary vocational-technical program that has a cooperative agreement with the Oklahoma State System of Higher Education; and
- (vi) utilize the tuition waiver within three years after reaching 18 years of age.

(C) To access the tuition waiver:

- (i) the CW specialist or tribal worker assists the young adult with completion of the application for the Education and Training Voucher (ETV) program;
- (ii) OKSA Program staff notifies Oklahoma State Regents for Higher Education of the youth's or young adult's eligibility;
- (iii) Oklahoma State Regents for Higher Education provides a list of eligible youth or young adults to the colleges and universities; and
- (iv) OKSA Program staff mails individual tuition waiver eligibility letters to the youth or young adult.

(3) ETV program.

(A) The ETV program is a provision of the Foster Care Independence Act

of 1999, Public Law 106-169, which makes funding available for post-secondary education and training. Funding may be used for any expenditure considered as part of the post-secondary institution's cost of attendance. The eligible young adult:

- (i) exited custody on or after his or her 18th birthday in out-of-home placement;
- (ii) entered a permanent guardianship or was adopted from out-of-home care after reaching 16 years of age; or
- (iii) was in **DHS OKDHS** custody and was otherwise eligible for the Oklahoma Foster Care Tuition Waiver, per 70 O.S. § 3230.

(B) Young adults may continue to participate in the ETV program until reaching 26 years of age or until reaching the lifetime maximum of \$25,000, limited to \$5,000 per year.

(C) ETV access. To access the ETV program, the CW specialist or tribal worker assists the young adult with electronically completing and submitting the ETV application.

7. Oklahoma Foster Youth Advocates.

(1) The CW specialist advises each eligible youth of the Oklahoma Foster Youth Advocates youth-adult partnership and the youth's opportunity to participate.

(2) When the youth indicates a desire to participate in Oklahoma Foster Youth Advocates, the CW specialist contacts OKSA Program staff.

8. Voluntary placement.

(1) Eligibility for voluntary placement. The youth who requests voluntary placement must meet the criteria in (A) - (D).

(A) The youth is appropriate for out-of-home placement.

(B) Placement is available for the youth.

(C) The youth agrees to participate in the development of a successful adulthood plan outlining the steps to achieve self-sufficiency, participate in OKSA services and activities, and abide by the plan.

(D) The youth participates in an approved school or educational program to obtain a GED or high school diploma and seek employment, as appropriate.

(2) Special circumstances for voluntary placement. When a youth or young adult requests voluntary placement after 18 years of age for reasons other than completion of high school or a GED, such as providing out-of-home care during the summer months following graduation from high school prior to the youth or young adult entering college or a vocational program, the same procedure as for a voluntary placement request is used.

(3) Youth's benefits or resources. When the youth receives benefits, the youth signs a notarized statement agreeing to reimburse **DHS OKDHS** for the cost of care from any benefits or resources available. When the youth does not choose to reimburse **DHS OKDHS** from the benefits, the CW specialist with the youth explores alternatives to voluntary placement that are consistent with the goal of self-sufficiency. Refer to OAC 340:75-13-28.

(4) Voluntary placement request. To request voluntary placement, the

youth signs Form 04IL001E, Voluntary Placement Request.

(A) Form 04IL001E is submitted to the CW supervisor for approval within three months prior to the youth's 18th birthday.

(B) When the supervisor approves the voluntary placement request, Form 04IL001E is forwarded to the district director or designee for final approval.

(C) When the youth's request for voluntary placement is approved by the district director or designee, the status type for the removal and official custody is changed to "voluntary" in KIDS and the youth's 18th birthday is used as the status-begin date.

(5) Medical eligibility. The young adult, 18 years of age in voluntary ~~DHS~~ OKDHS or tribal placement, may be eligible for SoonerCare.

(A) The CW specialist notifies and provides Form 04IL001E to the custody specialist when the young adult enters voluntary placement to allow him or her to receive medical benefits. The CW specialist:

(i) scans Form 04IL001E into the KIDS File Cabinet in the Client tab;

(ii) chooses User Generated Form as the document type;

(iii) selects a file name; and

(iv) uses Voluntary Placement Agreement and date – Client Name as the document description.

(B) When the young adult exiting voluntary ~~DHS~~ OKDHS or tribal placement is older than 18 years of age, but has not reached his or her 21st birthday, the young adult is directed to the ~~my SoonerCare~~ MySoonerCare member enrollment website at www.apply.okhca.org to complete the health insurance application.

9. Credit Reports.

(1) OKSA Program staff:

(A) requests an annual credit report from the three credit reporting agencies for each youth at 14, 15, 16, and 17 years of age, in ~~DHS~~ OKDHS or tribal custody who is in out-of-home placement;

(B) documents in the youth's KIDS OKSA Additional Information screen that the credit report was received and if there are credit concerns;

(C) provides the credit report or information that there were no credit concerns to the youth's CW specialist or tribal worker; and

(D) works with credit reporting agencies to resolve any discrepancies in the report.

(2) The CW specialist or tribal worker:

(A) ensures a copy of the report is provided to the youth and a copy is placed in the KIDS File Cabinet;

(B) documents on the KIDS OKSA screens, the date the report was provided to the youth;

(C) discusses with the youth the importance of maintaining good credit and protecting himself or herself against identity theft;

(D) notifies the court of any discrepancies on the youth's credit report;

(E) discusses during the 90-calendar day Transition Planning meeting the importance of the youth continuing annual credit report requests

after the youth's 18th birthday and instructing the youth on how to request the reports; and
(F) documents in the KIDS OKSA Service screen that the youth received budget and financial training.

SUBCHAPTER 7. FOSTER HOME CARE

PART 2. DEVELOPMENT OF RESOURCE FAMILIES

340:75-7-15. Background information search and assessment of results

Revised 9-15-20

(a) **Authorization to conduct criminal history records searches.** The applicants and adult household members give consent for Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) criminal histories records searches by signing Form 04AD003E, Request for Background Check.

(b) **Background information search for applicants and adult household members.**

■ 1 A background information search is conducted regarding each adult in the applicant's home as a safeguard for children placed in Oklahoma Department of Human Services (~~DHS~~) (OKDHS) custody. Results from the background information searches are obtained, assessed, and documented prior to the applicant's approval. Background information searches are conducted at the time of application and include, but are not limited to:

- (1) an OSBI name and criminal history records search;
- (2) an FBI national criminal history records search, based on fingerprints, per Section 1-7-111 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-111);
- (3) a search of the Oklahoma Sex Offender Registry;
- (4) a search of the Mary Rippy Violent Offender Registry;
- (5) a Department of Public Safety (DPS) report;
- (6) a search of the Oklahoma State Courts Network including Oklahoma District Court Records to determine if the applicant or adult household member is, or was, a party in any court action;
- (7) a search of the Oklahoma Department of Corrections (DOC) offender information;
- ~~(7)~~(8) a search of all ~~DHS~~ OKDHS records, including child welfare (CW) records;
- ~~(8)~~(9) a search of the Restricted Registry;
- ~~(9)~~(10) a search of Nontechnical Services Worker Abuse Registry maintained by the Oklahoma State Department of Health;
- ~~(10)~~(11) a search of the Community Services Worker Registry;
- ~~(11)~~(12) a search of all applicable out-of-state child abuse and neglect registries for the applicant or adult household member, who has not lived in Oklahoma continuously for the past five years, per 10A O.S. § 1-7-111.

(A) The potential resource home is not approved without the results for the applicant and adult household members of the out-of-state child abuse and neglect registry checks, when a registry is maintained in the applicable state.

(B) When a child abuse and neglect registry is not maintained in the applicable state, ~~DHS~~ OKDHS requests any information that can be provided from the state;

and

~~(12)~~(13) a search of Juvenile Online Tracking System (JOLTS) records for the applicant's or each adult household member's any child not in OKDHS custody, 13 through 17 years of age, living in the home.

(c) **Background information summary.** All background information is documented on Form 04AF007E, Records Check Documentation. A copy of Form 04AF007E is shared with the resource family partner (RFP) or the resource family assessment (RFA) contractor responsible for completing an RFA. The RFP is provided background information only for searches the RFP does not conduct.

(d) **Exception to fingerprinting.** Per 10A O.S. § 1-7-111, the ~~DHS~~ OKDHS Director or designee may authorize an exception to the fingerprinting requirement and an alternative procedure for obtaining a national criminal history records search for any applicant or adult residing in the home who has a severe condition that precludes such person being fingerprinted. In limited, case-specific circumstances, ~~DHS~~ OKDHS may not be able to obtain:

- (1) an individual's fingerprints as a result of the individual's disability; or
- (2) legible fingerprints due to low quality fingerprints, as a result of age, occupation, or other conditions, thereby making it impossible for the National Crime Information Center (NCIC) to provide results.

(e) **Out-of-state equivalent records check required based on length of residency.** Prior to approval, applicants or adult household members who have lived in Oklahoma for less than five years must provide equivalent background records checks from previous state(s) of residence. Equivalent records checks include, but are not limited to, a state's criminal history search, including Sex Offender registries. Prior to approval, ~~DHS~~ OKDHS obtains the child abuse and neglect registry check from the previous state(s) of residence, when a registry is available. When a child abuse and neglect registry is not maintained in the applicable state, ~~DHS~~ OKDHS requests any information that the state can provide. ■

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(f) **Residence time requirement for kinship applicants.** Prior to placement, kinship applicants or adult household members who have not lived in Oklahoma continuously for the past five years must submit fingerprints. ~~DHS~~ OKDHS must obtain the child abuse and neglect registry check from the previous state(s) of residence, when a registry is available. Both the national criminal history records search and the child abuse and neglect registry checks must be completed, prior to a child's placement in a kinship home, per 10A O.S. § 1-7-111. When a child abuse and neglect registry is not maintained in the applicable state, ~~DHS~~ OKDHS requests any information that the state can provide.

(g) **New household members in the resource home.** ■ 2 The resource parent notifies the resource specialist within 24 hours of a new household member in the resource home. A resource family's failure to notify the resource specialist of a new household member or the refusal of a household member who remains in the home to consent to a background information search is cause for removal of the foster care child from the resource home, possible closure of the resource home, and cancellation of the foster care contract.

- (1) ~~DHS~~ OKDHS completes a background information search, per this Section, for persons 18 years of age and older residing in the resource home for 30-calendar days or more. The resource parent's child who reaches 18 years of age is

considered in this category.

(2) An adult household member that moves into the resource home must consent to a background information search and be fingerprinted immediately after notification to the resource specialist.

(3) The resource parent's child who turns 18 years of age must consent to a background information search and be fingerprinted within 30-calendar days of turning 18 years of age.

(4) Any child, 13 through 17 years of age who moves into the home, must have a JOLTS check completed immediately.

(h) Kinship applicant criminal history records searches after normal business hours or on a holiday. ■ 3 In determining the suitability of the potential kinship home, ~~DHS~~ OKDHS uses the ~~DHS~~ OKDHS Office of Background Investigations (OBI) to perform a name-based state and federal criminal history records search, per Section 901 et seq. of Title 28 of the Code of Federal Regulations. When OBI is not operational, ~~DHS~~ OKDHS may elect to contract or otherwise collaborate with local law enforcement agencies to perform a name-based state and federal criminal history records search followed by fingerprint verification, per 10A O.S. § 1-7-115.

(i) Assessment of background information search results. ■ 4, 7 through 9

(1) Felony convictions. ■ 5 ~~DHS~~ OKDHS denies a resource home application when the applicant or any person residing in the applicant's home has a criminal conviction record for any felony offenses listed in (A) through (E) of this paragraph. The criminal conviction of an approved resource parent or any person residing in the resource home of any of the felony offenses listed in (A) through (E) of this paragraph requires the closure of the resource home, cancellation of the foster care contract, and removal of every child in ~~DHS~~ OKDHS custody from the home. The felony offenses are:

(A) physical assault, battery, or a drug-related offense, when the conviction occurs within the five-year period preceding the application date; ■ 6

(B) child abuse or neglect;

(C) spousal abuse or domestic abuse;

(D) a crime against a child including, but not limited to, child pornography; or

(E) a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in (A) of this paragraph. Per 21 O.S. § 692, homicide includes manslaughter. Per Section 16 of Title 18 of the United States Code, 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.

(2) Sex-related crimes. ~~DHS~~ OKDHS denies the application to become a resource parent, when the applicant:

(A) or any person residing in the applicant's home has a conviction for any crime, felony or misdemeanor, specified in 57 O.S. § 582, whether the conviction occurred upon a:

(i) verdict;

- (ii) plea of guilty; or
- (iii) plea of nolo contendere; or
- (B) is subject to, living with, or married to a person who is subject to the Oklahoma Sex Offender Registration Act.
- (3) Restricted Registry.** OKDHS denies the application to become a resource parent, when the applicant is a registrant on the Restricted Registry, per 10 O.S. § 405.3.
- (3)(4) Arrests, charges, or other convictions.** Approval of an applicant who has, or is living with a person who has a history of arrests, charges, or convictions for any felony, other than those listed in (1) of this subsection, or a relevant misdemeanor may be approved as a resource parent on a case-by-case basis. A relevant misdemeanor includes:
 - (A) assault and battery;
 - (B) alcohol- or drug-related offenses;
 - (C) domestic violence; or
 - (D) other offenses involving the use of physical force or violence against the person or property of another.
- (4)(5) Child abuse and neglect investigations.** ~~DHS~~ OKDHS determines, on a case-by-case basis, the approval of any resource applicant with a history of child abuse and neglect investigations. ■ 9

INSTRUCTIONS TO STAFF 340:75-7-15

Revised 9-15-20

- 1. Background information searches.** All background information searches, except for Juvenile Online Tracking System (JOLTS) searches, are completed for each applicant and adult household member using current and previous names, aliases, and Social Security numbers.
 - (1) Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) criminal history records searches.**
 - (A) Background information search authorization.**
 - (i) The child welfare (CW) specialist advises the applicant and adult household members that their signatures on Form 04AD003E, Request for Background Check, authorize Oklahoma Human Services (OKDHS) to complete background information searches.
 - (ii) When assessing kin for immediate placement, the applicant or adult household member gives his or her verbal consent.
 - (iii) The CW specialist follows up with the applicant and adult household members and obtains their signatures on Form 04AD003E.
 - (B) OSBI and FBI fingerprinting criminal history records search process.** The CW specialist follows the procedure to obtain, share, and process an OSBI name and criminal history records search and an FBI national criminal history records search as outlined in (i) through (iv) of this subparagraph.
 - (i) For offices with live scan fingerprinting, the CW specialist:

- (I) makes an appointment for every applicant and adult household member to obtain fingerprints and submits Form 04AD003E to the OKDHS Office of Background Investigations (OBI) for the OSBI records search and FBI national criminal history records search; and
 - (II) files a copy of Form 04AD003E for each applicant and adult household member in the resource file.
- (ii) For offices without live scan fingerprinting, the CW specialist:
- (I) provides two fingerprint cards to the applicant and every person 18 years of age and older residing in the applicant's home;
 - (II) provides the applicant with an automated fingerprinting authorization obtained through Finance AS400;
 - (III) instructs the applicant to take the authorization and fingerprint cards to local law enforcement or a fingerprinting agency for fingerprinting services. The applicant returns the cards to the CW specialist once fingerprinting is completed;
 - (IV) checks the applicant's and adult household member's fingerprint cards for accuracy and forwards the cards and Form 04AD003E, to OBI for the OSBI records search and the FBI national criminal history records search; and
 - (V) when the fingerprint cards are rejected and reprinting is necessary, returns the cards to and instructs the person, whose fingerprints were rejected, to take the cards to the original vendor, who reprints the person's fingerprints at no additional charge.
- (iii) An individual missing fingers must submit fingerprint cards with the identifying information completed, stating the reason why he or she is missing fingers.
- (iv) Fingerprint results for each applicant and adult household member are placed in separate manila envelopes with the names and resource numbers written on the outside of the envelopes and stored in a locked file cabinet. The received date is documented as the processing date of the OSBI and FBI search results in the KIDS Criminal Background Check screen.
- (C) Fingerprint addendum. The resource specialist completes Form 04AF033E, National Criminal History Records Search Results – Addendum, for each adult household member when the national criminal history record search results are received.
- (i) When no record is found or the results are the same as the OSBI name-based search, the addendum is completed and filed in a manila envelope with the national criminal history record search results based on fingerprints.
 - (ii) When the results are different from the OSBI name-based search, the resource specialist:
 - (I) discusses the results with the applicant or adult household member;

- (II) completes Form 04AF033E;
 - (III) obtains the applicant's or adult household member's signature on the addendum; and
 - (IV) files the addendum in the manila envelope with the appropriate national criminal history record search results based on fingerprints.
- (D) Exception to fingerprinting procedures. An individual with a severe physical condition that prevents him or her from caretaking and being fingerprinted may not be required to submit a fingerprint card. The resource specialist may request a fingerprint exception from OBI.
- (i) The resource specialist submits an email to OBI staff requesting an exception to fingerprinting for the non-caretaker with the severe physical condition.
 - (ii) OBI requests a fingerprinting exception from the OKDHS Director or designee. Upon authorization, OBI requests an OSBI name-based criminal history search.
 - (iii) The resource specialist is notified by email and a copy of the document granting the permanent exception to the fingerprint requirement is filed in the resource file and scanned into the KIDS Resource File Cabinet.
 - (iv) The resource specialist documents the fingerprint exception into the KIDS Crime screen.
 - (v) The resource specialist continues the individual's assessment, as with any other adult household member, including determining the level of interaction with the child.
- (E) OSBI record of arrest and prosecution (RAP) Back service. RAP Back is a service offered to Oklahoma non-criminal justice government agencies for non-criminal justice purposes, such as the resource parent application, continued approval decisions, and trial home reunification.
- (i) The RAP Back service is not associated with the national criminal history records search and details only subsequent Oklahoma arrests after an individual's fingerprints were submitted to OSBI and FBI for non-criminal justice purposes.
 - (I) A yearly OSBI background check is not necessary because RAP Back reports are sent when a resource parent or adult household member is arrested.
 - (II) Fingerprinting for a national criminal history records search is necessary every five years for active resource parents.
 - (ii) RAP Back reports are received and distributed by OBI to the Resource Unit where the report:
 - (I) is scanned into the KIDS Resource File Cabinet;
 - (II) on any open resource is emailed to the assigned resource specialist, resource supervisor, and resource field manager. A phone call is made to the resource field manager to verify receipt; and

(III) is forwarded by the OKDHS resource family partner (RFP) liaison to the ~~RFP~~ for a supported home home's RFP.

(iii) The resource specialist:

(I) obtains the police report and disposition of the criminal arrest or charge detailed on the RAP Back report;

(II) determines, upon consultation with the resource supervisor and resource field manager, if a written plan of compliance, an abuse or neglect referral, or closure of the home is warranted;

(III) contacts the resource parent to address and assess the information, when an abuse and neglect referral is not assigned;

(IV) ensures the safety and well-being of each child placed in the resource home; and

(V) documents the information in the KIDS Resource Criminal Background screen.

(iv) The Resource Unit and OKDHS Legal Services (LS) provide consultation regarding RAP Back information and related action steps.

(v) RAP Back reports received regarding persons in a closed resource home are scanned into the KIDS Resource File Cabinet by the Resource Unit.

(vi) OBI maintains an electronic log of RAP Back reports.

(2) Court records search. A search is completed to determine if the applicant or any adult household member is, or was, a party to a court action and, if so, the disposition of the criminal charges or court involvement. When the court records search indicates the applicant or any adult household member is named in any protective order case, a traffic case involving drugs or alcohol, or a criminal case that is not an automatic bar to for considering the applicant ~~being considered~~ as a resource parent, the resource specialist obtains copies of the court information and the underlying law enforcement records. This information is reviewed and discussed with the applicant or adult household member to assess the home's suitability and safety for a child's placement in the home. The results are documented on Form 04AF007E, Records Check Documentation, filed in the resource file, and scanned into the KIDS Resource File Cabinet. The resource specialist searches the:

(A) Oklahoma State Courts Network at www.oscn.net;

(B) Oklahoma Department of Corrections (DOC) offender information and lookup at <http://doc.ok.gov/>;

(C) Oklahoma District Court Records at www.odcr.com; and

(D) Mary Rippy Violent Crime Offender Registry search at <http://sors.doc.state.ok.us/>. To search for violent and/or sex offenders, a free, self-initiated search of the Mary Rippy Violent Crime Offender Registry is conducted at the website by selecting:

(i) Violent Offenders Registry and reading the website, agreeing to the terms, and entering the search information; and

- (ii) Sex Offenders Registry and reading the website, agreeing to the terms, and entering the search information.
- (3) OKDHS records search.
 - (A) OKDHS records. The resource specialist completes a search of all OKDHS records including the CW history. A search is completed using the Information Management System (IMS) and KIDS. Each adult household member is searched using name, date of birth, and Social Security number. When the applicant or any household member discloses previous CW involvement in another state, regardless of when it occurred, the resource specialist requests the records from that state. The information is recorded on Form 04AF007E, filed in the resource file, and scanned to the KIDS Resource File Cabinet.
 - (B) Community Services Worker Registry. The resource specialist completes a search at <https://cswrpublic.okdhs.org/cswrpublic>. When an individual's name is located on the Community Services Worker Registry, the information is included in the overall assessment. When an individual's name is located on the Community Services Worker Registry, the applicant cannot be approved without a resource field manager's approval.
 - (C) Restricted Registry. The resource specialist completes a search at <https://ccrrpublicjl.okdhs.org/ccrrpublicjl/public/>. When an individual's name is located on the Restricted Registry, the applicant is denied.
- (4) Oklahoma State Department of Health (OSDH) Nontechnical Services Workers Abuse Registry. The resource specialist completes a search at <https://www.phin.state.ok.us/nar/>. When an individual's name is located on the Oklahoma State Department of Health Nontechnical Services Workers Abuse Registry, the information is included in the overall assessment. When an individual's name is located on the OSDH Nontechnical Services Workers Abuse Registry, the applicant cannot be approved without a resource field manager's approval.
- (5) Out-of-state child abuse and neglect registry information search. When a state that maintains a child abuse and neglect registry does not respond to an information request, the resource field manager notifies a Foster Care and Adoptions deputy director who contacts the Administration for Children and Families regional office for assistance.
 - (A) The resource specialist documents the name of each state contacted and the efforts made to obtain the information in the KIDS Pre-Resource Contacts, but does not place the child until the required registry searches are received.
 - (B) When a child abuse and neglect registry is not maintained by a state and the state is unable to provide any information, the:
 - (i) attempt is documented in KIDS; and
 - (ii) a Foster Care and Adoptions deputy director determines if placement approval may proceed when the resource home is otherwise approved.

- (6) JOLTS search. The resource specialist completes a JOLTS search on any applicant's or adult household member's child not in OKDHS custody, who is 13 through 17 years of age, living in the home. The results are documented on Form 04AF007E, filed in the resource file, and scanned into the KIDS Resource File Cabinet. The CW specialist attempts to obtain associated Oklahoma Office of Juvenile Affairs and law enforcement report when a JOLTS record is found.
2. Criminal history records searches for adults in the home more than 30-calendar days per year and for new household members.
 - (1) A criminal history records search is completed for every adult who engages in a pattern of overnight visitation for more than 30-calendar days per calendar year.
 - (2) The resource specialist must complete a background check and fingerprints on a new adult living in the home immediately after notification that a new adult is living in the home. The resource specialist assesses the new adult as another household member and completes an addendum to the home study within 30-calendar days.
 3. Kinship applicant criminal history records search after normal business hours or on a holiday.
 - (1) The CW specialist requests a name-based criminal history records search from OBI.
 - (A) The CW specialist gives OBI the name, race, gender, date of birth, and Social Security number of each person 18 years of age and older living in the household considered for the child's emergency placement.
 - (B) Each adult household member gives his or her verbal consent to initiate the search.
 - (C) When requested by Child Welfare Services (CWS), OBI immediately conducts the requested name-based criminal history records search, provides a verbal response on each person's criminal history, orders of protection, and outstanding warrants.
 - (D) The failure of any adult living in the household to permit a name-based criminal history records search results in placement denial.
 - (2) When OBI is not operational, the CW specialist asks local law enforcement to conduct a name-based National Crime Information Center (NCIC) criminal history search. With an NCIC history search, fingerprints for the applicant and each adult household member must be provided and submitted to OSBI within five-business days.
 - (A) OKDHS gives local law enforcement the name, race, gender, date of birth, and Social Security number of each person 18 years of age and older living in the household considered for the child's emergency placement.
 - (B) Each adult household member gives his or her verbal consent to initiate the search.
 - (C) When requested by OKDHS, local law enforcement immediately conducts the requested name-based state and federal criminal history

records searches, provides a verbal response on each person's criminal history, protection orders, and outstanding warrants.

(D) The failure of any adult living in the household to permit a name-based criminal history records search or submit a full set of fingerprints and provide written permission authorizing OKDHS to forward the fingerprints to OSBI for an FBI national criminal history records search within the required five-business days results in placement denial or the child's immediate removal from the potential kinship resource home.

(E) When placement is made, OBI forwards fingerprints to OSBI within 15-calendar days after the results of the preliminary name-based records check are received.

(3) The CW specialist documents the criminal history records search by local law enforcement in the KIDS Resource Contacts and submits signed Form 04AD003E to OBI the next business day.

4. Guide to assess background history. The Assessment of Background Information of Resource Applicants, included on CWS Numbered Memo 15-13, is utilized by resource specialists to assess the applicant's and household member's criminal histories, CW histories, JOLTS information, or other concerning histories, such as protective orders, traffic offenses, money judgement, or multiple marriages.
5. Certain felonies prohibit applicant approval. OKDHS does not grant exceptions for felony convictions listed in Oklahoma Administrative Code (OAC) 340:75-7-15, for a potential or an approved resource parent or for anyone residing in the potential or approved resource home.
6. Drug-related offenses. An alcohol-related felony conviction is a drug-related offense and prohibits approval of an applicant as a resource parent, when the conviction occurred within five years preceding the application date.
7. Other related crimes, charges, and convictions. The resource specialist conducts a thorough assessment of the risk potential to the child when there is any felony or relevant misdemeanor, criminal arrest, or a conviction history regarding the applicant or an adult household member.
8. Information and history assessment.
 - (a) Background information. Information that includes:
 - (1) physical violence;
 - (2) sexual components; or
 - (3) substance use or abuse must be reviewed and approved or denied by the resource field manager.
 - (b) CW history. The resource specialist and resource supervisor review all referrals, whether screened-out or accepted, investigations, reports to the district attorney, and appeals.
 - (1) When an applicant or household member has CW history, consideration is given to the:
 - (A) nature of the referral;
 - (B) assessment conclusion or investigation finding;
 - (C) nature and seriousness of the alleged or confirmed abuse or neglect;

- (D) time elapsed since the referral;
 - (E) circumstances under which the abuse or neglect occurred;
 - (F) degree of rehabilitation, including verifiable documentation;
 - (G) number and disposition of referrals; and
 - (H) child's safety in the home.
- (2) When the CW history is concerning, the resource field manager, or when the he or she is unavailable, a Foster Care and Adoptions deputy director is included in the CW history assessment. For assessment purposes, the applicant is approved or denied based on the CW history.
- (3) The discussion and basis for the approval or denial is documented in a KIDS Pre-Resource or Resource Contact.
- (c) Criminal or delinquency history. The resource specialist and resource supervisor review all criminal arrest and conviction histories for each applicant, adult household member, or a child with a JOLTS record.
- (1) When assessing criminal or delinquency history, a:
- (A) homicide includes any type of murder, manslaughter, or other charge involving a person's death; and
 - (B) relevant misdemeanor may include, but is not limited to:
 - (i) assault and battery;
 - (ii) alcohol- or drug-related offenses;
 - (iii) domestic violence; or
 - (iv) other offenses involving the use of physical force or violence against the person or property of another.
- (2) According to Oklahoma Statutes, a deferred sentence means a defendant entered a plea of guilty or nolo contendere; however, the court agreed to withhold a legal finding of guilt on the condition the defendant completes the terms of the deferred sentence imposed by the court. As such, the plea entered by the defendant is not a conviction to the underlying criminal charge but may be considered in determining the applicant's suitability to be a resource parent although the applicant was granted a deferred sentence.
- (3) The resource specialist and resource supervisor consider all relevant issues when assessing the applicant's appropriateness or suitability to be a resource parent.
- (4) Assessment of charges and convictions includes consideration of, but is not limited to, the:
- (A) nature and seriousness of the criminal history;
 - (B) type of crime committed and charges with a detailed description of how and why the crime was committed;
 - (C) time elapsed since the crime or conviction;
 - (D) deferment's length or length and type of sentence imposed;
 - (E) completion date of the deferment and/or sentence;
 - (F) assignment of a probation or parole officer and the officer's contact and location information;

- (G) degree of rehabilitation, positive changes the applicant has made in his or her lifestyle since the arrest or conviction, and a description of how and why the changes occurred;
 - (H) applicant's self-evaluation regarding how the experience may influence children placed in the home;
 - (I) child's safety in such a placement; and
 - (J) information obtained from the applicant's references regarding knowledge of his or her previous and current lifestyle is considered when assessing the applicant's criminal history.
- (5) The resource supervisor consults the resource field manager regarding concerning-background information, including JOLTS. When the resource field manager is unavailable, a Foster Care and Adoptions deputy director is consulted. For assessment purposes, the applicant is approved or denied based on the criminal history.
 - (6) OKDHS LS is consulted as needed.
 - (7) The discussion and basis for the decision are documented in a KIDS Pre-Resource or Resource Contact.
9. Review of a decision to deny a resource home. When there is disagreement about denying an application based on criminal history records, CW history, JOLTS, or other concerning information, (1) through (3) of this Instruction are followed to obtain resolution.
- (1) A Foster Care and Adoptions deputy director and the regional deputy director consult.
 - (2) When a consensus cannot be obtained after a Foster Care and Adoptions deputy director and the regional deputy director consult, the CWS director is consulted and makes the final decision.
 - (3) OKDHS LS attorneys are consulted as needed during the review process regarding an applicant's or household member's background information.

340:75-7-24. Kinship placement for the child in Oklahoma Department of Human Services (~~DHS~~) (OKDHS) custody

Revised 9-15-20

- (a) **Kinship care.** Per Section 1-9-106 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-106), ~~DHS~~ OKDHS establishes standards for kinship foster care.
- (1) Per 10A O.S. § 1-4-204, when determining the placement of a child in ~~DHS~~ OKDHS custody, a preference is given to relatives and persons who have a kinship relationship with the child. ~~DHS~~ OKDHS makes diligent efforts to place the child accordingly and, per 10A O.S. § 1-4-704, reports to the court the efforts made to secure a placement for the child in the least restrictive, most family-like setting, in reasonable proximity to the child's home, and where the child's special needs may be met. ■ 1
 - (2) When the child is not placed with a relative who was considered for placement, ~~DHS~~ OKDHS notifies the court in writing the reasons the relative was denied placement and becomes part of the court record, per 10A O.S. § 1-4-204. ■ 3
 - (3) When the Indian Child Welfare Act (ICWA) applies, ICWA placement preferences

are followed. The Indian child in foster care is placed in the following order of preference, absent good cause to the contrary, with:

- (A) a member of the Indian child's extended family as specified by the child's tribe;
- (B) a foster home licensed, approved, or specified by the Indian child's tribe;
- (C) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- (D) an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs. If the Indian child's tribe has established by resolution a different order of preference, the tribe's placement preferences must be applied.

(b) **Kinship relationships.** Kinship relationships are identified in (1) through (5).

(1) **Related by blood.** Maternal and paternal blood relatives considered as kinship, including half-blood relatives, are:

- (A) siblings;
- (B) grandparents including those denoted by prefixes of great and great-great;
- (C) aunts and uncles including those denoted by prefixes of great and great-great or by degree of relationship;
- (D) nieces and nephews including those denoted by prefixes of grand and great-grand; and
- (E) cousins.

(2) **Related by marriage.** Relationships created by marriage, as described in (1) of this subsection, whether by common-law or ceremony include:

- (A) step-relations; and
- (B) the previous relationship designation prior to the termination of the marriage by death or divorce.

(3) **Related by adoption.** Relatives by adoption as described in (1) and (2) of this subsection are considered kinship.

(4) **Related by emotional tie or bond.** An emotional tie or bond exists when a child or the child's parent acknowledges and accepts a person as part of the extended family or in the family's close network of friends and relationships. The family or child relationship role must exist prior to the necessity for the child's initial out-of-home placement. Individuals with whom a child in ~~DHS~~ OKDHS custody establishes a relationship after the child's out-of-home placement may be considered as a non-relative kinship placement after an assessment of the child's case and an exception to kinship placement is granted. ■ 2

(A) When the child is in protective or ~~DHS~~ OKDHS emergency custody, priority is given by ~~DHS~~ OKDHS to the child's noncustodial parent for placement, unless the placement is not in the child's best interests.

(B) When the child cannot be placed with the noncustodial parent, the child's placement is made, per 10A O.S. § 1-4-204. ■ 3

(5) **Parent not considered kinship.** A kinship placement does not include:

- (A) the child's custodial or noncustodial parent with whom the child is placed or to whom the child is returned; or
- (B) a parent whose parental rights are terminated.

(c) **Residence requirement for kinship applicants.** For kinship applicants or adult

household members who have not lived continuously in Oklahoma for the past five years, ~~DHS~~ OKDHS must obtain the child abuse and neglect registry checks from the previous state(s) of residence, when a registry is available, prior to the child's placement in a kinship resource home, per 10A O.S. § 1-7-111.

(d) **Initial kinship placement.** ■ 4 Per 10A O.S. § 1-9-106, a child may be placed in the kinship resource home prior to completion of the resource family assessment, a national criminal history records search, and pre-service training provided:

(1) Form 04AD003E, Request for Background Check, is completed, signed, and results are received for the applicant and each adult household member, per Oklahoma Administrative Code (OAC) 340:75-7-15;

(2) ~~a DHS~~ an OKDHS records search, including Child Welfare Services records, is completed and documented for the applicant and each adult household member on Form 04AF007E, Records Check Documentation. When an applicant or adult household member has not lived continuously in Oklahoma for the past five years, the resource specialist gathers all child welfare (CW) histories from other states where the applicant or adult household member lived within the past five years. The applicant or adult household member submits fingerprints for a national criminal history records search to expedite the initial placement approval process.

(3) Form 04FC001E, Initial Kinship Placement Agreement, is completed and signed;

(4) Form 04AF001E, Resource Family Application, is completed and signed;

(5) Form 04AF004E, House Assessment, is completed and signed; ~~and~~

(6) Form 04MP061E, Water Safety Agreement, is completed and signed;

(7) Form 04AF021E, Verification of Receipt of OKDHS Rules, is completed and signed;

(8) Form 04AF052E, Initial Kinship Safety Evaluation and Assessment Tool, is completed and signed; and

~~(6)~~(9) three personal references, only one of whom is a family member, are interviewed.

(e) **Kinship resource applicant criminal history records searches after normal business hours or on holidays.** ■ 5 In determining the suitability of the potential kinship home, ~~DHS~~ OKDHS uses the ~~DHS~~ OKDHS Office of Background Investigations (OBI) to perform a name-based state criminal history records search, per procedures set forth in Section 901 et seq. of Title 28 of the Code of Federal Regulations. When ~~DHS~~ OKDHS OBI is not operational, ~~DHS~~ OKDHS may elect to contract or otherwise collaborate with local law enforcement agencies to perform a name-based state and federal criminal history records search followed by fingerprint verification, per 10A O.S. § 1-7-115.

(f) **Kinship maintenance payment option.** ■ 6 The kinship applicant may opt for:

(1) ~~a DHS~~ an OKDHS foster care maintenance payment; or

(2) a money payment that the child is eligible for, instead of the foster care maintenance payment, when the child lived continuously for at least nine months with the kinship applicant.

(A) The foster care maintenance payment is reduced by the amount of the money payment when the money payment is less than the foster care maintenance payment. Refer to OAC 340:75-7-52.1 for Supplemental Security Income (SSI) or Social Security Administration (SSA) benefits received for a

parent who is deceased or disabled.

(B) Payment may include:

(i) other financial resources, per OAC 340:75-13-28; or

(ii) Temporary Assistance for Needy Families (TANF) benefits, per OAC 340:10-9.

(g) **Kinship and traditional resource home requirements the same.** Each kinship resource home, whether paid or non-paid, must meet the same requirements as the traditional non-related resource home.

(h) **Kinship start-up and training stipend.** ■ 6 The kinship resource family that has not been approved within the preceding five years is entitled to receive, per ~~DHS~~ OKDHS Appendix C-20, Child Welfare Services Rates Schedule, a:

(1) one-time kinship start-up stipend to assist with initial expenditures for each child placed in the home for 14-consecutive days; and

(2) training stipend. Half of the total stipend is paid to the kinship resource family after the kinship resource parent(s) enrolls in the pre-service training and the second half of the total stipend is paid to the kinship resource parent(s) after the kinship resource parent(s) completes the pre-service training when:

(A) a child is placed and residing in the home at the time the kinship resource parent enrolls in training; and

(B) the child remains in the home until the kinship resource parent completes training.

(i) **Foster care maintenance payments begin when requirements satisfied.** Per 10A O.S. § 1-9-106, the kinship resource parent is not entitled to any payments for providing foster care until the resource parent receives final approval from ~~DHS~~ OKDHS. Foster care maintenance payments for kinship resource homes begin at the time requirements are met, per OAC 340:75-7-18 and are not retroactive. On a case-by-case basis, the kinship resource parent may be approved for maintenance payments based on an exception to a non-safety requirement, per OAC 340:75-7-10.1. ■ 5

(j) **Kinship resource family transfer to a resource family partner (RFP).** When a kinship resource family is already approved as a supported foster home or is in the approval process with an RFP, the RFP may request the kinship resource family case be transferred to the RFP agency.

INSTRUCTIONS TO STAFF 340:75-7-24

Revised 9-15-20

1. Kinship. Diligent efforts are made to place a child in a kinship placement. The resource specialist carefully considers the child's physical and emotional health and safety when identifying potential kin providers.

2. Exception to kinship relationship requirements.

(1) An exception to the requirement for emotional tie or bond for a kinship relationship may be requested from the resource field manager when:

(A) the child welfare (CW) specialist:

(i) completed a diligent search for kinship, per Oklahoma

Administrative Code (OAC) 340:75-6-85.2, and documented the search in the child's KIDS case; and

- (ii) did not locate an appropriate kinship provider, per OAC 340:75-7-24; and
 - (B) one of the conditions in (i) through (iv) applies.
 - (i) A specialized skill is needed to care for the child.
 - (ii) A youth found placement through a connection in the community.
 - (iii) A child in permanent custody or long-term placement has a connection in the community.
 - (iv) Another similar circumstance exists.
 - (2) The exception is approved on a case-by-case basis by the resource field manager and documented in the KIDS Pre-Resource Contacts.
- 3. Notification to court of relative denied placement. When the relative considered for placement is denied placement, Form 04MP056E, Notice to the Court of Relative Denied Placement, is submitted, per OAC 340:75-7-18 #11. The resource specialist:
 - (1) communicates all information regarding the kinship denial with the CW specialist and CW supervisor that initiated the kinship request. The CW specialist conveys the identified safety concerns and diminished protective capacities of the applicant(s) and articulates how it impacted the denial decision; and
 - (2) must be available to attend any court hearings when requested by either the court or other Child Welfare Services (CWS) programs. The resource specialist maintains confidentiality during court proceedings while still articulating the safety concerns and potential risks to a child. The resource specialist consults with the resource supervisor prior to appearing in court. Prior to the court appearance, the resource supervisor determines with the resource field manager or Oklahoma Human Services (OKDHS) Legal Services if a higher level staffing is needed.
- 4. Initial kinship placement. When the CW specialist completes the initial kinship placement, he or she provides the necessary paperwork to the resource specialist by the next business day. The resource specialist:
 - (1) completes:
 - (A) Form 04AD003E, Request for Background Check, with all required signatures and results received for the applicant and each adult household member, per OAC 340:75-7-15;
 - (B) OKDHS records search, including CWS records, and documents the applicant and each adult household member on Form 04AF007E, Records Check Documentation. A Juvenile On-line Tracking System (JOLTS) review for any child 13 through 17 years of age living in the home is included, per OAC 340:75-7-15. When an applicant or adult living in the home has not lived continuously in Oklahoma for the past five years, the resource specialist gathers all CW histories from other states where the family lived within the past five years. The applicant and each adult living in the home submit fingerprints for a national criminal history records search to expedite the initial placement approval process. Guidance on the fingerprint process is found in OAC 340:75-7-15;

- (C) Form 04FC001E, Initial Kinship Placement Agreement, with all required signatures;
 - (D) Form 04AF001E, Resource Family Application, with all required signatures;
 - (E) Form 04AF004E, House Assessment and Form 04MP061E, Water Safety Agreement, with all required signatures;
 - (F) Form 04AF021E, Verification of Receipt of OKDHS Rules, with all required signatures;
 - ~~(F)~~(G); a phone interview with three personal references, only one of whom is a family member. When all other requirements are satisfied and the placement is occurring after 10:00 p.m., the child may be placed and references contacted the next calendar day; and
 - ~~(G)~~(H) Form 04AF052E, Initial Kinship Safety Evaluation and Assessment Tool that includes a staffing with his or her resource supervisor prior to the initial kinship placement approval;
 - (2) copies the KIDS Pre-Resource to a Resource after the child is placed in the kinship resource home and the initial placement requirements are completed, per OAC 340:75-7-24;
 - (3) documents the kinship applicant's relationship in KIDS Resource General Information screen;
 - (4) end dates the KIDS Pre-Resource after conversion to a Resource; and
 - (5) when requesting an out-of-district kinship placement, creates and assigns a KIDS Pre-Resource to the district where the kinship applicant resides.
5. Kinship applicant criminal history records search after normal business hours or on a holiday.
- (1) The CW specialist requests a name-based criminal history records search from OKDHS Office of Background Investigations (OBI).
 - (A) The CW specialist gives OKDHS OBI the name, race, gender, date of birth, and Social Security number of each person 18 years of age and older living in the household considered for the child's emergency placement.
 - (B) Each adult household member completes and signs Form 04AD003E to initiate the search.
 - (C) When requested by CWS, OKDHS OBI immediately conducts the requested name-based state criminal history records search, provides a verbal response on each person's criminal history, and if any orders of protection or outstanding warrants exist.
 - (D) The failure of any adult living in the household to permit a name-based criminal history records search results in denial of placement.
 - (2) When OKDHS OBI is not operational, the CW specialist asks local law enforcement to conduct a name-based National Crime Information Center (NCIC) criminal history search. With an NCIC history search when a child is placed in the home, fingerprints for the applicant and each adult household member must be provided and submitted to the Oklahoma State Bureau of Investigation (OSBI) within five-business days.

(A) OKDHS gives local law enforcement the name, race, gender, date of birth, and Social Security number of each person, 18 years of age and older, living in the household considered for emergency placement of the child.

(B) Each adult household member completes and signs Form 04AD003E to initiate the search.

(C) When requested by OKDHS, local law enforcement immediately conducts the requested name-based state and federal criminal history records searches, provides a verbal response on each person's criminal history and on any orders of protection or outstanding warrants.

(D) The failure of any adult living in the household to permit a name-based criminal history records search or submit a full set of fingerprints and provide written permission authorizing OKDHS to forward the fingerprints to OSBI for an FBI national criminal history records search within the required five-business days results in denial of placement or the immediate removal of the child from the potential kinship resource home.

(E) When a child is placed in the home, fingerprints are forwarded to OSBI within 15-calendar days after the results of the preliminary name-based records check are received.

(3) The CW specialist documents the criminal history records search by local law enforcement in the KIDS Resource Contacts and submits signed Form 04AD003E to OKDHS OBI the next business day.

6. Kinship stipend and maintenance payment.

(1) The kinship start-up stipend (KSUS) and training stipend are entered automatically by KIDS.

(A) KIDS generates the KSUS on the 15th day of the child's placement when the child is in the placement for 14-consecutive days.

(B) KIDS allows a date range for automatic payment of the training stipend that includes the kinship applicant:

(i) enrolling in the pre-service training up to seven-calendar days prior to the child's placement; and

(ii) completing the pre-service training up to seven-calendar days after the child leaves the placement.

(2) The resource specialist:

(A) refers the relative kinship applicant to the local OKDHS office to apply for Temporary Assistance for Needy Families (TANF) benefits pending completion of the assessment process to become a paid resource family;

(B) to avoid an overpayment, informs the Adult and Family Services worker no later than the next business day after the resource home requirements are completed, and the resource supervisor approved the resource in KIDS;

(C) obtains each kinship applicant's signature on a foster care contract within two-business days of placement, per OAC 340:75-7-52

Instructions to Staff, or when the applicant is a non-paid kinship resource home, on Form 04FC002E, Nonpaid Agreement;
(D) assists each adult applicant and all adult household members to complete the process to obtain fingerprints within five-calendar days;
(E) consults with the resource supervisor on a case-by-case basis to determine if an exception to a non-safety requirement is appropriate; and
(F) requests a one-time 60-calendar day training or home study waiver only after all efforts to expedite training or the resource family assessment (RFA) are exhausted, and the efforts are documented in KIDS Resource Contacts.

(i) A written request and a waiver request on KIDS is submitted by the resource supervisor to the resource field manager who approves or denies the request in KIDS.

(ii) Waiver types include a:

(I) temporary waiver when pre-service training is not available or delays occurred in obtaining the RFA and all other requirements are satisfied; and

(II) permanent training waiver for an incapacitated spouse that is available only after the primary kinship applicant completes the pre-service training.

PART 4. ROLES AND RESPONSIBILITIES

340:75-7-38. Discipline for the child in Oklahoma Department of Human Service (OKDHS) custody placed in foster family care

Revised 7-1-13

(a) **Discipline.** "Discipline" means safe practices or methods of teaching and enforcing acceptable patterns of behavior to ensure proper conduct and does not include corporal punishment. The Bridge resource parent assists the child in OKDHS custody placed in the Bridge resource home learn behaviors that promote the child's self-regard, personal ability, and socialization skills. The rules governing these efforts are outlined in Oklahoma Administrative Code (OAC) 340:75-7-38(b) through (d).

(b) **Positive interactions.** The Bridge resource parent and family interactions with a child:

- (1) protect and nurture the child's physical and psychological well-being;
- (2) advance the child's development;
- (3) meet the child's needs;
- (4) teach the child ways to prevent and solve problems;
- (5) maintain and build the parent and child relationship;
- (6) build the child's self-control and responsibility; and
- (7) comply with OKDHS rules regarding discipline to provide a safe, nurturing environment that allows the child to experience security and positive self-esteem.

(c) **Teaching techniques.**

- (1) **Positive behavior management.** Positive behavior management techniques include, but are not limited to:

(A) rewards. Rewards may be small gestures of approval, such as treats, or toys, and symbols of recognition, such as stickers, stars, happy faces, or money. Rewards are for the interest, desire, and effort the child displays, not for performance, talent, or ability. This technique must not be used all the time;

(B) privileges. Privileges allow the child to experience greater freedom or opportunity and an increased responsibility. Privileges are used to encourage the child's interest and talents by supporting the child's efforts in pursuing interests; and

(C) praise. Praise may be communicated by verbal or non-verbal expression of the child's achievements or good qualities.

(2) **Self-control.** To promote the child's self-control, ~~The Bridge~~ the resource parent clearly communicates expectations and provides a structured, safe environment. ~~The foster~~ resource parent's use of planning and preparation prevents confrontation, acting-out, and negative behaviors by:

(A) establishing expectations. The child in out-of-home care experiences varied expectations in each placement setting. Since each placement setting is different, the ~~foster~~ resource parent must communicate expectations to the child through setting rules, telling the child what to expect, and modeling. Clearly communicated expectations provide structure for the child and a structure for building and maintaining self-control; and

(B) modifying the environment. A structured, safe environment allows the child to succeed at identified tasks. The ~~Bridge~~ resource parent structures the environment by removing negative sources of stimulation for the child and establishing routines and consistency in the child's day-to-day schedule.

(3) **Direct intervention.** When the child does not have sufficient self-control to ensure acceptable behavior, the ~~Bridge~~ resource parent uses direct intervention and techniques, per OAC 340:75-7-38(c)(1) and (2). Techniques used are dependent upon the child's developmental needs and anticipated outcomes. Techniques appropriate for responding to lack of self-control include:

(A) rules. Rules are established guidelines that:

(i) allow the child to know what can and cannot be done;

(ii) help the child know right from wrong;

(iii) communicate to the child how something is done and help prevent problems; or

(iv) provide a way to respond to a problem;

(B) time out. Time out provides space between the child and a situation where the child exhibits behavior that is not acceptable or where the situation is dangerous. Recommended time out is one minute per age of the child. Time out is typically used for the younger child;

(C) restricting privileges. Privileges are restricted when a child is not allowed to do something for a specified ~~period~~ period, such as not playing with a particular toy, watching television, playing music or computer games, having phone privileges, or engaging in some other pleasant activity. Talking to parents or siblings is not included in restricting phone privileges;

(D) grounding. Grounding involves imposing ~~restriction~~ restrictions on a child's interaction and involvement with friends or activities outside the placement

setting, such as restriction to the house or leaving the premises to attend parties, movies, or visit friends. Grounding is typically used for the older child;

(E) logical consequences. Logical consequences require the ~~Bridge~~ resource parent to impose a response to the child's behavior consistent with and connected to the unacceptable behavior exhibited; and

(F) natural consequences. Natural consequences occur in response to the child's behavior. This technique is most appropriately used with adolescents and for the child who tends to get in power struggles. Natural consequences are never allowed when a child's safety or well-being is in question.

(4) **Physical discipline.** OKDHS prohibits the use of any form of physical discipline for the child in OKDHS custody in an out-of-home placement or any act or omission that would emotionally, physically, or psychologically harm the child.

(A) The ~~Bridge~~ resource parent contacts the ~~the~~ child welfare (CW) or the resource specialist when the ~~Bridge~~ resource parent cannot successfully discipline the child. ■ 1

(B) OKDHS and the ~~Bridge~~ resource parent do not authorize school personnel to administer corporal punishment to the child in OKDHS custody. The ~~Bridge~~ resource parent does not, when requested, authorize corporal punishment by school personnel, but refers school personnel to the CW specialist to establish alternative discipline methods. ■ 2

(C) The developmental needs of the child and the desired outcomes define the discipline techniques used to modify the child's behaviors. Some of the circumstances that may affect the discipline technique used include:

- (i) the behavior the child is exhibiting;
- (ii) the ~~foster~~ resource parent's feelings about the behavior;
- (iii) the purpose assigned to the behavior;
- (iv) where the behavior occurs; and
- (v) who is present at the time of the behavior.

(5) **Punishment.** Unacceptable behavior management methods and techniques promote negative behavior, are punitive, and do not promote self-control. Unacceptable behavior management techniques for the child include, but are not limited to:

(A) the use of the hand or any object, such as a board, fly swatter, paddle, belt, switch, electrical cord, hair brush, or wooden spoon, to hit, strike, swat, or physically discipline the child;

(B) deprivation of food or sleep;

(C) deprivation of family visits;

(D) slapping, pinching, shaking, biting, pushing, shoving, thumping, or rough jerking;

(E) cursing or other verbal abuse;

(F) private or public humiliation or any act that degrades;

(G) derogatory remarks about the child, the child's biological family, race, religion, or cultural background;

(H) solitary confinement in areas, such as closets, cellars, and rooms with locked doors;

(I) threatening to move the child from the ~~foster~~ resource home;

- (J) use of any chemical agent, such as mace, sleeping pills, or alcohol;
- (K) physical force or threat of physical force;
- (L) assuming and maintaining an unnatural position that may include holding arms out-stretched from the body, placing the nose against a wall, or forced squatting;
- (M) tying with a rope, cord, or other object;
- (N) ordering, allowing, or encouraging physical discipline or hitting by other children or anyone else in the home;
- (O) washing the mouth out with soap, eating certain foods that may include peppers, hot sauce, or other food stuff when intended for punishment; and
- (P) forced physical exertion, such as running laps and push-ups.

(d) **OKDHS rules.** The ~~Bridge~~ resource parent must abide by OKDHS rules regarding discipline of the child in OKDHS custody even when there is a difference between OKDHS discipline rules and the methods used to discipline the ~~Bridge~~ resource parent's own child.

INSTRUCTIONS TO STAFF 340:75-7-38

Revised 7-1-13

1. **Consultation for the ~~Bridge~~ resource parent regarding non-physical discipline methods.** The child welfare (CW) or resource specialist is available to offer assistance with finding non-physical methods of discipline that are effective with the child in Oklahoma ~~Department of Human Services~~ (OKDHS).
 - (1) Consultation with community resources or a mental health professional may assist in the development of appropriate discipline or behavior management techniques.
 - (2) The CW specialist refers the ~~Bridge~~ resource parent to parent training classes or in-service training, as applicable.
2. **Notification to schools regarding corporal punishment.** When the child in OKDHS custody is enrolled in a school that allows the use of corporal punishment, the CW specialist completes Form 04MP022E, Notification to School Regarding Use of Corporal Punishment, and submits it to the appropriate school official and maintains a copy in the OKDHS record.

SUBCHAPTER 11. CHILD WELFARE COMMUNITY-BASED RESIDENTIAL CARE

PART 17. CONTRACTED COMMUNITY-BASED RESIDENTIAL CARE PROVIDERS

340:75-11-230. Purpose, legal basis, and definitions

Revised 9-15-20

(a) Purpose

- (1) The community-based residential care (CBRC) program serves children in Oklahoma ~~Department of Human Services~~ (~~DHS~~) (OKDHS) custody or tribal custody whose treatment needs cannot be met in a family setting, but whose treatment needs do not require inpatient psychiatric care.
- (2) ~~DHS~~ OKDHS contracts for different levels of CBRC placements that vary according to the intensity and individualized treatment needs of children.

(b) **Legal basis.**

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

(2) 10A O.S. § 1-9-110 requires ~~DHS~~ OKDHS, to the extent of funds available, directly, or by grant or contract, to implement a diversity of CBRC for children who are alleged or adjudicated deprived. When a child is placed with a non-custodial parent, the non-custodial parent's home is construed to be the child's home community. CBRC is care in a:

(A) group home;

(B) community residential center; or

(C) similar non-secure facility consistent with the child's individualized treatment needs and provided, whenever practical, in or near the child's home community.

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

(1) ~~"Age-appropriate~~ **"Age-appropriate"** or ~~developmentally-appropriate"~~ **"developmentally-appropriate"** means:

(A) activities or items that are generally accepted as suitable for children of the same age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and

(B) in the case of a specific child, activities or items that are suitable for that child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the specific child, per 10A O.S. § 1-1-105.

(2) **"Behavioral health"** means mental health, substance use or abuse, or co-occurring mental health and substance use or abuse diagnoses, and the continuum of mental health, substance use or abuse, or co-occurring mental health and substance use or abuse treatment.

(3) **"Community-based services"** or **"community-based programs"** mean services or programs, which maintain community participation or supervision in their planning, operation, and evaluation. Community-based services and programs may include, but are not limited to, emergency shelter, crisis intervention, group work, case supervision, job placement, recruitment and training of volunteers, consultation, medical, educational, home-based services, vocational, social, preventive and psychological guidance, training, counseling, early intervention and diversionary substance use or abuse treatment, sexual abuse treatment, transitional living, successful adulthood, and other related services and programs.

(4) **"Corrective action plan (CAP)"** means steps, actions, or strategies taken to correct or address behaviors or conditions associated with abuse, neglect, or areas of concern related to an individual employee of a facility.

(5) **"Facility"** means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings, used for the lawful custody and treatment of children.

(6) **"Facility action step (FAS)"** means all actions, steps, or strategies to correct or address areas of concern identified within a facility including, but not limited to, the culture of care, services, or contract compliance.

(7) **"Facility services plan (FSP)"** means a yearly, progressive document specific to each facility identifying issues impacting child safety within the facility's culture of care including, but not limited to, hiring, training, supervision, services, or contract compliance. The FSP includes all CAPs, FASs, notices to comply, and written plans of compliances related to the specific facility.

(8) **"Family-style living program"** means a residential program providing sustained care and supervision to residents in a home-like environment not located in a building used for commercial activity, per 10A O.S. § 1-1-105

(9) **"Group home"** means a residential facility licensed by ~~DHS~~ OKDHS to provide full-time care and community-based services for more than five but fewer than 13 children.

(10) **"Intensive treatment services"** means a contracted ~~six-bed~~ nine-bed program that provides ~~72-hour~~ seven-calendar day crisis intervention services for children in ~~DHS~~ OKDHS custody.

(11) ~~"Notice to comply" means a formal written notice sent to a facility to indicate a CAP or FAS was not completed within agreed upon timeframes.~~

(12) **"Mental health"** means behavioral health, substance use or abuse, or co-occurring mental health and substance use or abuse diagnoses, and the continuum of mental health, substance use or abuse, or co-occurring mental health and substance use or abuse treatment.

(12) **"Missing from Care"** means the child in OKDHS custody or tribal custody is not present in a placement and does not have permission to be absent.

(13) **"Normalcy"** means the child's emotional developmental growth is encouraged by allowing the child to participate in age-appropriate and developmentally-appropriate extracurricular, enrichment, cultural, and social activities, using a reasonable and prudent parent standard.

(14) **"Notice to comply"** means a formal written notice sent to a facility to indicate a CAP or FAS was not completed within agreed upon timeframes.

~~(14)~~(15) **"Plan for immediate safety"** means actions taken to immediately control any significant and clearly observable condition that is present and is endangering or threatening to endanger a child in a residential facility.

~~(15)~~(16) **"Qualified residential treatment program"** means a program that, per 10A O.S. § 1-1-105:

(A) has a trauma-informed treatment model designed to address the needs, including clinical needs, as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the child's identified treatment from a required assessment;

(B) has registered or licensed nursing staff and other licensed clinical staff who:

(i) provide care within the scope of their practice as defined by Oklahoma laws;

(ii) are on-site according to the treatment model referred to in subparagraph A of this paragraph; and

(iii) are available 24 hours a day, seven days a week;

- (C) facilitates participation of family members in the child's treatment program, to the extent appropriate, and in accordance with the child's best interest;
- (D) facilitates outreach to the child's family members including siblings; documents how the outreach is made including contact information; and maintains contact information for any of the child's known biological family;
- (E) documents how family members are integrated into the child's treatment process including post-discharge, and how sibling connections are maintained;
- (F) provides discharge planning and family-based aftercare support for at least six months post-discharge; and
- (G) is licensed and accredited by any of the following independent, not-for-profit organizations:

- (i) the Commission on Accreditation of Rehabilitation Facilities (CARF);
- (ii) the Joint Commission on Accreditation of Healthcare Organizations (JCAHO);
- (iii) the Council on Accreditation (COA); or
- (iv) any other federally-approved, independent, not-for-profit accrediting organization.

~~(16)~~**(17) "Reasonable and prudent parent standard"** means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth. This standard is used by the child's caregiver when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities, per 10A O.S. § 1-1-105.

(A) For purposes of this definition, the term "caregiver" means a foster parent with whom a child in foster care ~~has been~~ is placed, a representative of a group home where a child ~~was~~ is placed or a designated official for a residential child care facility where a child in foster care ~~was~~ is placed.

(B) Each ~~facility~~ CBRC provider must ~~assure~~ ensure that at least one employee is designated and authorized to apply the reasonable and prudent parent standard to decisions involving the participation of a child in age-appropriate or developmentally-appropriate activities. The authorized ~~facility~~ CBRC employee is provided with training on how to use and apply the reasonable and prudent parent standard.

~~(17)~~**(18) "Residential child care facility"** means a 24-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives, per 10A O.S. § 1-1-105.

~~(18) "Runaway" means the child in DHS custody or tribal custody is not present in a placement and does not have permission to be absent.~~

(19) **"Serious emotional disturbance"** means a disability persisting for six months or longer as defined by the most-recently published version of the Diagnostic and Statistical Manual of Mental Disorders or International Classification of Disease whereby the child exhibits psychotic symptoms of a serious mental illness or difficulties that interfere or limit social, behavioral, cognitive, communicative, or adaptive skills.

(20) **"Sexual exploitation"** means, per 10A O.S. § 1-1-105:

(A) allowing, permitting, encouraging, or forcing a child to engage in prostitution, as defined by law, by any person 18 years of age and older or by a person responsible for the health, safety, or welfare of a child; or

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

(21) **"Written plan of compliance"** means the formal accountability process for facilities and when not adhered to within 30-calendar days results in adverse contract actions.

340:75-11-233. Placement of children into more restrictive community-based residential care (CBRC) placements

Revised ~~9-15-16~~

(a) Sections 1-1-102 and 1-7-103 of Title 10A of the Oklahoma Statutes require children in Oklahoma Department of Human Services ~~DHS~~ OKDHS custody be served in the least restrictive setting that meets each child's treatment needs ~~of each child~~ in the closest geographic proximity as possible to the child's home, per Oklahoma Administrative Code (OAC) 340:75-6-85. ■ 1

(b) CBRC placements are more restrictive placement settings than the child's own home, relative's home, or foster family home. The request and referral for the placement of a child in ~~DHS~~ OKDHS custody in a CBRC placement is made through the Child Welfare Services (CWS) Specialized Placements and Partnerships Unit (SPPU). ■ 2 & 3

(c) Children ~~13~~ 12 years of age and younger in ~~DHS~~ OKDHS custody are not placed in CBRC placements, except when maintaining sibling groups together in placement, maintaining a ~~DHS~~ OKDHS custody parent and child together in placement, or in CBRC placements that provide services to a younger age population due to the child's treatment needs, when an exception is received.

(d) A child in ~~DHS~~ OKDHS custody residing in a CBRC placement on his or her 18th birthday may receive voluntary care in his or her CBRC placement after 18 years of age per OAC 340:75-6-110. ■ 3

(e) The child's case assignment remains in the county of jurisdiction. ■ 4

(f) CBRC placements must:

(1) be licensed by ~~DHS~~ OKDHS, or another approved licensing body, and are either operated by, or under formal contract with ~~DHS~~ OKDHS; and

(2) provide appropriate treatment interventions for children that improve the child's functioning level, resulting in a successful discharge to a less restrictive placement, such as his or her own home, relative home, foster family home, therapeutic foster care, adoptive home, or successful adulthood. ■ 4

(g) CBRC placements are subject to the availability of funds in the ~~DHS~~ OKDHS budget. CWS SPPU maintains the waiting list for children requiring CBRC placements when the need for CBRC exceeds the availability of CBRC resources. ■ 2

INSTRUCTIONS TO STAFF 340:75-11-233

Revised ~~9-15-20~~

1. **Assessing a child for placement.** The assigned child welfare (CW) specialist and CW supervisor assess each child's treatment needs, per Oklahoma Administrative Code (OAC) 340:75-6-85. When the child's treatment needs can no longer be met in the child's own home, relative home, or foster resource family home and the child does not meet the medical necessity criteria for inpatient psychiatric treatment, the assigned CW:
 - (1) specialist requests treatment for the child in a community-based residential care (CBRC) placement;
 - (2) specialist makes the placement request on KIDS Placement Recommendation screen after all information on Form 04KI010E, Placement Worksheet, on KIDS was completed;
 - (3) specialist and CW supervisor ensure Form 04KI010E is complete prior to making the placement request on KIDS or the placement request will be denied by the Child Welfare Services (CWS) Specialized Placements and Partnerships Unit (SPPU) and the child will neither be referred nor placed on the placement waiting list;
 - (4) specialist and CW supervisor ensure the placement packet, per OAC 340:75-11-238 Instructions to Staff # 2(3), is completed on KIDS at the time of the placement request to allow the assigned CW specialist to make a timely placement when the placement is identified and the referral made; and
 - (5) supervisor approves the placement on KIDS within five-business days of the decision for CBRC placement.
2. **Authorization of a placement request.** CWS SPPU:
 - (1) completes the referral and authorizes the placement of a child in Oklahoma Human Services or tribal custody in a more restrictive CBRC placement.
 - (A) Exceptions to referral and authorization by CWS SPPU are:
 - (i) residential intensive treatment services (ITS), ~~72-hour~~ seven-calendar day short-term crisis stabilization services;
 - (ii) non-funded family- style living programs; and
 - (iii) funded and non-funded residential maternity services.
 - (B) Authorization and referral to (i) through (iii) of subparagraph (A) are made by the respective CW facility liaison after inquiry from and consultation with the facility or assigned CW specialist; and
 - (2) maintains the waiting list of children for CBRC placements when the need exceeds available resources.
3. **Voluntary care.** The assigned CW specialist and CW supervisor determine if the youth in CBRC placement is eligible for voluntary care over 18 years of age, and when the eligible youth requests voluntary care, the assigned CW specialist completes requirements, per OAC 340:75-6-110.
4. **Case assignment and responsibility.** The assigned CW specialist retains assignment of the child's case record and is responsible for the child's permanency plan, per OAC 340:75-6-31 and 340:75-6-85.

340:75-11-234. Community-based residential care (CBRC) placement contracts

Revised 9-15-16

(a) Contracts for provision of CBRC placements are issued according to rules and procedures, per Oklahoma Administrative Code (OAC) 340:2-13, established by statutory requirements found in Section 85.1 et seq. of Title 74 of the Oklahoma Statutes.

(b) Contracts are monitored on-site, at least annually by the Child Welfare Services Contract Performance Review team, to ensure the:

- (1) contractor's compliance with all contract terms;
- (2) services provided are in compliance with contract terms; and
- (3) clients receive the maximum benefit from the contractual services.

~~(c) As part of weekly visits to the CBRC, child welfare facility liaisons, per OAC 340:75-11-240, monitor for contract compliance.~~

340:75-11-240. General requirements for contracted community-based residential care (CBRC) placement providers

Revised 9-16-19

All contracted CBRC providers must:

- (1) maintain a written case record on each child that documents all services provided or obtained for the child while in placement;
- (2) implement and review an individualized treatment plan for each child in placement, with documented input from the child's assigned child welfare (CW) specialist, according to the requirements set forth in the Oklahoma Department of Human Services (DHS) (OKDHS) contract;
- (3) assume responsibility for basic needs maintenance of each child placed;
- (4) ensure the safety, supervision, protection, and provision of necessary medical or psychological care and treatment for each child receiving services from the facility or provider is individualized to the child's specific needs. The placement provider or facility must cooperate with any inspection, investigation, evaluation, plan for immediate safety, or corrective action plan made by DHS OKDHS or the Office of Client Advocacy and provide all ongoing assistance necessary to ensure child safety, protection, and well-being;
- (5) accept responsibility for a reasonable knowledge of the child's whereabouts at all times.

(A) When a child:

- (i) is removed by anyone without authorization;
- (ii) is taken into custody by law enforcement officials;
- (iii) is missing from care; or
- (iv) otherwise cannot be accounted for, the provider immediately phones the:
 - (I) child's assigned CW specialist. The child's CW specialist follows protocol and completes missing from care notifications, per Oklahoma Administrative Code (OAC) 340:75-6-48.3;
 - (II) CW facility liaison; and
 - (III) law enforcement.

(B) The provider submits a written report to the child's assigned CW specialist describing the circumstances surrounding the incident and files a copy in the child's case record;

- (6) ensure the child timely receives all needed routine, specialized, and emergency medical care provided by a medical provider who accepts Medicaid payment.
- (A) ~~DHS~~ OKDHS authorizes the CBRC facility administrator in writing, through the placement provider agreement, to consent to routine and ordinary medical care and treatment needed by the child in ~~DHS~~ OKDHS custody upon the advice of a licensed physician, per OAC 340:75-14-3.
- (B) Prior consultation and consent from ~~DHS~~ OKDHS, the child's parent(s) or guardian, and the court, when applicable, as set out by Section 1-3-102 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-3-102), are required for:
- (i) emergency medical care. When appropriate ~~DHS~~ OKDHS staff cannot be located and the situation is life-threatening, the provider obtains emergency care and treatment and notifies ~~DHS~~ OKDHS at the earliest possible time; and
- (ii) any extraordinary medical care and treatment, such as surgery, general anesthesia, blood transfusions, or invasive or experimental procedures requires consent of the:
- (I) child's parent or guardian, when the child is in ~~DHS~~ OKDHS emergency or temporary custody;
- (II) court of jurisdiction, when the child is in ~~DHS~~ OKDHS emergency or temporary custody, and the treatment is related to the abuse or neglect, or the parent or guardian is unavailable or will not consent; or
- (III) court of jurisdiction, when the child is in ~~DHS~~ OKDHS permanent custody.
- (C) The provider must comply with ~~DHS policy~~ OKDHS rules for the administration of prescribed psychotropic medication, ~~found in~~ per OAC 340:75-14-3.
- (D) Provision of all medical or dental care is documented in the provider's case record, including notification and attempts of notification in emergency situations;
- (7) notify the assigned CW specialist and the CW facility liaison of any accidental or non-accidental injuries sustained by the child;
- (8) ensure that the religious and cultural observations of the child comply with OAC 340:75-6-49.
- (A) The provider arranges transportation to the nearest place of worship of the child's choice. On-site voluntary religious services are acceptable.
- (B) Exceptions to this requirement are made for non-funded contracts with CBRC providers that require the child's and parent(s)' agreement for the child to attend a specific place of worship as a requirement for admission;
- (9) develop and implement written policy and procedures regarding each child's access to legal counsel, court-appointed special advocate, ~~DHS~~ OKDHS staff, phone, email, mail, and visitation, per OAC 340:75-11-237;
- (10) develop and implement written policy and procedures regarding securing and safeguarding each child's property and funds, the disbursement of allowances, and items allowed and not allowed into the placement;
- (11) ensure each child is discharged with all personal items and clothing;
- (12) obtain prior approval from the assigned CW specialist any time the child travels overnight outside of the ~~county~~ state of placement, ~~per~~ OAC 340:75-6-89;

(13) develop and implement written policy and procedures defining situations in which any person, other than family members previously approved by the assigned CW specialist, may take the child away from the placement on a day pass, not to exceed six hours, without supervision of the provider. The provider:

(A) does not allow a child any overnight visitation, except with peers, per OAC 340:75-7-37, without prior planning and documented written approval of the child's assigned CW specialist;

(B) does not secure any placement without prior planning and documented written approval from the child's assigned CW specialist; and

(C) when utilizing volunteers, ensures the provider's policy for approval and utilization of volunteers complies with OAC 340:2-35-4;

(14) develop and implement written policy and procedures that prohibit the utilization of children for commercial purposes;

(15) submit written reports to the child's assigned CW specialist describing the child's stay in placement, progress toward meeting identified treatment goals, education, and medical care on a quarterly basis, or more frequently when requested for court hearings, and file a copy of the reports in the child's case record;

(16) develop and implement written policy and procedures for discipline that comply with OAC 340:75-7-38, and 10A O.S. § 1-7-105 that prohibit the use of solitary confinement, separation programs, use of mechanical restraints, and administration of medicine as discipline or control.

(A) Room restriction may be utilized in the child's own room for a cooling off period not to exceed 60 minutes.

(B) The duration of the restriction is specified at the time of the assignment;

(17) ensure all employees are trained in an approved, non-pain producing, passive, positive youth development curriculum, per OAC 340:75-11-237;

(18) develop and implement written policy and procedures that require the contractor, and all employees of the contractor, having reason to believe any child in placement was subjected to physical abuse, neglect, or both, to report the matter to the ~~DHS~~ OKDHS Child Abuse and Neglect Hotline (Hotline).

(A) The provider makes the report to the Hotline the same day of the incident or on the date the incident becomes known to the provider.

(B) Failure to report is a misdemeanor offense; failure to report with prolonged knowledge is a felony, and upon conviction is punishable, per 10A O.S. § 1-2-101;

(19) develop and implement written ~~policy~~ rules and procedures that ~~prohibits~~ prohibit the:

(A) possession of, or use of tobacco and tobacco products by children in placement; and

(B) use of tobacco or tobacco products by the provider, provider employees of ~~the provider~~, or visitors in the presence of children in placement;

(20) develop and implement written policy and ~~procedure~~ procedures for the resolution of grievances by recipients of the services provided under the contract regarding the substance or application of any written or unwritten policy or procedure of the contractor, or any decision, act, or omission of the contractor, or employees or agents of the contractor. The contractor:

(A) utilizes a grievance system in compliance with OAC 340:2-3-45 through 340:2-3-47 and 340:2-3-61 through 340:2-3-64; and

(B) submits policy regarding the resolution of grievances, and any subsequent revisions, to the Office of Client Advocacy for approval prior to the placement of any child, per OAC 340:2-3-45;

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

(22) develop and implement written policy and procedures to maintain strict standards of confidentiality regarding children in placement in compliance with ~~DHS~~ OKDHS requirements regarding the absolute protection, use, and release of personal client information consistent with 10A O.S. § 1-6-107 and OAC 340:75-1-42 through 340:75-1-46, and professional standards. The contractor agrees to hold confidential all personal information about children served, including lists of names, addresses, photographs, records of evaluation, and all other records about each child;

(23) submit monthly and annual reports to Child Welfare Services (CWS) Specialized Placements and Partnerships Unit (SPPU) program staff to provide an overview of the provider's activities.

(A) The monthly report includes:

(i) information on each child's progress toward goals and objectives;

(ii) significant behavior events, including descriptions of delinquent acts committed and the legal and judicial consequences of the delinquent acts committed by each child;

(iii) each child's unapproved absence from the facility and duration of the time away;

(iv) total bed days utilized;

(v) each child's leave days utilized;

(vi) total number of children served during the month, the number of children served who are also adjudicated delinquent, and the total number of children served who are adjudicated delinquent and in the custody of Office of Juvenile Affairs;

(vii) number of children admitted during the month;

(viii) number of children discharged during the month and the reasons for those discharges; and

(ix) vacancies in ~~contract-mandated~~ contract-mandated staffing requirements, and other significant program events.

(B) The annual report, due within 60-calendar days after the end of the contract year, includes the information listed in (A) of this paragraph for the contract year;

(24) plan and coordinate each child's discharge with the assigned CW specialist and provide a minimum 48-hour notice to discharge, except in medical or psychiatric emergencies. Contractor's recommendation for discharge is approved by the assigned CW specialist prior to the provider's implementation of the discharge plan;

(25) submit a written discharge summary to the assigned CW specialist within 30-calendar days of discharge and file a copy in the child's case record, including a summary of treatment services, child's progress on treatment goals, reason for

discharge, and recommendations for future placements and services for the child's treatment needs;

(26) ensure all staff comply, as applicable, with the minimum licensing standards defined in the Child Care Services licensing standards for child care facilities or ~~DHS~~ OKDHS Publication No. 86-78, Licensing Requirements for Residential Child Care Facilities;

(27) ensure all staff comply with the staffing requirements mandated in the contract that are in addition to the minimum staffing requirements in ~~DHS~~ OKDHS Publication No. 86-78, Licensing Requirements. When the provider's actual staffing ratio differs from the requirements set forth in the contract, the provider submits a written plan to CWS SPPU program staff that defines the proposed staffing pattern of the contractor, timeframe for the differing ratio, and clearly illustrates how each of the staffing functions is provided;

(28) fill vacant positions required by the ~~DHS~~ OKDHS contract within 30-calendar days of the position becoming vacant. The contractor notifies CWS SPPU program staff in writing:

(A) when contractually required positions are vacant;

(B) of updates during the selection process; and

(C) of the effective hiring date for these positions;

(29) develop and implement written policy and procedure regarding corrective discipline for employees;

(30) notify CWS SPPU program staff immediately by phone, and in writing within ~~one~~ one-business day, per OAC 340:110-3-152(f), of any critical incidents, such as:

(A) the death of a child;

(B) the death of an employee caused by murder, suicide, or accident;

(C) severe injury to a child as a result of abuse, neglect, or maltreatment by a service provider, employee, another child, or accident;

(D) misappropriation of state or federal funds by an employee of a private or public service agency that receives these funds;

(E) a violent crime committed by a child against another person; or

(F) any event that occurs in the facility that gains or is likely to gain media attention;

(31) provide an on-site educational program, when required by terms of the ~~DHS~~ OKDHS contract and provide a 60-calendar day notice to the local school board prior to the opening of the facility, per 70 O.S. § 1-113; and

(32) maintain a current Life Book, in a format separate from the provider's case record, for each child placed, regardless of the child's age that documents the child's stay in care and provides continuity throughout the child's life, per OAC 340:75-7-37.

The provider:

(A) when the child's Life Book is not provided by the child's assigned CW specialist, initiates and maintains a Life Book with current information about the child while in placement including, but not limited to:

(i) placement name and address;

(ii) date of admission and discharge;

(iii) educational history;

- (iv) medical history;
 - (v) awards and achievements;
 - (vi) photographs; and
 - (vii) family information; and
- (B) gives the Life Book to the child and the child's assigned CW specialist when the child is discharged; and
- (33) ensure that at least one employee of the facility is designated and authorized to apply the reasonable and prudent parent standard to decisions involving the child's participation ~~of a child~~ in age-appropriate or developmentally-appropriate activities and the authorized employee is provided with training on how to use and apply the reasonable and prudent parent standard.

PART 21. RESIDENTIAL INTENSIVE TREATMENT SERVICES

340:75-11-265. Contracted residential intensive treatment services (ITS)

Revised ~~9-15-16~~

- (a) Contracted residential ITS are available to provide crisis stabilization interventions to children in Oklahoma Department of Human Services (~~DHS~~) (OKDHS) custody, 8 to 18 years of age, who are experiencing a behavioral health or psychiatric crisis to avoid admission to psychiatric care and enable his or her return to community-based residential care. ■ 1
- (b) Children served by ITS are diagnosed with a serious emotional disturbance, per Oklahoma Administrative Code (OAC) 340:75-11-230:
- (1) and at imminent risk of admission to acute psychiatric care or a psychiatric residential treatment center; or
 - (2) with developmental disabilities or certified for services through Developmental Disabilities Services (DDS).
- (c) Contracted residential ITS are intensive, short-term, individualized, behavioral health treatment services for children, and include:
- (1) an initial period, a maximum of ~~72 hours~~ seven-calendar days, of crisis stabilization in a crisis residential bed provided by a licensed child-placing agency or a licensed residential child care facility; ■ 2
 - (2) crisis stabilization, behavioral health services, available 24-hours a day, seven-calendar days a week, per Part 105 of OAC 317:30-5, ~~available 24-hours a day, seven-calendar days a week~~;
 - (3) 24-hours a day, seven-calendar days per week access by phone to a ~~an a contractor's~~ employee ~~of the contractor~~ so referrals are made and services are provided in emergency situations;
 - (4) development of a ~~safety plan~~ Safety Plan by the child's placement provider for implementation, upon ITS discharge from ITS;
 - (5) consultation with a psychiatrist or doctoral-level licensed, behavioral health professional 24-hours a day, seven-calendar days per week; and
 - (6) 24-hour on-call and on-site crisis intervention and behavior management services with the child, as needed. Emergency or crisis intervention services include face-to-face encounters with the child to resolve acute emotional dysfunction by providing

intervention resolution and stabilizing functions through triage screening, planning, and documentation.

(d) The provider:

(1) receives referrals from the child welfare (CW) facility liaison, CW specialists, and Child Welfare Services (CWS) Specialized Placements and Partnerships (SPPU) programs staff;

(2) considers the each child's age, gender, and presenting behaviors ~~of each child~~ in determining which children are admitted and share bedrooms to ensure the safety of all children;

(3) completes a written incident report describing any extreme behavioral incident or major rule violation, including the provider's response, submits the copy to the child's assigned CW specialist and ~~CW facility liaison~~ CWS SPPU program staff, and files the original in the child's case record;

(4) meets the staffing guidelines defined in the contract;

(5) complies with children's rights, per OAC 340:75-11-237;

(6) complies with all general requirements, per OAC 340:75-11-240;

(7) complies with Part 105 of OAC 317:30-5 for residential behavior management services in group settings and non-secure diagnostic and evaluation centers;

(8) submits monthly and annual reports to CWS SPPU program staff to provide an overview of the contractor's activities.

(A) The monthly report includes:

(i) each child's significant behavior events ~~of each child~~;

(ii) each child's unapproved absence from the program and duration of the time away;

(iii) total bed days utilized;

(iv) total bed days not utilized;

(v) total number of children served during the month;

(vi) number of children served:

(I) who are also certified for DDS services;

(II) by county of jurisdiction;

(III) by age;

(IV) by gender;

(V) by ethnicity;

(VI) who were admitted to psychiatric care;

(VII) in placement for three-calendar days or less, and the average length of stay; and

(VIII) in placement for more than three-calendar days, and the average length of stay; and

(vii) vacancies in contract mandated staffing requirements and other significant program events.

(B) The annual report, due within 60-calendar days after the end of the contract year, includes required information in OAC 340:75-11-265(d)(8)(A) for the total contract year;

(9) is paid by ~~DHS~~ OKDHS at a fixed daily rate. The fixed daily rate is a blend of Title IV-E and Title XIX federal funds, per eligibility of each child served, and state funds; and

(10) submits Form 04CB002E, CWS Claim for Purchase of Residential Care, monthly for payment to the CWS Contracting and Acquisition Unit. ■ 1 & 2

INSTRUCTIONS TO STAFF 340:75-11-265

Revised ~~9-15-16~~

1. Residential intensive treatment services (ITS) are:

- (1) not used as an alternative to emergency shelter care or as respite care for children in Oklahoma Department of Human Services custody; and**
- (2) listed in KIDS Resource Directory, category - Residential - Locally Authorized and type - Residential Individualized Therapeutic Service.**

2. Stabilization and care.

(1) When the child is not stabilized within ~~72-hours~~ seven-calendar days of admission, the child's assigned ~~Child Welfare~~ child welfare (CW) specialist and ITS contractor make a request for a 72-hour extension to the CW facility liaison. When the child is not stabilized after the first extension, the child's assigned CW specialist and ITS provider make a request for additional extensions to the CW facility liaison.

(2) When the ITS provider determines the child's psychiatric problems are such that stabilization cannot be accomplished, the child's assigned CW specialist has the child assessed and authorized for admission to an acute psychiatric care facility or a psychiatric residential treatment center.

PART 33. CONTRACTED LEVEL D PLUS AND LEVEL E PLACEMENTS

340:75-11-360. Contracted Level D plus (+) and Level E placements

Revised ~~9-15-17~~

(a) Contracted Level D+ and Level E services include:

- (1) structured group therapy, a minimum of two hours per week for each child;**
- (2) individual therapy, a minimum of one hour per week for each child;**
- (3) family visitation, when the case plan is reunification;**
- (4) family therapy, when deemed appropriate by the assigned child welfare (CW) specialist;**
- (5) substance use or abuse or chemical dependency therapy within a group or individual counseling or therapy session for each child, as needed;**
- (6) psychological or psychiatric intervention for each child through direct contact with a psychologist or psychiatric consultant or the contractor's designated therapy counseling staff;**
- (7) behavior redirection 24-hours a day, seven days a week to ensure safety, meet the goals and objectives of the treatment plan, and respond to any behavioral crisis of the child. The contractor ensures that staff is available to respond in a crisis to stabilize the child's behavior and prevent placement disruption;**
- (8) active teaching and redevelopment of the child's basic living and social skills, both on-site and in the community. At minimum, the focus is on the restoration of skills for:**
 - (A) personal health and hygiene;**
 - (B) maintenance of the living environment, including food preparation;**

- (C) money management;
- (D) job skills readiness, acquisition, and retention;
- (E) community awareness and mobility, including the use of community resources; and
- (F) socialization skills and techniques, including communication;
- (9) developing and implementing policy and procedures for delivery of successful adulthood skills training to youth, using an approved curriculum for teaching successful adulthood skills;
- (10) assisting in the provision of federally mandated successful adulthood services that include coordinating with the assigned CW specialist to ensure:
 - (A) the life skills assessment is completed with each youth 14 years of age ~~or~~ and older and implementing the successful adulthood plan produced by this assessment; and ■ 1
 - (B) each youth 14 years of age ~~or~~ and older attends one community contractor successful adulthood seminar each year; ■ 1
- (11) ensuring the youth applies for Medicaid (SoonerCare) upon his or her 18th birthday, when the youth remains in placement in voluntary care to complete his or her secondary education, per Oklahoma Administrative Code (OAC) 340:75-6-110;
- (12) providing 24-hour awake supervision of each child;
- (13) providing 24-hour on-call and on-site crisis intervention and behavior management services to each child, as needed. Emergency or crisis intervention services include face-to-face encounters with the child to resolve acute emotional dysfunction by providing intervention resolution and stabilizing functions through triage screening, planning, and documentation;
- (14) providing a nine-month, on-site educational program for each child in a Level D+ placement, as needed;
- (15) providing recreation services for each child in a Level E placement; and
- (16) providing a 12-month, on-site educational program for each child in a Level E placement, as needed.
- (b) Contracted Level D+ and Level E placements are provided in a setting licensed as a child-placing agency or residential child care facility that is not located in a hospital, either medical or psychiatric, or psychiatric residential treatment center.
- (c) The contractor:
 - (1) complies with Part 105 of OAC 317:30-5 for residential behavior management services in group settings and non-secure diagnostic and evaluation centers;
 - (2) provides clothing, after initial placement of a child. Emergency funds for clothing may be accessed, per OAC 340:75-13-45;
 - (3) completes a written incident report describing any extreme behavioral incident or major rule violation, including the contractor's response, submits the original to the Child Welfare Services (CWS) Specialized Placements and Partnerships Unit (SPPU) and a copy to the assigned CW specialist, CW facility liaison, and files a copy in the child's case record;
 - (4) meets the staffing guidelines defined in the Oklahoma Department of Human Services (~~DHS~~) (OKDHS) contract;
 - (5) complies with a child's rights, per OAC 340:75-11-237;
 - (6) complies with all general requirements, per OAC 340:75-11-240;

(7) maintains documentation of each child's unapproved absence from the facility and leave days defined in the contract and reports leave days on Form 04CB002E, CWS Claim for Purchase of Residential Care;

(8) establishes a procedure to address and document a response to concerns in Level D+ and Level E placements that do not warrant a referral for an abuse or neglect assessment or investigation. Examples of this type of concern include, but are not limited to, an employee's judgment or supervision, disciplinary practices, non-compliance with policy or contract, unacceptable housing standards, inadequate clothing provisions for the child, or a lack of involvement in the child's education or independent living skills. When documented efforts to address these issues do not remove the concerns, ~~DHS~~ OKDHS has the right to impose adverse contract actions or decline use of the facility;

(9) is paid by ~~DHS~~ OKDHS at a fixed daily rate for the total number of beds specified in the ~~DHS~~ OKDHS contract. The fixed daily rate is a blend of Title IV-E and Title XIX federal funds, per eligibility of each child served, and state funds; and

(10) submits Form 04CB002E for payment to CWS Contracting and Acquisition Unit.

(d) Children served in Level D+ and Level E placements.

(1) The primary goal of Level D+ and Level E services is the remediation of emotional or behavioral disorders or behavioral problems through clinical interventions.

(2) Level D+ placements are less restrictive treatment intensive placements than Level E placements or psychiatric inpatient care and are available for children with severe emotional or behavioral disorders.

(3) Children served in Level D+ placements exhibit a wide range of severe emotional and behavioral disorders as described in OAC 317:30-5-240.1, but are less physically or sexually aggressive than children served in Level E placements.

(4) Level E placements are the most restrictive treatment intensive placements available for children outside of a psychiatric facility.

(5) In general, children served are 13 to 18 years of age in Level D+ and Level E placements. Each contractor serves a specifically defined target population of children. ■ 2

(6) The contractor receives referrals for the placement of children from CWS SPPU through the CW facility liaison. ■ 1 through 2

(e) Children served in Level E placements designated for victims of sexual exploitation.

(1) The primary goal of a Level E facility designated for victims of sexual exploitation is to address the unique needs of survivors and assist victims in gaining an understanding of the victimization process, empower survivors, and prepare children for reintegration into a family or a successful adulthood living environment.

(2) Services provided in designated Level E facilities for victims of sexual exploitation include a protected environment, specified cognitive behavioral therapy, individualized therapeutic services, and positive behavioral supports.

(3) Per Section 1-9-123 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-123), ~~DHS~~ OKDHS immediately reports to law enforcement, and in no case later than 24 hours, after receiving information on a child or youth who ~~has been~~ was identified as a sex trafficking victim, per ~~40~~ 10A O.S. § 1-1-105.

INSTRUCTIONS TO STAFF 340:75-11-360

Revised 9-15-17

1. **Successful adulthood services.** The assigned child welfare specialist:
 - (1) ensures that the youth's basic life skills assessment is completed; and
 - (2) arranges for the youth to attend seminars, per Part 13 of Oklahoma Administrative Code ~~340:75-6-110.2~~ 340:75-6-110.
2. **Level D+ and E placements.** Level D+ and Level E contractors are listed in KIDS Resource Directory, category - Residential - State Office Authorized and type - Level D+ and Level E.

SUBCHAPTER 15. ADOPTIONS

PART 10. FAMILY ASSESSMENT AND PREPARATION PROCESS

340:75-15-84.1. Background information search ■ 11 & 12

Revised 9-15-20

(a) **Background checks.**

(1) **Mandate to conduct background searches.**

(A) The Oklahoma Department of Human Services (~~DHS~~) (OKDHS) is mandated to conduct a criminal background and child abuse and neglect information system (KIDS) search for ~~DHS~~ OKDHS and private adoptive applicants and adult household members, 18 years of age and older, per Section 7505-5.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 7505-5.3).

(B) The background search for ~~DHS~~ OKDHS adoptive applicants and adult household members includes a search of:

(i) Oklahoma State Bureau of Investigation (OSBI) name and criminal records histories;

(ii) the Oklahoma Sex Offender Registry;

(iii) the Mary Rippy Violent Crime Offender Registry;

(iv) the Oklahoma Department of Corrections (DOC) offender information;

~~(iv)~~(v) Federal Bureau of Investigations (FBI) national criminal history records based on the applicant's and each adult household member's fingerprints; ■

1

~~(v)~~(vi) the applicant's or adult household member's involvement as a party in any court action found on the: ■ 7

(I) Oklahoma State Courts Network (OSCN); or

(II) Oklahoma District Court Records (ODCR);

~~(vi)~~(vii) Oklahoma Department of Public Safety records;

~~(vii)~~(viii) ~~DHS~~ OKDHS records including child welfare records involving the applicant and each adult household member; and ■ 5

~~(viii)~~(ix) applicable out-of-state child abuse and neglect registries when the applicant or adult household member has not lived continuously in Oklahoma for the past five years. ■ 5

(I) When a child abuse and neglect registry is not maintained in the applicable state, the adoption specialist requests any information that can

be provided.

(II) The applicant is not approved without state-maintained child abuse and neglect registry searches when a registry is maintained in the applicable state;

~~(ix)~~(x) the Restricted Registry; ■ 8

~~(x)~~(xi) the Oklahoma State Department of Health Nontechnical Services Worker Abuse Registry; ■ 9

~~(xi)~~(xii) the Community Services Worker Registry; and ■ 10

~~(xii)~~(xiii) Juvenile Online Tracking System (JOLTS) records for ~~each applicant's or adult household member's~~ any child not in OKDHS custody, 13 through 17 years of age, living in the home. ■ 6

(2) **KIDS and the private adoptive applicant.** The private adoptive applicant, adoption agency, or another person authorized to conduct home study investigations:

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

(B) submits Form 04AN028E, with verification of impending adoption, to the Child Protective Services Programs Unit as directed on the form.

(3) **Exception to fingerprinting.** ■ 2 The ~~DHS~~ OKDHS Director or designee may authorize an exception to the fingerprinting requirement and authorize use of an alternative procedure for obtaining a national criminal history records search for any ~~DHS~~ OKDHS and private adoptive applicant or adult household member, who has a severe condition that precludes him or her from fingerprinting, per 10A O.S. § 1-7-111. In limited, case-specific circumstances, ~~DHS~~ OKDHS may not be able to obtain:

(A) an individual's fingerprints as a result of his or her disability; or

(B) legible fingerprints due to low quality, as a result of age, occupation, or other conditions, making it impossible for the National Crime Information Center to provide results.

(b) **Felony convictions.** ■ 3 & 4

(1) Per Section 1356.30 of Title 45 of the Code of Federal Regulations, ~~DHS~~ OKDHS does not approve potential adoptive parents as resource parents when the applicant or any person residing in the potential applicant's home has a criminal conviction record for any of the felony offenses listed in (A) through (E) of this paragraph. The felony offenses are:

(A) physical assault, battery, or a drug-related offense, when the conviction occurs within the five-year period preceding the petition date; ■ 4

(B) child abuse or neglect;

(C) spousal abuse or domestic abuse, per 10A O.S. § 1-4-705;

(D) a crime against a child including, but not limited to, child pornography; or

(E) a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding physical assault or battery. Per Section 16 of Title 18 of the United States Code, 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.

(2) Per 10 O.S. § 7505-6.3, the court may choose to accept an individual as a potential adoptive parent for placement who has a felony conviction listed in (1)(A) and (1)(C) of this subsection, when an evaluation of the individual considers the:

- (A) crime's nature and seriousness in relation to the adoption;
- (B) time elapsed since the crime's commission;
- (C) circumstances under which the crime was committed;
- (D) degree of rehabilitation;
- (E) number of crimes committed; and
- (F) showing by clear and convincing evidence that the child will not be at risk by such placement.

(c) **Sex-related crimes.** ~~DHS~~ OKDHS denies the application to become a resource parent, when an applicant:

(1) or any person residing in the applicant's home has a conviction for any crime, felony or misdemeanor, specified in 57 O.S. § 582, whether the conviction occurred upon a:

- (A) verdict;
- (B) plea of guilty; or
- (C) plea of nolo contendere; or

(2) is subject to, living with, or married to a person who is subject to the Oklahoma Sex Offender Registration Act.

INSTRUCTIONS TO STAFF 340:75-15-84.1

Revised 9-15-20

1. (a) Oklahoma State Bureau of Investigation (OSBI) and Federal Bureau of Investigation (FBI) fingerprint-based records check process for the Oklahoma Department of Human Services (~~DHS~~) (OKDHS) applicant and adult household member, 18 years of age and older. The process the child welfare (CW) specialist follows for obtaining, sharing, and reporting an OSBI name and criminal history records search and an FBI national criminal history records search as outlined in (1) through (4) of this subsection.

(1) For offices with live scan fingerprinting, the CW specialist:

(A) makes an appointment for every applicant and adult household member to obtain fingerprints and submits Form 04AD003E, Request for Background Check, to the ~~DHS~~ OKDHS Office of Background Investigations (OBI) for the OSBI records search and FBI national criminal history records search; and

(B) files a copy of Form 04AD003E for each applicant and adult household member in the resource file.

(2) For offices without live scan fingerprinting, the CW specialist:

(A) provides two fingerprint cards to the applicant and every person 18 years of age and older residing in the applicant's home;

(B) provides the applicant with an automated fingerprinting authorization obtained through Finance AS400;

- (C) instructs the applicant to take the authorization and fingerprint cards to local law enforcement or a fingerprinting agency for fingerprinting services. The applicant returns the cards to the CW specialist once fingerprinting is completed;
 - (D) checks the applicant's and adult household member's fingerprint cards for accuracy and forwards the cards and Form 04AD003E, to DHS OKDHS OBI for the OSBI records search and the FBI national criminal history records search; and
 - (E) when the fingerprint cards are rejected and reprinting is necessary, returns the cards to and instructs the person, whose fingerprints were rejected, to take the cards to the original vendor, who reprints the person's fingerprints at no additional charge.
- (3) An individual missing fingers must submit fingerprint cards with the identifying information completed, stating the reason why he or she is missing fingers.
- (4) Fingerprint results for each applicant and adult household member are placed in separate manila envelopes with the names and resource numbers written on the outside of the envelopes and stored in a locked file cabinet. The received date is documented as the processing date of the OSBI and FBI search results in the Child Abuse and Neglect Information System (KIDS) Criminal Background Check screen.
- (b) Fingerprint addendum. The resource specialist completes Form 04AF033E, National Criminal History Records Search Results - Addendum, for each adult household member when the national criminal history record search results are received.
- (1) When no record is found or the results are the same as the OSBI name-based search, the addendum is completed and filed in a manila envelope with the national criminal history record search results based on fingerprints.
 - (2) When the results are different from the OSBI name-based search, the resource specialist:
 - (A) discusses the results with the applicant or adult household member;
 - (B) completes Form 04AF033E; and
 - (C) files the addendum in the manila envelope with the appropriate national criminal history record search results based on fingerprints.
- (c) OSBI record of arrest and prosecution (RAP) Back service. Rap Back is a service offered to Oklahoma non-criminal justice government agencies for non-criminal justice purposes, such as the resource parent application, continued approval decisions, and trial home reunification.
- (1) The Rap Back service is not associated with the national criminal history records search and details only subsequent Oklahoma arrests after an individual's fingerprints were submitted to OSBI and FBI for non-criminal justice purposes.
 - (A) A yearly OSBI background check is not necessary because RAP Back reports are sent when a resource parent or adult household member is arrested.

- (B) Fingerprinting for a national criminal history records search is necessary every five years for active resource parents.
 - (2) RAP Back reports are received and distributed by **DHS OKDHS** OBI to the Resource Unit where the report:
 - (A) is scanned into the KIDS Resource File Cabinet; and
 - (B) on any open resource is emailed to the assigned resource specialist, resource supervisor, and resource field manager. A phone call is made to the resource field manager to verify receipt.
 - (3) The resource specialist:
 - (A) obtains the police report and disposition of the criminal arrest or charge detailed on the RAP Back report;
 - (B) determines, upon consultation with the resource supervisor and resource field manager, if a written plan of compliance, an abuse or neglect referral, or the home's closure is warranted;
 - (C) contacts the resource parent to address and assess the information, when an abuse and neglect referral is not assigned;
 - (D) ensures the safety and well-being of each child placed in the resource home; and
 - (E) documents the information in the KIDS Resource Criminal Background screen.
 - (4) The Resource Unit and **DHS OKDHS** Legal Services (LS) provide consultation regarding RAP Back information and related action steps.
 - (5) RAP Back reports received regarding persons in a closed resource home are scanned into the KIDS Resource File Cabinet by the Resource Unit.
 - (6) **DHS OKDHS** OBI maintains an electronic log of RAP Back reports.
2. Exception to fingerprinting procedures. An individual with a severe physical condition that prevents him or her from caretaking and being fingerprinted may not be required to submit a fingerprint card. The CW specialist may request a fingerprint exception from OBI.
- (1) The resource specialist submits an email to **DHS OKDHS** OBI staff requesting an exception to fingerprinting for the non-caretaker with the severe physical condition.
 - (2) OBI requests a fingerprinting exception from the **DHS OKDHS** Director or designee. Upon authorization, OBI requests an OSBI name-based criminal history search.
 - (3) The resource specialist is notified by email and a copy of the document granting the permanent exception to the fingerprint requirement is filed in the resource file and scanned into the KIDS Resource File Cabinet.
 - (4) The resource specialist documents the fingerprint exception into the KIDS Crime screen.
 - (5) The resource specialist continues the individual's assessment, as with any other adult household member, including determining the level of interaction with the child.
3. Certain felonies prohibit applicant approval. **DHS OKDHS** does not grant exceptions for felony convictions listed in Oklahoma Administrative Code

(OAC) 340:75-15-84.1 for a potential or an approved adoptive parent, or for anyone residing in the potential or approved adoptive home.

4. Drug-related offenses. An alcohol-related felony conviction is a drug-related offense and prohibits approval of an applicant as a resource parent, when the conviction occurred within five years preceding the application date.

5. Restricted Registry. OKDHS does not grant exceptions for applicants who are registrants on the Restricted Registry.

56. Child abuse and neglect information.

(1) A search of child abuse and neglect records is required for all DHS OKDHS and private adoptive applicants using the Information Management System (IMS) and KIDS. Each adult household member is searched using name, date of birth, and Social Security number. When the applicant or any household member discloses previous CW involvement in another state, regardless of when it occurred, the resource specialist requests the records from that state.

(A) The resource specialist completes all searches for DHS OKDHS applicants and the DHS applicant's adult household members. The information is recorded on Form 04AF007E, Records Check Documentation filed in the resource file, and scanned into the KIDS Resource File Cabinet.

(B) Child Protective Services Programs Unit staff conducts a search for the private, potential adoptive applicant.

(C) Search results are forwarded to the agency or other person authorized, per Section 7505-5.4 of Title 10 of the Oklahoma Statutes, to conduct home study investigations.

(2) Out-of-state child abuse and neglect registry checks. When the applicant or adult household member has not lived continuously in Oklahoma for the past five years, applicable out-of-state child abuse and neglect registries are obtained.

(A) The potential adoptive parent is not approved without the state-maintained child abuse and neglect registry check results, when a registry is maintained in the applicable state.

(B) When information cannot be obtained from another state, the resource specialist documents the name of the state and efforts made to obtain the information in the resource record.

(C) When a state maintains a child abuse and neglect registry and does not respond to a DHS OKDHS information request, the resource field manager notifies a Foster Care and Adoptions deputy director who contacts the Administration for Children and Families regional office for assistance and enters the contact in the KIDS resource case.

(3) Child abuse and neglect registry not available in Oklahoma. Oklahoma does not maintain a child abuse and neglect registry as referenced in the federal Fostering Connections to Success and Increasing Adoption Act.

67. Juvenile Online Tracking System (JOLTS) search. The information obtained from a JOLTS search regarding a child, 13 through 17 years of age, is used to determine if the child poses a risk to a child in DHS OKDHS custody. The

resource specialist completes a JOLTS search on the ~~applicant's or adult household member's~~ any child, 13 through 17 years of age, living in the home, and documents the results on Form 04AF007E. Form 04AF007E is filed in the resource file and scanned into the KIDS Resource File Cabinet. The CW specialist attempts to obtain associated Oklahoma Office of Juvenile Affairs and law enforcement report when a JOLTS record is found.

78. Court records search. A search is completed to determine if the applicant or any adult household member is, or was, a party to a court action and, if so, the disposition of the criminal charges or court involvement. When the court records search indicates the applicant or any adult household member is named in any protective order case, a traffic case involving drugs or alcohol, or a criminal case that is not an automatic bar to the applicant being considered as a resource parent, the resource specialist obtains copies of the court information and the underlying law enforcement records. This information is reviewed and discussed with the applicant or adult household member to assess the home's suitability and safety for a child's placement in the home. The results are documented on Form 04AF007E filed in the resource file, and scanned into the KIDS Resource File Cabinet. The resource specialist searches the:

- (1) Oklahoma State Courts Network at www.oscn.net;
- (2) Oklahoma Department of Corrections (DOC) offender information and lookup at <http://doc.ok.gov/>;
- (3) Oklahoma District Court Records at www.odcr.com; and
- (4) Mary Rippy Violent Crime Offender Registry search at <http://sors.doc.state.ok.us/>. To search for violent and/or sex offenders, a free, self-initiated search of the Mary Rippy Violent Crime Offender Registry is conducted at the website by selecting:
 - (A) Violent Offenders Registry and reading the website, agreeing to the terms, and entering the search information; and
 - (B) Sex Offenders Registry and reading the website, agreeing to the terms; and entering the search information.

89. Restricted Registry. The resource specialist completes a search at <https://ccrrpublicj1.okdhs.org/ccrrpublicj1/public/>. When an individual's name is located on the Restricted Registry, the applicant is denied.

910. Oklahoma State Department of Health (OSDH) Nontechnical Services Workers Abuse Registry. The resource specialist completes a 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 information is included in the overall assessment. When an individual's name is located on the OSDH Nontechnical Services Workers Abuse Registry, the applicant cannot be approved without a resource field manager's approval.

4011. Community Services Worker Registry. The resource specialist completes a search at <https://cswrpublic.okdhs.org/cswrpublic>. When an individual's name is located on the Community Services Worker Registry, the information is included in the overall assessment. When an individual's name is located on

the Community Services Worker Registry, the applicant cannot be approved without a resource field manager's approval.

4112. Guide to assess background history. The Assessment of Background Information of Resource Applicants, included on CWS Numbered Memo 15-13, is utilized by resource specialists to assess the applicant's and household member's criminal histories, CW histories, JOLTS information, or other concerning histories, such as protective orders, traffic offenses, money judgement, or multiple marriages.

4213. Information and history assessment.

(a) Background information. Information that includes:

- (1) physical violence;
- (2) sexual components; or
- (3) substance use or abuse must be reviewed and approved or denied by the resource field manager.

(b) CW history. The resource specialist and resource supervisor review all referrals, whether screened-out or accepted, investigations, reports to the district attorney, and appeals.

(1) When an applicant or household member has a child abuse and neglect history, consideration is given to the:

- (A) nature of the referral;
- (B) assessment conclusion or investigation finding;
- (C) nature and seriousness of the alleged or confirmed abuse or neglect in relation to the current request to adopt;
- (D) time elapsed since the referral;
- (E) circumstances under which the abuse or neglect occurred;
- (F) degree of rehabilitation, including verifiable documentation;
- (G) number and disposition of referrals; and
- (H) child's safety in the adoptive home.

(2) The resource field manager, or when he or she is unavailable, a Foster Care and Adoptions deputy director is included in the CW history assessment. For assessment purposes, the applicant is approved or denied based on the CW history.

(3) The discussion and basis for the decision are documented in a KIDS Pre-Resource Contact.

(c) Criminal or delinquency history. The resource specialist and resource supervisor review all criminal arrest and conviction histories for each applicant, adult household member, or a child with a JOLTS record.

(1) When assessing criminal or delinquency history, a:

- (A) homicide includes any type of murder, manslaughter, or other charge involving a person's death; and
- (B) relevant misdemeanor may include, but is not limited to:
 - (i) assault and battery;
 - (ii) alcohol- or drug-related offenses;
 - (iii) domestic violence; or
 - (iv) other offenses involving the use of physical force or violence against the person or property of another.

(2) According to Oklahoma Statutes, a deferred sentence means a defendant entered a plea of guilty or nolo contendere; however, the court agreed to withhold a legal finding of guilt on the condition the defendant completes the terms of the deferred sentence imposed by the court. As such, the plea entered by the defendant is not a conviction to the underlying criminal charge but may be considered in determining the applicant's suitability to be an adoptive parent although the applicant was granted a deferred sentence.

(3) The resource specialist and resource supervisor consider all relevant issues when assessing the applicant's appropriateness or suitability to be an adoptive parent.

(4) Assessment of charges and convictions include consideration of, but are not limited to, the:

(A) nature and seriousness of the criminal history;

(B) type of crime committed and charges including a detailed description of how and why the crime was committed;

(C) time elapsed since the crime or conviction;

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

(E) completion date of the deferment and/or sentence;

(F) assignment of a probation or parole officer and the officer's contact and location information;

(G) degree of rehabilitation, positive changes the applicant has made in his or her lifestyle since the arrest or conviction and a description of how and why the changes occurred;

(H) applicant's self-evaluation regarding how the experience may influence children placed in the home;

(I) child's safety in such a placement; and

(J) information obtained from the applicant's references regarding knowledge of his or her previous and current lifestyle is considered when assessing the applicant's criminal history.

(5) The resource supervisor consults the resource field manager regarding concerning background information, including JOLTS. When the resource field manager is unavailable, a Foster Care and Adoptions deputy director is consulted. For assessment purposes, the applicant is approved or denied based on the criminal history.

(6) DHS OKDHS LS is consulted as needed.

(7) The discussion and basis for the decision are documented in a KIDS Pre-Resource Contact.

PART 14. POST-ADOPTION SERVICES

340:75-15-133. Confidential-Intermediary Search Program (CISP) ■

Revised 9-17-18

The Oklahoma Department of Human Services (DHS) (OKDHS) administers CISP the Confidential-Intermediary Search Program, which is limited to adoptions and termination of parental rights proceedings completed in Oklahoma, as required by

Section 7508-1.3 of Title 10 of the Oklahoma Statutes. CISP The Confidential-Intermediary Search Program permits a confidential search for certain adult members of an individual's birth family, with whom contact was lost through adoption or parental rights termination proceedings. Persons contacted under this program are directed to the Mutual-Consent Voluntary Registry where exchange of identifying information can be authorized. ■ 1

(1) **Confidential Intermediaries.** Confidential intermediaries who conduct searches, are certified by, and can be contracted through ~~DHS~~ OKDHS. Confidential intermediaries are subject to ~~DHS~~ OKDHS criteria establishing:

- (A) eligibility standards;
- (B) training requirements;
- (C) standards of conduct and search procedures; and
- (D) fees paid by persons requesting assisted searches.

(2) **Persons eligible for CISP the Confidential-Intermediary Search Program.**

Persons who may request a search or be the subject of a search, are:

- (A) an adopted individual, 18 years of age and older (adult);
- (B) an adult person whose biological parent's parental rights were terminated;
- (C) the legal parent or guardian of a minor or mentally-incompetent minor of a deceased-adopted person;
- (D) an adult descendant of a deceased-adopted person;
- (E) the legal parent or guardian of a minor or mentally-incompetent minor of a deceased person whose biological parents' parental rights were terminated;
- (F) an adult descendant of a deceased person whose biological parents' parental rights were terminated;
- (G) a biological parent whose parental rights were voluntarily or involuntarily terminated by court order in an adoption, juvenile, guardianship, or domestic relations proceeding;
- (H) an adult biological sibling or biological grandparent of an adult-adopted person or of an adult person whose parents' parental rights were terminated; and
- (I) the sibling of a deceased-biological parent whose parental rights were voluntarily or involuntarily terminated by court order in an adoption, juvenile, guardianship, or domestic relations proceeding.

(3) **Persons not eligible for CISP the Confidential-Intermediary Search Program.** Persons who are not eligible for a search are listed in (A) - (E) of this paragraph.

- (A) Anyone who has not previously registered with the Mutual-Consent Voluntary Registry at least six months prior to submission of the application for CISP the Confidential-Intermediary Search Program services.
- (B) An adult adopted person who has a minor-biological sibling in the same adoptive family or in an adoptive or foster family or other placement whose location is known to the adult-adopted person.
- (C) An adult whose biological parents' parental rights were terminated and who has a minor-biological sibling in the same family or in an adoptive or foster family or other placement, whose location is known to that adult.
- (D) Anyone who previously initiated a search for a biological parent that refused to share identifying information, communicate, or meet, and who initiates a

subsequent search for a biological relative of that biological parent.

(E) A birth relative, other than a birth parent, who applies to initiate a search or is the subject of a search, in which case the CISP Confidential-Intermediary Search Program administrator ascertains from the State Registrar of Vital Statistics if an affidavit of nondisclosure by a birth parent of the adopted person is on file. When an affidavit of nondisclosure is filed and was not revoked, the CISP Confidential-Intermediary Search Program administrator must decline to initiate a search at the request of or for any birth relative of the birth parent who filed the affidavit of nondisclosure, unless the person initiating the search can provide satisfactory proof that the birth parent who filed the affidavit of nondisclosure is deceased.

(4) **Requirements of the confidential intermediary.** Each potential confidential intermediary signs Form 04CI010E, Confidential Intermediary Oath of Confidentiality, which must be signed under penalty of perjury, prior to receiving DHS OKDHS certification.

(5) **Eligibility competencies and standards for confidential intermediaries.** Persons contracting with DHS OKDHS to perform searches must:

(A) be 21 years of age and older;

(B) complete a minimum of two years at an accredited college or university;

(C) demonstrate a minimum of two ~~years~~ years experience, either professional or volunteer, in legal or psychological aspects of adoption and adoption search;

(D) demonstrate expertise, through written references, approved training, and personal interviews, regarding:

(i) sensitivity to adoption-related issues;

(ii) an ability to maintain confidential files and information;

(iii) an ability to work within established legal, administrative, and ethical boundaries;

(iv) listening and communication skills, written and verbal;

(v) an ability to work with persons from diverse backgrounds and cultures;

(vi) personal attitudes toward adoption, search, and reunion to maintain professional neutrality; and

(vii) general and specific knowledge of search procedures and techniques utilized to successfully locate sought after parties;

(E) provide a criminal background search with no record of arrests or convictions; and

(F) attend continuing education and applicable training as required by DHS OKDHS to maintain confidential intermediary certification, in the areas of adoption, search, and reunion.

(6) **Procedures to initiate search by confidential intermediary.** The eligible person described in paragraph (2) must:

(A) complete an application to initiate a search;

(B) provide satisfactory proof of identity to the CISP Confidential-Intermediary Search Program administrator with a copy of a:

(i) birth certificate;

(ii) current driver license; or

(iii) Social Security Administration card; and

(C) pay the ~~DHS-established~~ OKDHS-established fee for initiating a search.

(7) Procedures for search by confidential intermediary.

(A) The GISP Confidential-Intermediary Search Program administrator assigns the search to a confidential intermediary. The confidential intermediary is permitted to inspect:

- (i) all court records relevant to the adoption or termination of parental rights proceedings;
- (ii) the original birth certificate, or other sealed adoption records, and other relevant records, if when any, in the possession of the State Registrar of Vital Statistics; and
- (iii) all relevant records in ~~DHS~~ OKDHS possession.

(B) The confidential intermediary:

- (i) presents documentary proof of the intermediary's certification and the referral form from the GISP Confidential-Intermediary Search Program administrator to records custodians, prior to obtaining access to any of these records;
- (ii) may also inspect records in the possession of a private adoption agency or attorney, but only when the private agency or attorney voluntarily agrees to cooperate and permits the examination; and
- (iii) keeps all information obtained during the course of the investigation confidential, except when disclosure is permitted by the procedures described in search policy.

(C) When the confidential intermediary is able to locate the subject of the search, the confidential intermediary makes a discreet and confidential inquiry as to whether the person who is the subject of the search will consent to share identifying information, communicate, or meet with the person who initiated the search. The inquiry is made without disclosing the identifying information about the person who initiated the search.

(i) When the person, who is the subject of the search, is willing to share identifying information, communicate, or meet with the person who initiated the search, the confidential intermediary must obtain this consent in a written document that is dated and signed by the subject of the search.

(ii) When the person who is the subject of the search is not willing to share identifying information, communicate, or meet with the person who initiated the search, the confidential intermediary must attempt to obtain any non-identifying medical or social history information requested by the person who initiated the search.

(iii) When the confidential intermediary discovers the subject of the search is deceased, the confidential intermediary includes this information in a written report. When the deceased subject is a biological parent, his or her identity is included.

(D) Any written consent and non-identifying information obtained by the confidential intermediary, along with a written report of the results of the intermediary's search and inquiry, is transmitted to the GISP Confidential-Intermediary Search Program administrator.

(E) When the confidential intermediary is unable to locate the subject of the search, the confidential intermediary reports this to the GISP Confidential-

Intermediary Search Program administrator in writing and includes a description of the search efforts.

(F) When the confidential intermediary discovers that the identity of the biological father was unknown or not revealed by the biological mother, the confidential intermediary includes this information in a written report.

(8) **CISP Confidential-Intermediary Search Program confidentiality.** All searches done through ~~CISP~~ the Confidential-Intermediary Search Program are confidential.

(A) Any information obtained by a confidential intermediary during the course of the investigation is kept strictly confidential and is disclosed and utilized only in the manner permitted by this Section.

(B) ~~Section 7508-1.3 of Title 10 of the Oklahoma Statutes (10 O.S. § 7508-1.3)~~ states that any person who discloses information obtained during the course of a search performed, per this Section in violation of this act shall be guilty of a misdemeanor and fined up to \$5,000 or imprisoned for a period of six months or both.

(9) **Search records.** Search records are examined, retained, and maintained as outlined in (A) - (D) of this paragraph.

(A) The ~~DHS-contracted~~ OKDHS-contracted confidential intermediary may examine children's Child Welfare Services records maintained by the ~~DHS~~ OKDHS State Office.

(B) No original file contents or copies of confidential documents are removed from ~~DHS~~ OKDHS files.

(C) Any reports and other information collected as a result of a search performed, per this Section are retained by the ~~CISP~~ Confidential-Intermediary Search Program administrator for 22 years following the date of the initial search application.

(D) During a confidential intermediary search, the intermediary maintains records of all actions and furnishes copies of those records to the ~~CISP~~ Confidential-Intermediary Search Program administrator.

(10) **CISP Confidential-Intermediary Search Program fees.** Each application for a search through a confidential intermediary must be accompanied by a fee, per 10 O.S. § 7508-1.3. ■ 2 Once application is made for the search and is initiated by the confidential intermediary, any fees paid are non-refundable under any circumstances, including unsuccessful location or reunion. All fees are waived for siblings who were separated through ~~DHS~~ OKDHS adoptions. Each application for a search must be accompanied by a:

(A) \$20 fee to register on the Mutual-Consent Voluntary Registry, six months prior to application for a search;

(B) \$400 fee for an initial search for one eligible person. Of this fee, \$100 is used for search program administrative costs and \$300 is the fixed rate for the search, paid to the confidential intermediary; and

(C) \$200 fee for subsequent searches for eligible persons by the same requester. Of this fee, \$50 is for search program administrative costs and \$150 is the fixed rate for the subsequent search, paid to the confidential intermediary.

INSTRUCTIONS TO STAFF 340:75-15-133

Revised 9-17-18

1. Procedures for State Office Adoption Section Reunion & Search Administrator are listed in (1) through (6).
 - (1) Upon receipt of the ~~report of the confidential intermediary intermediary's report~~, the administrator of the search program program's administrator contacts the person who initiated the search.
 - (2) If When the subject of the search agreed to share identifying information, communicate, or meet, the administrator relays this information and obtains the written consent of the person who initiated the search before arranging the sharing of identifying information, communication, or a meeting between them.
 - (3) Upon receipt of the written consent of both the initiator and the search's ~~subject of the search~~, the administrator facilitates a communication or meeting.
 - (4) If When non-identifying medical or social history information was obtained, the administrator provides a copy of the non-identifying information to the ~~person who initiated the search~~ initiator. If the intermediary was unable to locate the ~~subject of the search~~ search's subject, or the subject is deceased or did not consent to exchange identifying information, communicate, or meet, the administrator shares that information with the ~~initiator of the search~~ search's initiator.
 - (5) If When the ~~subject of the search~~ search's subject is a biological parent who is deceased, the administrator provides the ~~initiator of the search~~ initiator with any identifying information available regarding the deceased biological parent, if the ~~initiator of the search~~ initiator consents in writing to receive the information.
 - (6) If When the ~~initiator of a search~~ initiator subsequently applies to the court for an order allowing the release of identifying information for good cause shown, after the ~~subject of the search has~~ search's subject refused to share identifying information, communicate, or meet, the initiator advises the court of the ~~results of the search~~ results. Upon the ~~request of the court~~ court's request, the ~~administrator of the program~~ program's administrator discloses to the court the confidential intermediary's report regarding the ~~results of the search~~ results, including any information about why the ~~subject of the search~~ search's subject objected to disclosure or contact.
2. This program recognizes that while some parties may have a strong desire to obtain identifying information, others do not. This program is voluntary for all participants and fully recognizes the right to privacy and confidentiality of all people involved.