Child Protective Services

Questions & Answers

for Parents



OKLAHOMA
Human Services

What are child protective services?

Child Protective Services (CPS) is a child welfare service that focuses on protecting children from harm. The Oklahoma Human Services (OKDHS) is responsible for providing child protective services. The goal of providing these services is to help families through difficulties that may cause their children to be unsafe. OKDHS child welfare specialists are required by law to respond to reports of child abuse and neglect. When a report of abuse or neglect is received, the child welfare specialist contacts the family to determine whether abuse or neglect occurred and if the children in the family are safe.

How does OKDHS Child Welfare Services get my name?

Oklahoma law requires every person to report suspected child abuse or neglect to OKDHS when the reporting party believes a child has been abused or neglected by someone responsible for the child's care. The name of the person who reports child abuse or neglect is confidential by law and that is why you cannot be told who made the report. Reports of child abuse or neglect may be made anonymously. Even if not reporting child abuse or neglect, anyone can call OKDHS Child Welfare Services (CWS) to ask for help.

What happens after Child Welfare Services receives a report of suspected child abuse or neglect?

Under Oklahoma law, OKDHS Child Welfare Services must determine how to respond to a report of suspected child abuse or neglect. A child welfare specialist is assigned when it is necessary to conduct an assessment or investigation of the reported allegations. The child welfare specialist initiates contact with each child named in the report and talks to

members of the household, family and others as necessary to complete the assessment or investigation.

What is the difference between an assessment and an investigation?

An assessment is conducted when the referral concerns abuse or neglect that is not a serious and immediate safety threat. The assessment process includes separate and joint discussions with all family members and may include information from other sources to determine what actions or interventions may be needed to help you keep your child safe. The assessment process gives family members a chance to provide information about what they believe will help the family. Other people are contacted as necessary for additional information to assist the child welfare specialist in the safety decision about your child. When your family needs services, you will be provided information about where you can obtain services in your area and any services that OKDHS can provide.

An investigation is conducted when the referral concerns suspected child abuse or neglect that is serious, could be dangerous, or when there have been previous reports of abuse or neglect. During an investigation, the child welfare specialist talks separately with you and your child, when your child is old enough. If your child is nonverbal, the child will be observed for any injuries. This review is conducted with another adult present.

During the assessment or investigation, the child welfare specialist may need to check your child for injuries and you may be asked to have your child seen by a doctor. The child welfare specialist also talks with other people who know you and your child to find out more about your family. This is done as carefully as possible so that your privacy is protected.

Whether an assessment or investigation is conducted, the main goal of the child welfare specialist is to make sure your child is safe and that you receive any help you may need to keep your child safe. You can talk with the child welfare specialist about any family problems. Together, you may be able to decide what changes need to be made and set up a plan for making these changes.

Your family is encouraged to accept any needed services. If you do not want voluntary services, you may refuse to accept them. OKDHS may contact you within 60 days of case closure to determine if you have accessed services related to child safety.

What happens after the assessment or the investigation?

All completed assessment and investigation reports are given to the appropriate district attorney's office.

After the investigation is completed, the child welfare specialist can make four possible conclusions or findings.

Ruled Out – This finding is made when the child welfare specialist determines that no child abuse or neglect occurred.

Unsubstantiated–Services Recommended – This finding is made when there is insufficient evidence of child abuse or neglect, or insufficient evidence to determine if there was child abuse or neglect, but it is determined the family could benefit from prevention and intervention-related services.

Substantiated – This finding is made when there is evidence of child abuse or neglect as defined by statute and OKDHS policy. A Substantiated finding can also be made when there is

evidence of serious child abuse or neglect, because the child's health, safety or welfare is threatened.

Reasonable Exercise of Parental Discipline – This finding is made when OKDHS determines the reported incident was the result of reasonable, age-appropriate, parental discipline that occurred without injury to the child. When this finding is made, all records of the referral and investigation are expunged.

What happens after an assessment or investigation report is provided to the district attorney?

Oklahoma law requires the child welfare specialist to provide a written report to the district attorney of each assessment or investigation that was completed. OKDHS also refers reports of child abuse and neglect to law enforcement. The district attorney must decide what happens next.

The district attorney may:

- Decide to take no action
- Refer the information to law enforcement for further investigation
- File a deprived petition and ask the court to become involved because your child needs protection and your family needs to make changes that will keep your child safe
- File criminal charges against the person who may have abused or neglected your child
- File both a deprived petition and file criminal charges

Oklahoma law requires that OKDHS keep a permanent record of every report made to OKDHS. This information is confidential and is only given out in certain situations that are specifically set forth in the law. It is a crime to release

information unless allowed by law.

How will I know what has been decided after the assessment or investigation is completed?

You will receive a letter telling you about the findings or recommendations that were made at the conclusion of the assessment or investigation. A letter following a completed investigation will contain findings about whether a child abuse or neglect allegation was substantiated, unsubstantiated or ruled out along with the services recommended, when any. The letter regarding a completed assessment will contain recommendations for services, but no findings.

What if I disagree with the investigation finding?

When an investigation finding is substantiated and there is no court action, you have the right to appeal the substantiated finding. You will receive an attachment explaining the appeal process and what to do to request an appeal along with your finding letters.

What kind of help can I get from Child Welfare?

The child welfare specialist works with you to help decide the kinds of services that will best meet the needs of your family. Services are available through OKDHS if you request them, or you may be given a referral for services available in your local community. Services can range from help with basic items such as food, clothing or housing to in-home services, such as health care or homemaker assistance.

Can my child be taken away from me?

When your child needs immediate protection, a law enforcement officer may place your child in protective custody without a court order. Also, a judge may issue an order placing your child in OKDHS emergency custody at the request of the

district attorney. OKDHS focuses on child safety and reducing trauma. If your child is removed, you will have the opportunity to provide input about your child's needs.

If at any time the assigned child welfare specialist considers requesting safety intervention for your child, a child safety meeting (CSM) is scheduled. A CSM is typically held before a decision is made to remove a child from their home and usually involves the entire family and as many family supports as possible. In some emergency situations when that decision was made without having first held a CSM, a CSM should immediately follow within at least 2 business days. A CSM is a way to make a live decision with the parents and family supports to ensure your child is safe and explores all options available. When OKDHS considers moving a child, having a parent leave the home, or having a monitor move in to monitor unsafe behaviors in the home, a CSM is warranted. Outcomes of the CSM vary but when children are assessed to be unsafe, OKDHS strives for the least restrictive intervention possible and attempts to prevent removals of children from their homes when at all possible. Family-Centered Services (FCS) cases are preventative cases in which children are found to be unsafe but do not warrant court intervention. While not all unsafe situations can be worked in a preventative nature, OKDHS can be granted legal custody by a judge or law enforcement officer.

What happens if my child is placed in the legal custody of OKDHS?

If your child is placed in OKDHS legal custody, you have the right to a hearing within the next two judicial days. "Judicial days" are days when the court is open for business. Unless the court orders differently, the district attorney has to decide within seven judicial days whether to file a deprived petition.

Your assigned child welfare specialist will provide you with information about your hearing.

When may I see my child?

The child welfare specialist arranges a time for you to see your child as quickly as possible when the child is placed in OKDHS legal custody. You are told what type of placement your child is entering, a kinship placement, foster family home, a shelter, or with another responsible person. You are given information about how your child is doing. As the parent, you may be asked to meet with the foster family to educate them about your child's routine. This process is designed to assist your child during the transition. You will continue to receive regular visitation with your child while he or she remains in OKDHS legal custody.

What happens when the district attorney decides court action is needed to protect my child?

The district attorney will prepare a legal document called a "deprived petition,"which is filed in the district court where deprived cases are heard. This type of court proceeding is designed to protect children, not punish adults. The judge hears evidence and decides if your child is deprived. A court finding that your child is deprived means there are concerns about your child's health, safety or welfare that make it necessary for the court to make decisions and set conditions to assure safety for your child.

The following types of hearings may be held by a court responsible for deprived cases:

- Emergency custody hearing: This hearing is held within two judicial days after your child was removed from his or her home. The purpose of the emergency custody hearing, which may also be called a "show cause"

hearing, is for the judge to decide if your child should be released to you or another responsible person. At the hearing, you will receive written information about your rights and court procedures.

- Adjudicatory hearing: If the district attorney files a deprived petition, another hearing is held called an adjudicatory hearing. This hearing is held whether your child is returned to you or remains in OKDHS custody after the emergency custody hearing. This is a hearing for a judge to decide if your child is deprived as a result of abuse or neglect. When your child is determined to be deprived, the court is involved in decision-making and planning for your child until the court case is closed.
- Dispositional hearing: This is a separate hearing from the adjudicatory hearing that can be held on the same day as the adjudicatory hearing or at a later time. At the dispositional hearing, the judge may return your child to you under the legal supervision of OKDHS or keep your child in the temporary custody of OKDHS or another agency or person. The court orders a plan that you have to follow before your child can be returned to you or before the case can be closed. This plan will help you take care of the problems that caused your child to be deprived. If you do not follow the court-ordered plan, you could lose all rights to your child or children.

What will I have to do if my child is adjudicated deprived?

If your child is adjudicated deprived, you may be ordered by the court to:

- Work with your child welfare specialist to plan what you must do to correct the unsafe behaviors that caused the court action and to discuss what is in the best interests of your child. This plan is called an Individualized Service

Plan (ISP)

- Stay in touch with your child welfare specialist and notify him or her about any changes, such as change of address, job, income, marriage, new person living in your home, and progress on your ISP
- Follow the orders of the court in the time required by the court
- Contribute to your child's financial support
- Visit your child regularly at the time and place scheduled

What are my rights?

You should ask an attorney for legal advice and a full explanation of your rights. If you cannot afford a lawyer, you may request the court appoint a lawyer for you.

If you want copies of the law about child abuse and neglect, you may ask an attorney to provide them, get them at your county law library, or on the internet. Most of the law relating to child abuse and neglect can be found in Title 10A of the Oklahoma Statutes known as the Oklahoma Children's Code.

If an action is filed, you have the right to review the records in the court file, except those the court has ordered sealed. The court file will not include the name of the person who made the report of abuse or neglect.

What are my child's rights when a deprived petition is filed?

When a deprived petition is filed, an attorney is appointed to represent your child and to act on behalf of your child according to your child's stated interests.

Native American Heritage

The Federal and Oklahoma Indian Child Welfare Acts provide certain protections to Native Americans who are members of a federally-recognized Indian tribe or are eligible for membership. It is critical to inform the child welfare specialist of your tribal heritage, any services you receive from a federally-recognized Indian tribe and your child's eligibility for tribal enrollment. You must also inform the court of your enrollment status.

What can I expect to happen to my child?

Placement outside the home, when necessary, is usually temporary. It is important that your child have a permanent home. The goal is to find ways for your child to return home quickly and live safely. When this is not possible, there can be court action that allows the child to have a permanent home through adoption, guardianship or other living arrangement.

The best plan is made for your child when you and your child welfare specialist work together to develop a meaningful plan that will meet your child's needs and assist you in correcting the problems that led to the deprived petition being filed.

The final decision regarding the child's placement in or out of the home rests with the judge, who hears the evidence before making decisions.

What is termination of parental rights?

Termination of parental rights means the court has decided that you no longer have legal rights to your child. The court may terminate parental rights in certain situations, such as when a parent fails to correct the conditions that led to the child being found deprived, when the parent fails to appear at scheduled court hearings, or when the court makes other legal

findings based on the seriousness of the abuse or neglect. Sometimes parents decide it is in their child's best interests to voluntarily give up their parental rights. This, of course, is a serious step and should be given careful consideration before a decision is made. Parents should discuss this with their attorney and the child welfare specialist.

What can I do if I feel I have not been treated fairly by the child welfare specialist?

If you feel that you are not being treated fairly by the child welfare specialist assigned to your case, or that the child welfare specialist is not following OKDHS policy, an open talk with the specialist may take care of the situation. When you and the specialist cannot work out the problem, you may talk with the assigned supervisor. If you are not satisfied with the supervisor's response, you may talk with the OKDHS district director. In case you feel the county staff has treated you unfairly, you may contact the regional director's office or the Director's Helpline.

In certain situations, you may request an administrative fair hearing by contacting the local OKDHS district office. The fair hearing process is designed to make sure your rights are protected and you receive certain services from OKDHS.

A grievance procedure is available to resolve issues regarding your child. You may file a grievance on your child's behalf. Neither the fair hearing process nor the grievance procedure applies to rulings by the court. You may obtain information regarding both of these procedures from the OKDHS website.
Filing complaints or grievances:
http://www.okdhs.org/contactus/pages/compdefault.aspx
Office of General Counsel Fair Hearings and Appeals:
http://www.okdhs.org/aboutus/ogc/Pages/hearappeals.aspx

Important Numbers

Child Welfare Specialist:

Name _____

Address _____

Phone number _____

Supervisor:

Name _____

Address _____

Phone number _____

District Director:

Name _____

Address _____

Phone number _____

Other important numbers:

Regional Office:

Address _____

Phone number _____

Notes

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