

LICENSING REQUIREMENTS

for

Child Placing Agencies



OKLAHOMA DEPARTMENT OF HUMAN SERVICES
Child Care Services

Effective Date: 11/01/13

FOREWORD

Licensing requirements govern child care facilities in the State of Oklahoma. These rules are minimum requirements for the care and protection of children in care outside their own homes. They were developed by individuals from various professions with expertise in child care, including private providers; the Child Care Advisory Committee; and from input solicited from other providers and the public. The requirements were approved by the Commission for Human Services and the Governor of the State of Oklahoma pursuant to the Oklahoma Administrative Procedures Act.

It is the Oklahoma Department of Human Services' (OKDHS) intent that licensing requirements are clear, reasonable, fair and enforceable. In the interest of serving the public, comments are welcomed and will be considered for future revisions or development of new requirements. Please complete the form below and send it to:

Oklahoma Department of Human Services
Oklahoma Child Care Services
P.O. Box 25352
Oklahoma City, OK 73125

COMMENTS REGARDING LICENSING REQUIREMENTS

Licensing Requirements for: _____

Reference: *(Please give the cite and topic of the specific requirement to which you are referring, such as Section 2, re. Definitions.)*

- Section _____ re: _____
- Section _____ re: _____

Recommendation:

Because:

Your Name _____ Date _____

*Return address: Oklahoma Department of Human Services
Oklahoma Child Care Services
P.O. Box 25352
Oklahoma City, OK 73125*

**REQUIREMENTS FOR CHILD PLACING AGENCIES
(340:110-5-1 THROUGH 340:110-5-124)**

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PART 1. REQUIREMENTS FOR CHILD-PLACING AGENCIES

Section 1. Purpose

It is the declared purpose of the Oklahoma Child Care Facilities Licensing Act to:

- (1) ensure maintenance of minimum requirements for the care and protection of children away from their own homes;
- (2) encourage and assist the child care facility toward attaining maximum standards; and
- (3) work for the development of sufficient and adequate services for children.

Section 2. Legal base

The legal base for licensing requirements in this Subchapter is Section 401 et seq. of Title 10 of the Oklahoma Statutes, the Oklahoma Child Care Facilities Licensing Act. (See Supplement I)

Section 3. Definitions

The following words and terms when used in this Subchapter shall have the following meaning unless the context clearly states otherwise:

"Adoption agency" means an agency licensed as a child-placing agency for the purpose of placing children into adoptive families.

"Advisory board" means the entity that offers advice and counsel on the operation of a child-placing agency.

"Agency" means child-placing agency.

"Auxiliary personnel" means cooks, building custodians, or other personnel who provide support services to the agency.

"Basement" means an area of a building or structure having one-half or more of its clear height below grade level.

"Behavior management" means guidance that provides a learning experience for the child that contributes to developing the capacity for self-control, self-direction, and an understanding of behavioral consequences.

"Child" means an individual under 18 years of age.

"Child Care Restricted Registry," or "Restricted Registry," also named "Joshua's List" means a registry for registrants who are prohibited from licensure, ownership, employment, having unsupervised access to children, and/or residence in child care facilities per Section 405.3 of Title 10 of Oklahoma Statutes.

"Child care staff" means staff who provide direct care and supervision of children.

"Child-placing agency" means an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program.

"Child with special needs" means a child who, because of age, ethnic origin, physical, mental, or behavioral problems, or sibling group for whom placement for adoption is difficult.

"Custodian" means the adult or agency legally responsible for the child.

"Department" means the Oklahoma Department of Human Services (DHS).

"Emergency foster care" means foster home care provided to a child when an emergency exists or initial placement does not exceed 30 calendar days.

"Foster home" means a home that provides full-time substitute family care for a child for a planned period when the child's family cannot provide care.

"Foster home agency" means an agency licensed as a child-placing agency for the purpose of certifying foster homes.

"Foster parent(s)" means the individual(s) providing foster home care for a child placed by the child-placing agency.

"Governing board" means the entity with ultimate responsibility and authority for the overall operation of a private, nonprofit agency.

"Health professional" means a licensed physician, nurse practitioner, or physician's assistant, as defined by the appropriate state licensing board.

"Independent living (IL) program" means a residential program that places youth, at least 16 years of age, in a living situation supervised by a licensed child-placing agency with the goal of preparing the youth for living independently without supervision.

"Indian child" means an unmarried or unemancipated individual younger than 18 years of age who is a member of an Indian tribe or eligible for membership and is the biological child of a member of an Indian tribe. [10 O.S. § 40.2]

"Infant foster care" means a category of foster care when the foster home provides care to infants only.

"Interstate Compact on the Placement of Children (ICPC)" means the process of ensuring protection and services to children who are placed across state lines.

"Legal risk placement" means placement of a child when consent to adoption or permanent relinquishment of parental rights for adoption has not been obtained from both birth parents and parental rights have not been previously terminated.

"Long-term foster care" means foster home care when the initial placement plan exceeds 30 calendar days.

"On-call or substitute staff" means staff available to work during the absence of regular part-time or full-time staff.

"Openness in adoption" means the pre- or post-placement exchange of information, communication, or contact between birth and adoptive families.

"Parent" means an individual who is legally responsible for the child, such as a mother, father, legal custodian, or legal guardian.

"Placement plan" means a component of the service plan or agreement that contains plans for the placement of the child that best meet the child's needs.

"Post-adoption services" means direct or referral services available through the child-placing agency to birth and adoptive parents and the adopted child after the adoption is finalized.

"Post-placement supervision" means supervision and services provided after the child is placed with an adoptive family.

"Proprietary facility" means a program that operates on a for-profit basis.

"Serious incident" means any non-routine occurrence that has an impact on the care, supervision, or treatment of a child.

"Service plan or agreement" means a comprehensive individualized program of action for the child and the child's family, when parental rights have not been terminated, developed by the child-placing agency in cooperation with the child and family or custodian. It establishes specific outcomes and time frames based on the:

(A) child's age and level of functioning; and

(B) family's ability and willingness to participate.

"Social services staff" means child-placing agency employees who provide social services that include, but are not limited to:

- (A) casework services to children and the children's families;
- (B) adoptive child and family studies;
- (C) placement services;
- (D) certification of agency facilities;
- (E) admission assessments; and
- (F) service planning.

"Specialized service professional" means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapists.

"Unsupervised access to children" means an individual being present with children without personnel present who has a complete criminal history review.

"Volunteer" means an individual who provides services to the agency without compensation.

Section 4. License

Application for a license is made on Oklahoma Department of Human Services (DHS) provided forms and in the manner prescribed. A license to operate a child-placing agency is granted on the basis that the agency meets minimum requirements for child-placing agencies. The license is not transferable. The agency may not operate until DHS permission is obtained. Per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act), persons identified as registrants on the Restricted Registry are prohibited from:

- (1) licensure as a child care program;
- (2) ownership of a child care program;
- (3) employment in a child care program;
- (4) having unsupervised access to children; and/or
- (5) residing in a child care facility.

Section 6. Organization and administration

(a) **Purpose.** The purpose or function of the child-placing agency (agency) is clearly defined in a statement filed with the Oklahoma Department of Human Services (OKDHS). This includes the philosophy, goals and objectives, ages and characteristics of children accepted for care, geographical area of service, and types of services provided.

(b) **Organizational structure.** The legal basis or ownership of the agency is fully documented and submitted to OKDHS with the initial application for a license.

(1) **Publicly operated agency.** Documentation of a publicly operated agency identifies the statutory basis of the agency and the administrative framework of the governmental entity that operates the agency.

(2) **Privately operated agency.** A privately operated agency submits:

- (A) as applicable, the charter, partnership agreement, constitution, and articles of incorporation resolution authorizing the agency operation;
- (B) the names, titles, addresses, and telephone numbers for:

- (i) association members or corporate officers for nonprofit agencies; or
- (ii) owners, partners, or corporate officers of for-profit agencies;
- (C) the physical address in Oklahoma where child-placing business is conducted; and
- (D) a notification informing OKDHS of any change in the legal basis for operation or ownership before the change occurs.

(c) **Governing and advisory boards.** Private nonprofit agencies establish a governing board and may also have an advisory board. Private for-profit agencies without a governing board have an advisory board.

(1) The governing board:

- (A) meets at least twice a year and maintains accurate minutes of each meeting;
- (B) maintains ultimate responsibility for governing and delegates responsibility for administration of the agency to the executive director;
- (C) specifies in the constitution and bylaws the responsibilities of and relationship between the governing board and executive director, and submits them to OKDHS;
- (D) submits to OKDHS a current list of names, titles, addresses, and telephone numbers of the members of the governing board;
- (E) members receive an orientation to board responsibilities upon appointment; and
- (F) is composed of a minimum of five members, the majority of whom:
 - (i) may not be made up of agency staff members; and
 - (ii) reside in Oklahoma. Multi-state operations may have a governing board outside Oklahoma if they establish local advisory boards that meet the requirements in this subsection.

(2) The advisory board:

- (A) meets at least twice a year;
- (B) is comprised of members, the majority of whom:
 - (i) reside in Oklahoma; and
 - (ii) may not be staff members of the agency;
- (C) provides advice and counsel to the agency on the policies and operation of the agency, reflects local concerns, and represents the program to the community; and
- (D) submits to OKDHS a current list of names, addresses, and telephone numbers of the members of the advisory board.

(d) **Policy.**

(1) Agency policy:

- (A) is clearly written and kept current;
- (B) includes, but is not limited to, areas governing personnel, admission, program, behavior management, and care of children; and
- (C) is available at the agency for Licensing staff to review.

(2) The agency maintains current written policy and procedure:

- (A) regarding a child who is absent without permission. If a child is not located, the agency immediately notifies the child's custodian and the appropriate law enforcement agency. Efforts to locate the child and notify appropriate persons are documented;

- (B) regarding grievance issues related to children. Grievance policy and procedure are explained, and a copy is provided to each child and the child's parents or custodian;
 - (C) regarding religious training that is made known to the child and family prior to admission or placement. All children are provided an opportunity to participate in religious services;
 - (D) for the care of children, including medical services and safe transportation by staff, volunteers, and foster parents, that complies with all applicable state laws; and
 - (E) for reporting child abuse and neglect.
- (e) **Notifications.** The agency:
- (1) notifies Licensing:
 - (A) on the next working day when:
 - (i) the agency is temporarily or permanently closed;
 - (ii) the executive director is changed;
 - (iii) damage to the premises caused by fire, accident, or the elements seriously affects the provision of services; or
 - (iv) changes to liability insurance coverage; and
 - (B) prior to making any program change;
 - (2) submits a detailed written report for any serious incident involving staff or children, including, but not limited to:
 - (A) suicide attempts;
 - (B) injuries requiring medical treatment;
 - (C) runaways;
 - (D) commission of a crime; and
 - (E) allegations of abuse, neglect, or mistreatment. The date and time of the incident, name(s) of the staff and children involved, the nature of the incident, and the circumstances surrounding it are included in the report.
 - (i) In accordance with Section 7103 of Title 10 of the Oklahoma Statutes, any person who has reason to believe a child has been abused or neglected is required to report the matter promptly to the statewide toll-free Child Abuse Hot Line, 1-800-522-3511. (See Supplement II)
 - (ii) Failure to report abuse or neglect of a child is a misdemeanor offense and upon conviction is punishable by law.
- (f) **Records.** Agency records pertaining to child-placing activity are maintained within the state of Oklahoma and are made immediately accessible to authorized representatives of OKDHS.
- (g) **Legal compliance.** The agency follows all applicable state and federal laws, including:
- (1) The Oklahoma Adoption Code, Sections 7501-1.1 through 7505-7.2 of Title 10 of the Oklahoma Statutes;
 - (2) The Interstate Compact on the Placement of Children, Section 571 of Title 10 of the Oklahoma Statutes; and
 - (3) Federal and state Indian Child Welfare Acts, Section 1901 et seq. of Title 25 of the United States Code and Sections 40 through 40.9 of Title 10 of the Oklahoma Statutes.

Section 7. Finances

(a) **Evidence of sufficient funds.** The child-placing agency (agency) has evidence of sufficient funds.

(1) New agencies submit a letter from a licensed public accountant with the application for an initial license. In the letter, the accountant documents that procedures are in place for operating the fiscal management system so that the agency's financial statements can be audited at the end of the first fiscal year of operation.

(2) New agencies also submit a budget for the first year of operation with the application for an initial license which includes a written plan to document predictable funds for the first year of operation as well as reserve funds or documentation of reserve funds.

(3) Existing and new agencies have a written plan of financing which projects sufficient funds to enable them to carry out their defined purposes and provide proper care for children.

(b) **Fiscal responsibility.** The executive director of the agency is responsible for:
maintaining complete financial records of all income and disbursements; and
(2) ensuring the person responsible for receiving cash funds is bonded.

(c) **Accountability.** The agency is financially accountable.

(1) All financial records pertaining to the agency are audited annually:

(A) by a licensed public accountant who is not a staff or board member of the agency; or

(B) in accordance with the governmental funding source.

(2) A copy of the auditor's letter:

(A) is submitted annually to the Oklahoma Department of Human Services (OKDHS); and

(B) includes a statement that the agency's financial records accurately reflect the financial operations, according to generally accepted accounting principles.

(d) **Insurance.** The agency is covered by property casualty insurance and liability insurance unless operated by a government entity that is self-insured in accordance with state statute. Coverage is at least \$200,000 for each occurrence of negligence. Form 07LC092E, Insurance Verification, that includes a certificate of insurance obtained from the insurance agent is completed annually, maintained at the child-placing agency, and made available to licensing.

Section 8. Personnel

(a) **Required staff.** The child-placing agency (agency) employs:

(1) an executive director or administrator. In the absence of the executive director or administrator, a person is designated in charge who is immediately accessible in person or by telephone to Oklahoma Department of Human Services (DHS) authorized representatives;

(2) a child placement supervisor responsible for all placements in out-of-home care and final approval of all home studies;

(3) social services staff responsible for providing social services, including, but not limited to:

(A) casework services to children and the children's families;

- (B) adoptive child and family studies;
 - (C) placement services;
 - (D) certification of agency facilities;
 - (E) admission assessments; and
 - (F) service planning;
 - (4) child care workers, when applicable; and
 - (5) sufficient clerical staff to keep correspondence, records, bookkeeping, and files current and in good order.
- (b) **Volunteers.** When volunteers have contact with children in care, the agency:
- (1) has current written volunteer policy to protect the children's health, safety, and well-being that includes:
 - (A) selection and screening criteria, including a criminal history records search per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act); and
 - (B) requirements for:
 - (i) orientation; and
 - (ii) supervision; and
 - (2) provides orientation before volunteers have contact with children.
- (c) **Personnel policy.** Written personnel policy is available to staff defining position responsibilities, qualifications, and lines of authority.
- (1) The executive director or administrator is responsible for employment and dismissal of personnel.
 - (2) Agency policy includes availability of on-call and substitute staff.
 - (3) The agency obtains a minimum of three written references to include the most recent employer, when applicable, for all staff prior to employment.
 - (A) When written references cannot be obtained prior to employment, telephone interviews are conducted and documented that include dates, interview questions, responses, and the interviewer's signature. Written references are required after 30 calendar days.
 - (B) Copies of references are maintained on file.
 - (4) Tuberculosis skin testing is not required to qualify for employment. The agency requires employees to comply with the Oklahoma State Department of Health recommendations regarding tuberculosis skin testing when a local tuberculosis exposure is identified.
- (d) **Background investigations - general.**
- (1) **Required individuals.** Background investigations are required per Section 401 et seq. of Title 10 of the Oklahoma Statutes (10 O.S. § 401 et seq.), Oklahoma Child Care Facilities Licensing Act (Licensing Act), unless an exception per (2) or (3) of this subsection applies for:
 - (A) owners, prior to authorization to operate;
 - (B) responsible entities, prior to authorization to operate and when there is a change in a responsible entity;
 - (C) personnel applicants, prior to hire. However:
 - (i) the agency may hire individuals who are only awaiting the national criminal history records search, based upon the submission of fingerprints, provided the:

(I) preliminary criminal history review results from the Licensing Records Office (LRO) are received by the agency. However, until complete results are received, the individual does not have unsupervised access to children without personnel being present who have a completed criminal history review; and

(II) completed criminal history review results from LRO are received by the agency within 30 calendar days from submission of the fingerprints for employment to continue; and

- (ii) personnel who come from another licensed program owned by the same business entity are not required to repeat the background investigation process, with the exception of criminal history restriction waivers, provided there is no break in employment from the business entity;
- (D) individuals with unsupervised access to children, prior to having access to children, unless an exception per (3) of this subsection applies;
- (E) adults living in the facility, prior to authorization to operate or moving into the facility of an existing agency. This includes children who turn 18 years of age while living in the facility; and
- (F) individuals who have access to or review of the fingerprint results, prior to access to or review of the results.

(2) **Existing required individuals as of November 1, 2013.** On or before November 1, 2016, the fingerprinting and criminal history review process of this Section is completed for existing required individuals, with the exception of individuals who have access to or review of the fingerprint results. These individuals complete the process prior to having access to or review of the results.

(3) **Non-required individuals.** Background investigations are not required for:

- (A) specialized service professionals who are not agency personnel, provided parent releases are obtained per the Licensing Act;
- (B) volunteer drivers who transport children on an irregular basis and do not fill another position, provided parent releases are obtained per the Licensing Act;
- (C) contracted drivers who do not fill another position or have unsupervised access to children; and
- (D) contracted non-personnel who do not have unsupervised access to children, such as when the program contracts for special activities or facility repair.

(e) **Background investigations - Restricted Registry.** The agency conducts a search of the online Child Care Restricted Registry or Restricted Registry, also named Joshua's List, when required per (d) of this Section.

(1) **Non-registrants.** Non-registrants are individuals who are not recorded on the Restricted Registry.

(2) **Registrants.** Registrants are individuals who are recorded on the Restricted Registry, prohibited from licensure, ownership, employment, unsupervised access to children, or residence in the facility and are prohibited individuals per (e) of this Section.

(f) **Background investigations - criminal history.** The agency and required individuals complete the criminal history review process. The agency receives the completed criminal history review results from LRO when required per (d) of this Section.

(1) **Criminal history prohibitions.** Individuals with criminal history prohibitions are prohibited per (g) of this Section. Criminal history prohibitions include required registration under the:

- (A) Sex Offenders Registration Act; or
- (B) Mary Rippy Violent Crime Offenders Registration Act.

(2) **Criminal history restrictions.** Individuals with criminal history restrictions are prohibited per (g) of this Section, unless a criminal history restriction waiver is granted. Criminal history restrictions include pending charges, pleas of guilty or nolo contendere (no contest), or convictions of any criminal activity involving:

- (A) gross irresponsibility or disregard for the safety of others;
- (B) violence against an individual;
- (C) sexual misconduct;
- (D) child abuse or neglect;
- (E) animal cruelty;
- (F) possession, sale, or distribution of illegal drugs; or
- (G) a pattern of criminal activity.

(3) **Criminal history restriction waivers.** Restriction waivers are specified in this subsection.

(A) Restriction waivers may be requested for individuals who have criminal history restrictions. The owner, responsible entity, or director completes requests on a DHS form.

(B) Restriction waivers are not requested or granted for:

- (i) Restricted Registry registrants;
- (ii) individuals with criminal history prohibitions; or
- (iii) individuals whose sentence has not expired for any of the criminal history restrictions.

(C) Individuals identified in pending or denied restriction waiver requests are prohibited per (g) of this Section.

(g) **Prohibited individuals.**

(1) **Background investigation of required individuals.** The agency does not allow a required individual, to be the owner or responsible entity, to be employed, to live in the facility, or have:

(A) access to children, such as being present at the facility during the hours of operation or present with the children in care while off-site, when the individual has criminal history:

- (i) prohibitions; or
- (ii) restrictions, unless a criminal history restriction waiver is granted.

Individuals identified in a pending or denied restriction waiver request are prohibited; or

(B) unsupervised access to children, when the individual is a Restricted Registry registrant.

(2) **Endangerment of children.** The agency is prohibited from knowingly hiring or allowing any person to provide services to children when:

(A) there is documented evidence or reason to believe the person would endanger the health, safety, or well-being of children or other persons; or

(B) the person is identified by a court as a perpetrator of child abuse or neglect or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.

(3) **Impaired functioning.** A person who is employed by the agency or provides services to the agency may not use or be under the influence of alcohol or illegal drugs during hours of work.

(4) **Criminal allegations.** When a staff member is alleged to have committed an act described in subsection (f) of this Section, a determination is made and documented as to whether the staff member is removed from contact with children until the allegation is resolved. If criminal charges are filed, the accused is removed from contact with children until the charges are resolved.

(5) **Deferred sentences.** A person who received a deferred sentence for any charge in subsection (f)(2) of this Section is removed from contact with children for the duration of the deferment.

Section 9. Executive director qualifications

(a) The executive director or administrator hired after August 1, 1998 has a:

(1) bachelor's degree, knowledge in personnel management, and five years experience in children's services; or

(2) master's degree, knowledge in personnel management, and two years experience in children's services; or

(3) doctorate, knowledge in personnel management, and one year of experience in children's services.

(b) In an agency where the executive director:

(1) operates primarily as an administrator and is not directly involved in child-placing activities, there is a child placement supervisor; or

(2) places children, he or she meets the requirements of a child placement supervisor.

Section 10. Child placement supervisor qualifications

(a) The child placement supervisor hired after August 1, 1998 has a:

(1) master's degree in social work and one year of experience in children's services;

(2) master's degree in a behavioral or social science or a related field and two years experience in children's services; or

(3) doctorate in a behavioral or social science or a related field and one year of experience in children's services.

(b) The child-placing agency (agency) has written policy and procedure for the duties and responsibilities of the child placement supervisor.

(1) If the position is contracted, the agency has a written contract with the child placement supervisor to include duties and responsibilities and frequency of service delivery.

(2) Documentation of contracted services is maintained by the agency.

Section 11. Social services staff qualifications

Social services staff hired after August 1, 1998 who provide casework services has a:

(1) bachelor's degree in social work; or

- (2) bachelor's degree in a behavioral or social science or a related field and one year of experience in children's or family services.

Section 11.1. Contracted staff qualifications and requirements

The child-placing agency (agency) may contract for services with another licensed child-placing agency or with a licensed mental health professional. The agency that initiates the contract:

- (1) maintains all applicable records for services provided; and
- (2) shares any applicable information with the contracted staff to guarantee quality of services provided.

Section 12. Personnel records

(a) The child-placing agency (agency) keeps on file a written personnel record for every staff person working at the agency. The personnel record includes:

- (1) an application, resume, or staff information sheet provided by the Oklahoma Department of Human Services that documents qualifications for the position;
- (2) health records as required by the agency;
- (3) three written references obtained prior to employment. References:
 - (A) include the date, interview questions, responses, and the interviewer's signature; and
 - (B) are maintained in the employee's personnel record;
- (4) reports and notes relating to the person's employment with the agency and performance evaluations;
- (5) dates of employment; and
- (6) date and reason for leaving employment.

(b) Personnel records are maintained for a minimum of five years after a staff member's separation.

(c) Records of criminal history investigations are maintained in a confidential manner, kept separate from the person's personnel record, and include:

- (1) documentation of requests and/or results of criminal history reviews; and
- (2) other applicable criminal history records.

(d) Licensing has access to personnel and other confidential records relevant to the program's employees.

Section 13. Training for executive director or administrator and social services staff

The executive director or administrator and social services staff obtain and document continuing education:

- (1) consisting of a minimum of 12 clock hours per employment year; and
- (2) relevant to the role and responsibility of the position.

Section 14. Placement policy

The child-placing agency (agency):

- (1) writes an individual service plan for every child placed out-of-home by the agency, in accordance with clearly defined intake and release policy;
- (2) assumes responsibility for the general care and planning for each child in the program;

- (3) clarifies the child's relationship to the agency;
- (4) makes known to the parents or custodian and the child the terms upon which the child is accepted for care;
- (5) works together with the parents, custodian, and child to set definite goals that serve the child's best interest for placement and permanency;
- (6) provides orientation to each child upon acceptance by the agency; and
- (7) maintains appropriate placement records.

PART 3. REQUIREMENTS FOR ADOPTION AGENCIES

Section 24. Policy

The adoption agency (agency) has on file written policy and procedure that is current and available for parents, staff, and licensing staff to review. Policy includes areas governing:

- (1) confidentiality of records;
- (2) disposition of records;
- (3) services provided to birth parents;
- (4) services provided to adoptive parents;
- (5) services provided to adoptive children;
- (6) services provided to older children being relinquished to the agency;
- (7) openness in adoption;
- (8) search and reunion;
- (9) financial assistance to birth parents;
- (10) grievances;
- (11) adoptive home recruitment;
- (12) placement of children in adoptive homes;
- (13) fees for adoption;
- (14) international adoption;
- (15) interstate adoption;
- (16) legal risk placements;
- (17) post-adoption services; and
- (18) procedures for advising adoptive parents about the Adoption Assistance program.

Section 25. Services for birth parents

(a) **Policy.** Written adoption agency (agency) policy and procedure regarding birth parents includes, but is not limited to:

- (1) the scope of services for birth parents;
- (2) prohibiting coercion of the birth parents;
- (3) birth parents who decide not to relinquish parental rights; and
- (4) provisions for avoiding conflict of interest between the birth parents, adopting parents, and agency.

(b) **Services.** Services for birth parents include, but are not limited to:

- (1) helping the birth parents reach a decision regarding plans for the child. When such counseling is not possible or is contraindicated, the reasons are documented in the case record. The birth parents indicate they understand the meaning of relinquishment of parental rights by signing the agency's form;
- (2) documenting, by the birth parents' signatures on the agency's form, that birth parents understand the agency's policy on open and closed adoptions;
- (3) documenting that birth parents have been provided with search and reunion resources;
- (4) documenting, by the birth parents' signatures, that the birth parents understand the financial assistance policy; and

(5) helping the birth parents meet their physical, emotional, and financial needs. As appropriate, the agency develops a service plan to assist birth parents in locating community resources to meet needs, such as:

- (A) living arrangements;
- (B) medical care, including prenatal, obstetrical, dental, and hospital care;
- (C) psychiatric and psychological services;
- (D) vocational planning;
- (E) legal aid;
- (F) financial assistance;
- (G) transportation; and
- (H) other services needed prior to and following relinquishment.

(c) **Documenting expenses.** The agency documents all expenses paid on behalf of the birth parents by the agency or by agency clients. The agency obtains prior court approval for living and transportation expenses that exceed statutory limits.

Section 27. Adoptive child study background information

(a) An adoptive child history is completed for each child. The adoptive child history is documented and available for licensing staff to review. The history includes:

- (1) all information as required by Section 7504-1.1 of Title 10 of the Oklahoma Statutes, the Medical and Social History Report; (See Supplement III)
- (2) legal documents that reflect the child's eligibility for adoption;
- (3) desires of the birth parents regarding the potential adoptive family, for example, religious preference and family composition;
- (4) documentation as to whether the child is an Indian child as defined by the Indian Child Welfare Act; [10 O.S. § 40.2]
- (5) a medical examination report completed by a health professional no more than three months prior to placement;
- (6) documentation of participation by the child in the adoption process, consistent with the child's ability to understand and according to state law;
- (7) photocopy of the child's original and any supplementary birth certificate; and
- (8) documentation of current legal custody.

(b) When any information in this Section is not available or does not apply, the agency documents attempts to obtain the information or the reasons it does not apply.

Section 29. Adoptive home orientation and screening

(a) **Eligibility.** The adoption agency (agency) determines in the initial contact(s) if there is any reason the adoptive applicants do not meet agency eligibility requirements. If the family is ineligible, this is communicated to the family in a timely manner. The agency may offer assistance in helping applicants adjust to this decision and identify other alternatives available to them.

(b) **Orientation.** The agency provides orientation about agency services and the adoption process to prospective adoptive parents. Orientation includes the:

- (1) agency's eligibility requirements;
- (2) characteristics of children available;
- (3) agency's policy on openness in adoptions;
- (4) adoptive family assessment procedure;

- (5) approximate time for the approval process;
 - (6) agency fees, refund policy, and other related fees;
 - (7) availability of the Adoption Assistance Program administered through the Oklahoma Department of Human Services (OKDHS);
 - (8) adoption risks;
 - (9) confidentiality policy; and
 - (10) overview of the legal process of adoption.
- (c) **Education.** The agency provides information to adoptive families regarding:
- (1) coping with the particular behaviors of the child's developmental history;
 - (2) the child's psychological needs that are related to the child's racial, ethnic, or cultural background;
 - (3) how to help the child understand adoption;
 - (4) the birth parents' perspective;
 - (5) coping with loss; and
 - (6) search and reunion issues.

Section 30. Adoptive family assessment

- (a) An adoptive family assessment is completed for each family before a child is placed in the home. The assessment is documented and available for licensing staff to review, and includes:
- (1) one individual face-to-face interview with each parent;
 - (2) one individual face-to-face interview with each school-age child;
 - (3) one individual face-to-face interview with any other adult household member;
 - (4) one joint face-to-face interview with both parents;
 - (5) one contact by phone, in person, or by letter with each adult child of the adoptive applicants no longer living in the home;
 - (6) documentation of a home visit to assess the safety and adequacy of the home environment; and
 - (7) three written references for the applicants.
- (b) The written report of the adoptive family assessment includes:
- (1) information regarding the adoptive parents' family of origin, significant family experiences, and how the adoptive parents were parented;
 - (2) the adoptive parents' marital history and significant adult relationships;
 - (3) the adoptive parents' ability to handle stress individually and jointly;
 - (4) parenting experiences, parenting style, and philosophy of discipline of adoptive parents;
 - (5) the family's adjustment to previous adoptions;
 - (6) motivation for adoption;
 - (7) attitudes of extended family regarding adoption;
 - (8) attitudes toward birth parents;
 - (9) attitudes and expectations about openness in adoption and search issues;
 - (10) plans for helping children understand adoption;
 - (11) expectations for the adopted child;
 - (12) family lifestyle, including social, cultural, and religious orientation;
 - (13) educational background of adoptive parents;

- (14) a summary of health information on the adoptive parents, including health history, date of medical exam, and name of physician;
- (15) adjustment to and acceptance of infertility, if applicable;
- (16) financial information, including employment, income, financial obligations, and access to health care services;
- (17) verification of employment, income, adequate insurance, and any other resources, such as subsidized adoption and Temporary Assistance for Needy Families (TANF);
- (18) plans for child care;
- (19) summary of family strengths and weaknesses;
- (20) preferences of the adoptive applicants regarding the age, gender, health, and other characteristics of the child they wish to adopt; and
- (21) specific recommendations regarding the appropriateness of the family, specific reasons for the recommendation, and characteristics of children the family is approved to adopt.

(c) In addition to the written family assessment, information placed in the adoptive family file includes:

- (1) documentation of medical exams by a health professional, dated not more than 12 months prior to the completion of the adoptive family assessment, and health histories on all household members verifying that the family members are healthy and free of communicable diseases or physical conditions that would impair their ability to care for the adopted child;
- (2) verification of marriage, if applicable, income and expenses, employment, and medical insurance;
- (3) the names and addresses of at least three references who have knowledge of the applicants as a family unit; and
- (4) documentation of a criminal and Child Welfare background check in accordance with the Oklahoma Adoption Code, [10 O.S. § 7501-1.1 et seq.] and all applicable statutes along with the agency summary of any findings. (See Supplement III)

(d) The adoptive family assessment is current within 12 months prior to the date of child placement. Documentation related to the updated family assessment includes:

- (1) medical exams by a health professional, dated not more than 12 months prior to the completion of the updated adoptive family assessment, and health histories on all household members verifying that the family members are healthy and free of communicable diseases or physical conditions that would impair their ability to care for the adopted child;
- (2) criminal and Child Welfare background check;
- (3) at least three written references from persons who have knowledge of the applicants as a family unit;
- (4) financial information including employment, income, and financial obligations; and
- (5) access to health care services.

Section 31. Notification to adoptive parents

The adoption agency provides written notification to applicants of the acceptance, delay, or denial of their application.

Section 32. Disposition of records and confidentiality

The adoption agency (agency):

- (1) establishes policy and procedure to ensure permanent retention of all finalized adoption records. If the agency ceases to operate in the state of Oklahoma, adoption records are transferred to the Oklahoma Department of Human Services (OKDHS) or, after giving notice to OKDHS, to a transferee agency that assumes responsibility for the preservation of the records;
- (2) maintains all records in locked storage facilities; and
- (3) provides adult adoptees and birth parents information concerning the circumstances of adoptees' origins and adoption, in accordance with the Oklahoma Adoption Code, Section 7501-1.1 et seq. of Title 10 of the Oklahoma Statutes. (See Supplement III)

Section 33. Placement

The adoption agency (agency):

- (1) has on file written policy and procedure governing the placement of children in adoptive homes;
- (2) places children in foster homes under the supervision of a licensed child-placing agency, when temporary placement is necessary;
- (3) selects adoptive parents best able to meet the needs of the particular child;
- (4) studies and approves the prospective adoptive home in accordance with Section 30 (a)-(d), pages 14-15;
- (5) discusses the selection of the child with the adoptive family and prepares the adoptive family for the placement of the child.
 - (A) The parents have the opportunity to decide whether they consider themselves suitable for that child.
 - (B) The agency provides information regarding the child's background, medical history, legal status, progress, and development to assist adoptive parents with their decision;
- (6) has a written agreement between the agency and the adoptive parents at the time of placement that includes verification of:
 - (A) a specified time frame for completing the adoption;
 - (B) participation and supervision of adoptive parents by the agency during the time prior to the completion of the adoption;
 - (C) adoptive parents' agreement not to remove the child from Oklahoma without the agency's permission prior to finalization of the adoption;
 - (D) agreement that the child may be removed and returned to the agency at the discretion of either the adoptive parents or the agency before the adoption is finalized;
 - (E) agreement regarding any adoption fees and schedule of payments; and
 - (F) notification by the agency to the adoptive parent about the Adoption Assistance Program administered by the Oklahoma Department of Human Services (OKDHS) and the procedure for making application for eligible children with special needs;

- (7) has written documentation verifying adoptive parents' acceptance of legal risk placement;
- (8) provides to the adoptive parents at the time of the child's placement in the home a consent form for medical care of the child signed by an authorized agency representative and files a copy of the signed medical consent form in the records; and
- (9) complies with the Interstate Compact on the Placement of Children, Section 571 of Title 10 of the Oklahoma Statutes, when interstate placements are planned.

Section 34. Adoption of older children and children with special needs

The adoption agency (agency) that places older children and children with special needs meets the additional requirements in this Section and all other requirements in this Part. The agency:

- (1) has on file a written policy defining children with special needs, pre-placement and placement procedures, visitation requirements, and post-placement support;
- (2) makes every effort to place siblings with the same adoptive parents. When it is not in the best interest of the siblings to be placed together:
 - (A) the records document what efforts were made and the reasons supporting separate placement; and
 - (B) the agency prepares a written statement, signed by the adoptive parents and an agency representative, verifying that the family will encourage and allow ongoing contact with the siblings unless it is not in the best interest of the children; and
- (3) has casework services to help:
 - (A) children meet their physical and emotional needs; and
 - (B) older children resolve issues related to the loss of their parents and adjustment to their adoptive families.

Section 35. Placement of Indian children

The adoption agency complies with the requirements of the federal [25 U.S.C. 1901 et seq.] and state [10 O.S. § 40 through 40.9] Indian Child Welfare Act for placement of Indian children.

Section 36. International adoptions

The adoption agency (agency) that provides international adoptions meets the additional requirements in this Section and all other requirements in this Part. When the agency accepts children born outside the United States who are not United States citizens, the agency:

- (1) complies with all applicable adoption laws of the child's country of origin and United States immigration laws;
- (2) maintains on file at the agency a verified English language translation of the child's legal documents;
- (3) has a contract or memorandum of agreement with an entity authorized by the foreign government to receive custody and to place the child;
- (4) documents in English the medical and social history of the child. When unavailable, the agency documents efforts to obtain the medical and social history;
- (5) conducts a minimum of three post-placement supervisory visits within six months; and

(6) complies with applicable provisions of the Intercountry Adoption Act, Public Law 106-279.

Section 37. Post-placement supervision

(a) The adoption agency (agency) having legal custody is responsible for the welfare of the child until a decree of adoption is granted. The agency:

- (1) provides the investigative report to the court as required by state law, including a recommendation for finalization of the adoption;
- (2) sends a copy of the final decree of adoption to the court in which relinquishment of parental rights took place, unless otherwise indicated; and
- (3) maintains a copy of the final decree of adoption on each child.

(b) Prior to the final decree of adoption, the agency:

- (1) provides a six-month period of post-placement services between the time of placement and completion of the legal adoption, unless otherwise ordered by the court;
- (2) conducts and documents a minimum of three face-to-face visits, including one visit in the home with the adoptive family and child. This documentation includes a narrative report indicating the health of the child and assimilation into the family;
- (3) assists the adoptive family and child in developing a parent-child relationship, resolving problems, and evaluating the placement;
- (4) maintains a record of changes in the adoptive family in matters regarding health, financial condition, family composition, or other relevant information that may affect the child; and
- (5) removes the child from the home if the placement is unsatisfactory.

(c) The agency has on file a written description of its plan for dealing with disrupted placements, including a provision for counseling with the child and family.

Section 37.1. Post-adoption services

The adoption agency (agency) provides post-adoption services to birth parents, adoptees, and adoptive parents. The services may include referrals or direct services to community resources.

Section 38. Subsequent adoptive placements

The adoption agency (agency) ensures that before a subsequent placement is made into the adoptive family, the adoptive family assessment is current within 12 months prior to the date of placement of the child. The adoptive family assessment for a subsequent placement meets all the requirements in this Part, and documents:

- (1) one family interview in the home with all household members present;
- (2) one face-to-face interview with each adoptive parent, school-age child, and other adult household members;
- (3) medical examination reports for all members of the household current within one year;
- (4) at least three references from persons who have known the family since the last child was adopted;
- (5) updated financial information, including employment, income, and financial obligations;
- (6) access to health care services; and
- (7) criminal and Child Welfare background checks.

PART 5. REQUIREMENTS FOR FOSTER HOME AGENCIES

Section 55. Requirements

This Part contains minimum requirements for the certification of foster homes and the care by foster home agencies of children who live in the foster home. The requirements apply to all categories of foster care unless otherwise noted.

Section 56. Categories of foster care

The categories of foster care are:

- (1) emergency foster care - the initial placement plan does not exceed 30 calendar days;
- (2) long-term foster care - the initial placement plan exceeds 30 calendar days; and
- (3) infant foster care - the foster home provides care to infants only.

Section 57. Requirements for foster home agencies

(a) **Agency responsibility.** The licensed foster home agency (agency) retains legal responsibility for supervision, decision-making, and ensuring continuity of care. The agency is responsible for certification of the foster home to Child Care Services (CCS) Licensing, on forms provided by the Oklahoma Department of Human Services (DHS) that verify the foster home meets minimum requirements.

(1) **Criminal history records search.** The agency conducts a criminal history records search for each member of the foster family who is 18 years of age or older.

(A) **Authorized agencies.** A criminal history records search is obtained from:

- (i) the Oklahoma State Bureau of Investigation (OSBI); and
- (ii) the authorized agency in a person's previous state of residence when the person has resided in Oklahoma for less than one year.
- (iii) a Federal Bureau of Investigation (FBI) national criminal history search, based on the fingerprints of the individual; and
- (iv) a search of any child abuse registry maintained by a state in which the prospective foster parent or any adult living in the home of the prospective foster parent has resided in the past five years.

(B) **Sex Offenders Registry.** The OSBI report must include a search of the Oklahoma Department of Corrections files maintained by OSBI pursuant to the Sex Offenders Registration Act.

(2) **Disqualifying crimes.** A prospective foster parent is not an approved placement for a child when the prospective foster parent or any other person residing in the home of the prospective foster parent has been convicted of any of the following felony offenses:

- (A) within the five-year period preceding the application date, physical assault, battery, or a drug-related offense;
- (B) child abuse or neglect;
- (C) domestic abuse;
- (D) a crime against a child, including, but not limited to, child pornography; or
- (E) a crime involving violence including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in (A) of this paragraph.

(3) **Certification.** A copy of the certification is maintained in the foster home file.

- (A) Certification of the foster home applies only to the location of the residence at the time the home study is made.
- (B) If the family moves, the agency certifies the new location.
- (4) **Policy.** The agency provides foster parents with agency policy relative to foster care.
- (5) **Medical services.** The agency ensures the child in foster care receives appropriate medical services.
- (6) **Case planning.** The agency is responsible for case planning.
- (7) **Supervision.** The agency provides supervision at least once a month to each child in foster care, including private visits with the child in foster care and on-site visits to the home, to assess the continued suitability of the foster home environment.
- (8) **Written agreement.** The agency has a written agreement with the foster family, and provides the foster parents a copy of the agreement. The agreement includes statements:
 - (A) regarding the financial agreement, when applicable, between the agency and the foster home;
 - (B) that the foster home will not:
 - (i) accept a non-relative child from any source other than through the foster home agency without the approval of the certifying agency; or
 - (ii) provide child care on a regular basis;
 - (C) that the agency has the right to remove the child at its discretion;
 - (D) that the child in foster care is discharged from foster care only with the consent of the agency;
 - (E) that visitation by the child's parents or relatives must be approved by the agency;
 - (F) regarding absences of the child from the home, including respite care, as per agency policy;
 - (G) that the foster parents agree to cooperate with agency staff in evaluating the foster home and in the ongoing supervision of the foster home; and
 - (H) that the foster parents agree to contact the agency when a household member is alleged to have committed an act described in (a)(2) of this Section.
- (9) **Grievance policy and procedure.** The agency has written grievance policy and procedure for foster parents and children.
- (b) **Foster home certification.** Certification of the foster home includes written documentation of:
 - (1) application for foster home certification that includes prior child care experience with other agencies;
 - (2) appropriate immunizations for the foster parents' children; (See Supplement IV)
 - (3) a statement from a health professional certifying that all members of the household have had a physical examination within one year prior to application, verifying that they:
 - (A) are in good health; and
 - (B) do not have a condition that would interfere with household members' ability to care for children;
 - (4) three written references from non-relatives who have knowledge of family functioning;
 - (5) a current, completed foster home study before the home is approved; and

(6) a criminal history records search conducted for each household member who is 18 years of age or older, per Section 57(a)(1) – (2).

(c) **Foster home study.** The agency prepares a written home study before approving the foster home and prior to placement of a child that contains at a minimum, information regarding:

(1) **Interviews and home visits.** Interviews and home visits include documentation of at least one:

(A) separate face-to-face interview with each parent, school-age child, and any other household member;

(B) joint face-to-face interview; and

(C) home visit;

(2) **Household composition.** Information regarding household composition includes each person residing in the home;

(3) **Criminal history records search.** A criminal history records search is conducted on each household member who is 18 years of age or older, per Section 57(a)(1) – (2), prior to initial approval of the home and when a new household member, 18 years of age or older, moves into the home;

(4) **Foster child preferred.** The foster home study includes statements regarding the applicant's preference for age, gender, and special needs of the child;

(5) **Motivation, attitudes, and expectations.** The foster home study includes motivation and attitudes toward foster care and expectations regarding children in foster care;

(6) **Health.** Health information for each household member includes:

(A) present physical health;

(B) emotional stability;

(C) medical history; and

(D) any history of drug or alcohol use;

(7) **family functioning;**

(8) **Foster parents' marital status.** The foster home study includes information regarding the marital status of the foster parents, such as present marital status, history of previous marriages or significant relationships, date of present marriage, and description of the marriage or relationship;

(9) **Employment.** The foster home study includes the employment history of family members;

(10) **Financial information.** Financial information in the foster home study includes documentation of annual income.

(11) **Education.** The foster home study includes information regarding the education of family members.

(12) **Religion.** Information regarding religion includes the family's religious preference and practices;

(13) **Description of the home.** The description of the home includes the:

(A) type of dwelling and physical description; and

(B) location of the home and description of the neighborhood;

(14) **Weapons and firearms.** The foster home study includes the location of weapons and firearms, if any, and an explanation of safety precautions;

(15) **Transportation.** Information regarding transportation includes the family's means of transportation and verification of:

- (A) a valid driver's license for each family member who will transport a child in foster care;
- (B) license tag;
- (C) insurance; and
- (D) an agreement to transport all children and adults in compliance with applicable state law, per Section 11-1112 of Title 47 of the Oklahoma Statutes;

(16) **Family history.** The foster home study includes information regarding family history, including:

- (A) names of parents and siblings;
- (B) dates and places of birth;
- (C) physical health and mental stability;
- (D) relationship with family members;
- (E) social, cultural, and religious orientation; and
- (F) information regarding the foster parent's childhood including how they were disciplined;

(17) **Written references.** The foster home study includes three written references from persons who have information relative to the family's ability to provide foster care that include:

- (A) name, address, and telephone number;
- (B) when and how the person became acquainted with the applicants;
- (C) how often the person has contact with the family;
- (D) information regarding family functioning; and
- (E) opinions regarding personal qualities and ability to provide care for children in foster care; and

(18) **Recommendation.** The foster home study includes the recommendation whether to approve the home that:

- (A) is signed and dated by the person who conducted the foster home study and the child placement supervisor; and
- (B) when approved, contains the type of child preferred and number of children for which the home is approved.

(d) **Annual home study updates.** The foster home study is updated annually to include:

- (1) documentation of a home visit;
- (2) documentation of a face-to-face interview with each parent, school-age child, and any other household member;
- (3) current vehicle insurance verification; and
- (4) reports of any significant changes from the initial home study.

(e) **Foster parent training.** The agency provides and documents that each foster parent has received at a minimum:

- (1) six hours of orientation or pre-service training prior to approval of the foster home or placement of a child and includes at a minimum:
 - (A) organizational structure of the agency;
 - (B) agency policy;
 - (C) program philosophy;
 - (D) confidentiality;

- (E) mandatory reporting of child abuse;
 - (F) grievance process;
 - (G) emergency medical procedures; and
 - (H) fire and disaster plans;
- (2) six additional hours of training within the first calendar year of certification that is relevant to the needs of the child placed in the foster parent's care and is documented by the agency to include, but is not limited to:
- (A) normal child development;
 - (B) behavior management;
 - (C) separation and loss; and
 - (D) infection control and injury prevention; and
- (3) 12 hours of training each calendar year thereafter that is relevant to foster parents' roles and responsibilities and may include workshops and video presentations.

Section 58. Requirements for foster parents

(a) **General.** Foster parents provide the foster home agency (agency) any information related to compliance with all requirements and allow representatives of the agency access to any member of the household and into all rooms within the home. Foster parents:

- (1) are responsible, mature, healthy adults capable of meeting the needs of the children in care;
- (2) demonstrate a capacity for setting realistic expectations for behavior and performance based on the ages, abilities, and special needs of the children;
- (3) may be married couples, single persons, or family members with a stable living arrangement; and
- (4) ensure that all members of the household are informed of and agree to accept the child into the home.

(b) **Age.** Foster parents are at least 21 years of age.

(c) **Income and employment.** Foster parents have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments if applicable.

- (1) Foster parents who both work outside the home obtain approval from the agency for their plan of care for the children during their absence.
- (2) Foster parents obtain approval from the agency to conduct a business in the home and demonstrate that the activities related to this business will not interfere with the care of the children.

(d) **Notifications.** Foster parents comply with the requirements pertaining to notifications. Foster parents notify the agency:

- (1) in writing prior to allowing any person to take up residence for more than two weeks in the foster home;
- (2) immediately of the occurrence of:
 - (A) the death of a child;
 - (B) a serious injury or illness involving medical treatment of the child;
 - (C) unauthorized absence of the child from the home as defined by agency policy;

- (D) removal of the child from the home by any person or agency other than the placing agency, or attempts at such removal;
 - (E) loss of income that affects the family's ability to meet the needs of the children in foster care;
 - (F) any involvement of a child with legal authorities;
 - (G) any fire or other emergency requiring evacuation of the home; and
 - (H) lack of heat, water, or electricity; and
- (3) as soon as possible of:
- (A) any serious illness or death in the household;
 - (B) the departure or return of any member of the household;
 - (C) a move to another residence; and
 - (D) any other circumstance or incident seriously affecting the child or care of the child; and
 - (E) any allegations of child abuse.
- (e) **Cooperation.** Foster parents work cooperatively with agency representatives as members of the treatment team responsible for planning, providing, and discussing the total care and services provided to each child. Foster parents:
- (1) fully disclose all information related to a child's problems or progress to agency representatives;
 - (2) treat any personal information about a child or the child's family in a confidential manner; and
 - (3) participate in an annual mutual review with the agency to evaluate the strengths and weaknesses of the foster home and of agency representatives' relationships with foster parents.

Section 59. Number of children

The foster home agency complies with requirements regarding placement of children in the foster family home.

- (1) No more than five foster children are placed in the home.
- (2) The number, ages, and needs of foster children placed in the home are in keeping with the capacity and skills of the foster parents and accommodations of the home.

Section 60. Foster home requirements

(a) **General requirements.** The foster home:

- (1) is clean, safe, and in good repair;
- (2) and the exterior around the home, is free from objects, materials, and conditions that constitute a danger to the children served;
- (3) is accessible to or able to arrange transportation to school, church, recreational and health facilities, and other community resources, as needed; and (See Supplement V,)
- (4) is in compliance with all applicable fire, health, and safety laws, ordinances, and regulations.

(b) **Safety requirements.**

- (1) Clear glass doors are plainly marked to avoid accidental impact. Foster homes providing infant care only are exempt from this requirement.

(2) Children are protected from hazardous materials, such as flammable liquids and poisonous materials.

(3) All weapons and firearms are kept locked.

(4) The premises are free of illegal drugs and paraphernalia.

(5) When children are in care, smoking is prohibited inside the home and when transporting children.

(6) Stairways over four steps, inside and outside, have railings. Safety gates at stairways are provided if infants and toddlers are in care. Foster homes providing infant care only are exempt from this requirement.

(7) Any play activity that involves water is supervised constantly. Ponds or pools are not left accessible to children. Wading pools are emptied after each use.

(c) Fire safety requirements.

(1) A fire extinguisher rated for Class ABC fires is installed in the kitchen area.

(2) The foster home is equipped with at least one operable smoke detector in the vicinity of the sleeping areas, or more as required by the foster home agency (agency).

(3) Each floor used as living space has at least two means of escape, at least one of which is a door leading to an unobstructed path to the outside. The second means of escape may be an unobstructed, operable window 20" X 24" minimum dimensions.

(4) All heating and air conditioning equipment is installed in accordance with state and local mechanical codes and manufacturer's instructions.

(d) Health requirements.

(1) Water supply, sewage disposal, and solid waste disposal meet local city ordinances and Oklahoma Department of Environmental Quality regulations.

(2) Rooms used by children are well lighted and ventilated.

(3) Windows and doors used for ventilation are screened.

(4) The foster parents take measures to keep the house and grounds free of rodents, insects, and stray animals.

(5) One operable sink, one operable toilet, and one operable tub or shower are available in the home.

(6) Each child is provided with individual combs, toothbrushes, wash cloths, towels, and eating and drinking utensils.

(7) Linens are changed when needed.

(8) Animals or household pets are permitted provided there is proof of annual rabies vaccinations for each animal. Pets or animals in the foster home, indoors or outdoors, are in good health, show no evidence of carrying disease, are friendly toward children, and present no threat to the health, safety, and well-being of children.

(9) Testing for tuberculosis is not required on a routine basis. The agency requires the foster family to comply with the Oklahoma State Department of Health recommendations regarding tuberculin skin testing when there is a local identified tuberculin exposure.

(e) Sleeping arrangements. A separate bed is provided for each child. Siblings younger than six years old may share a bed if their history indicates that this is appropriate and the decision is made in consultation with the agency.

(1) It is preferable that no more than two children share a sleeping room. Consideration is given to related children according to age and emotional needs.

(2) Separate sleeping rooms are provided for children older than four years who are of different sex.

(3) Children in foster care older than one year of age do not share sleeping quarters with adults in the household unless an emergency exists and the agency is informed.

(4) Children in foster care do not share a sleeping surface with adults in the household.

(f) Rest arrangements for infants.

(1) **Bedding.** A crib, port-a-crib, or playpen with a firm waterproof mattress or pad is used for each child younger than one year of age.

(A) Cribs, port-a-cribs, and playpens with more than 2 and 3/8 inches between slats or between the side and end panels are not allowed.

(B) Cribs with decorative cutout areas in crib-end panels or tall decorative knobs on the corner posts, which can entrap a child's head or catch clothing, are not allowed.

(C) Mattresses are tight-fitting with no more than one inch between the mattress and crib.

(D) Mattress and crib sheets fit snugly.

(E) Drop-side latches hold sides securely and are not accessible by the child in the crib.

(F) Pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products are not allowed in the infant crib or playpen.

(2) **Sleep position.** To reduce the risk of Sudden Infant Death Syndrome (SIDS), the infant:

(A) younger than 12 months of age is placed on the back for sleeping, unless there is a medical reason the infant should not sleep in this position, as documented by a health professional. Documentation is maintained by the foster parent and the agency; and

(B) who is able to turn over is placed initially on the back for sleeping but allowed to sleep in the position preferred by the infant.

(g) Emergency plans. The foster home complies with the requirements pertaining to emergency plans contained in this subsection.

(1) The foster home has a planned source of medical care available, such as a hospital emergency room, clinic, or health professional known to the foster family.

(2) The home has a telephone with emergency numbers posted nearby for the health professional or clinic, fire department, police department, ambulance service, and substitute caregiver.

(3) The foster parent has an emergency evacuation plan in the event of fires, tornadoes, floods, and other emergencies.

(4) First aid procedures and supplies are readily available.

(5) The foster parent ensures that each child, as appropriate to age and developmental level, knows how to evacuate from the home in the event of a fire.

The foster parent conducts periodic evacuation drills.

(h) Equipment. Equipment and furniture is safe for children. The foster home has child care equipment, such as bedding, high chairs, proper auto restraints, and toys appropriate for children placed in the home.

(i) **Transportation.** Children in foster care are transported in compliance with applicable state law, Section 11-1112 of Title 47 of the Oklahoma Statutes. The foster family has emergency transportation available.

(1) **Driver qualifications.** Drivers transporting children in foster care have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence.

(2) **Passenger restraints.** Children who are transported are properly secured in a child passenger restraint system (car seat) or individual seat belt.

(A) The car seat is:

(i) federally approved;

(ii) installed according to the manufacturer's instructions;

(iii) appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions; and

(iv) properly maintained.

(B) Each seat belt is properly anchored to the vehicle and fits snugly across the child's hips or securely anchors the car seat.

(3) **Vehicle requirements.**

(A) The transporting vehicle is covered by liability insurance as required by Oklahoma laws.

(B) Each vehicle used for transportation of foster care children has door locks. The driver is responsible for keeping the doors locked when the vehicle is moving.

(j) **Nutrition.** Each child is provided a balanced, nutritious, and developmentally appropriate diet. (See Supplement VI)

(1) The food is wholesome in quality, ample in quantity, and of sufficient variety.

(2) Instructions for feeding infants, including the use of formula, recommended by the physician are followed.

Section 61. Children's rights

The foster home agency (agency) ensures that the child in foster care is:

(1) not forced to participate in publicity or promotional activities;

(2) not publicly identified as a ward of the agency;

(3) provided an opportunity to participate in religious services;

(4) supplied with facilities and supplies for personal care, hygiene, and grooming;

(5) supplied with his or her own clothing and shoes appropriate to the season, age, activities, and individual needs and comparable to that of other children in the community;

(6) provided individual space in the foster home for the child's personal possessions and a reasonable degree of privacy.

(A) The child has the right to bring, possess, and acquire personal belongings subject only to reasonable household rules and the child's service plan.

(B) Personal belongings are sent with the child when the child leaves the home;

(7) expected to perform only household tasks that are within the child's abilities, reasonable for the child's age, and similar to those expected of other household members of comparable age and ability;

(8) given guidance in managing money.

- (A) Money earned by the child or received as a gift or allowance is the child's personal property.
- (B) The child is not required to use earned money to pay for room and board, unless it is a part of the service plan and approved by the parent or custodian and the agency;
- (9) allowed privacy in writing, sending, or receiving correspondence, unless restricted by the service plan;
- (10) not denied meals as punishment;
- (11) not subjected to remarks that belittle or ridicule the child or the child's family;
- (12) allowed to visit with the child's family, in accordance with the service plan;
- (13) not forced to acknowledge dependency on the agency or foster home or gratitude to them;
- (14) given the opportunity, at the child's or agency's request, for private conversation with the agency's staff members who are responsible for the child's supervision; and
- (15) provided educational opportunities in accordance with the child's plan of care.

Section 61.1 Alternative care arrangements

(a) **Informal arrangements or babysitting.** The foster parent may make informal care arrangements with friends, neighbors, or relatives for occasional care of the child, including before and after school hours, and not to exceed 24 consecutive hours.

(1) The foster parent:

- (A) ensures that informal care providers possess the maturity and skills to address the needs of the child in foster care;
- (B) secures prior authorization for informal care from the foster home agency (agency). Prior authorization may apply to multiple events when the same informal provider is used;
- (C) does not utilize a child in foster care to babysit a younger child unless approved by the agency; and
- (D) provides the informal provider information for contacting the foster parent and other emergency contacts.

(2) The informal provider who is living:

- (A) outside the home must be at least 18 years of age; or
- (B) in the home must be at least 16 years of age and related to the foster parent.

(b) **Alternate care.** The foster family is encouraged to develop a relationship with another family as an alternate provider who can provide care for the child in foster care in case of family emergencies, family vacations, or when the provider needs respite care. The agency must approve the alternate care and have documentation that the alternate provider:

- (1) is at least 21 years of age;
- (2) has obtained a criminal history records search within the last 12 months conducted by:
 - (A) the Oklahoma State Bureau of Investigation (OSBI) that includes a search of Department of Corrections files maintained by the OSBI pursuant to the Sex Offenders Registration Act for each household member who is 18 years of age or older; and

- (B) the authorized agency in the previous state of residence if the person has resided in Oklahoma less than one year;
- (3) meets the foster home requirements listed in Section 60;
- (4) provides one reference; and
- (5) complies with discipline and behavior management requirements in Section 62.

Section 62. Discipline and behavior management

(a) **Objective.** Discipline contributes to the development of a capacity within the child for self-control and self-direction. The objective of discipline and behavior management is to provide a positive learning experience for the child to grow and develop and to learn acceptable standards of social behavior.

(b) **Expectations of foster parents.** Foster parents:

- (1) recognize, encourage, and regard acceptable behavior;
- (2) teach by example and use fair and consistent rules with logical consequences;
- (3) use methods of discipline that are relevant to the behavior;
- (4) supervise with an attitude of understanding, firmness, and discipline;
- (5) give clear directions and provide guidance consistent with the child's level of understanding;
- (6) redirect the child by stating alternatives when behavior is unacceptable;
- (7) express themselves so the child understands that the child's feelings are acceptable but certain actions or behavior are not;
- (8) help the child learn what conduct is acceptable in various situations;
- (9) encourage the child to control the child's own behavior, cooperate with others and solve problems by talking things out;
- (10) communicate with the child by showing an attitude of affection and concern; and
- (11) encourage the child to consider others' feelings.

(c) **Discipline and behavior management policy.** The foster home agency (agency) complies with the requirements regarding discipline and behavior management contained in this subsection. The agency's discipline policy:

- (1) is maintained in writing and current;
- (2) is provided to foster parents;
- (3) is available to the child and the child's parent or custodian;
- (4) includes:
 - (A) the goal and purpose of the agency's discipline and behavior management program;
 - (B) approved methods of discipline and behavior management;
 - (C) a list of persons authorized to administer discipline and behavior management methods to children in foster care; and
 - (D) the agency's method of monitoring and documenting implementation of the policy; and
- (5) prohibits punishment:
 - (A) of a physical nature, such as shaking, striking, spanking, or physical abuse;
 - (B) that constitutes emotional abuse, such as humiliation, name-calling, cursing, or degrading remarks regarding the child or the child's family;
 - (C) administered by one child to another child;
 - (D) that denies meals, sleep, or mail; and

(E) that places a child in a locked room.

Section 63. Records

(a) **Child's case record.** Records maintained by the foster home agency (agency) for children in placement include, but are not limited to:

- (1) an intake form that includes the child's full name, nickname(s), if any, date of birth, race, gender, place of birth, religion, and names, addresses and telephone numbers of parents and other significant relatives;
- (2) history of previous placements and dates;
- (3) reason for the present placement;
- (4) a description of the circumstances that led to the child's present placement;
- (5) a description of the child's relationship with other significant adults and children;
- (6) admission assessment that includes the child's current level of functioning and medical history, including:
 - (A) medications the child is currently taking;
 - (B) immunizations; (See Supplement IV)
 - (C) allergies; and
 - (D) childhood diseases;
- (7) current court order(s) documenting legal custody of the child and other applicable court orders;
- (8) certified birth verification;
- (9) child's medical information, including:
 - (A) child's medical authorization number, if applicable;
 - (B) medical examination completed no more than 60 days prior to placement or scheduled within 10 days after placement;
 - (C) written authorization to provide medical care;
 - (D) disabilities;
 - (E) psychosocial information;
 - (F) name of the child's last doctor, if known; and
 - (G) documentation of medical services;
- (10) history of the child's family of origin;
- (11) information regarding the physical health of the child's family, including father, mother, and grandparents;
- (12) information regarding the emotional stability of family members;
- (13) reports from schools, specialists, and other agencies;
- (14) documentation that the child's rights have been explained to the child;
- (15) documentation that the grievance policy has been explained to the child;
- (16) a service plan (see definition in Section 3, page 3) completed within 30 days of placement and signed and dated by the child, staff, foster parents, and parent or guardian;
- (17) revision of the service plan every six months;
- (18) case notes that have been signed and dated;
- (19) a discharge plan that includes anticipated length of placement and future placement;

(20) a discharge summary that includes an assessment of the child's progress in placement, the child's continuing needs and plans, and recommendations for follow-up services, if any; and

(21) documentation of inability to obtain any of the information contained in this Section and efforts to obtain it.

(b) **Foster home record.** The agency maintains a current record on each foster home. Entries, dated in chronological order and identifying the staff member who recorded the information, include:

(1) certification form and documents verifying certification, per Section 57(b), page 21;

(2) a complete report of the home study with evaluation and recommendations as required;

(3) records of all children placed in the home with dates, names, ages, and rates of payment for services, if applicable;

(4) records of all children removed from the home with dates, names, ages, and reasons for removal;

(5) financial agreements, if applicable;

(6) signed and dated case notes, visits or contacts, and conferences;

(7) a copy of the placement agreement on each child;

(8) correspondence;

(9) records of the home study, updated annually, per Section 57(d), page 23;

(10) documentation of training; and

(11) written agreements and contracts between the agency and the foster parents.

PART 9. REQUIREMENTS FOR INDEPENDENT LIVING PROGRAMS

Section 115. Independent living

An independent living program is a program in which youth, who are at least 16 years of age, are placed in living situations supervised by a licensed child-placing agency to prepare the youth to live independently without supervision.

Section 117. Program description

The child-placing agency (agency) has a written statement describing:

- (1) the agency's philosophy on and approach to independent living placements;
- (2) the criteria used to select youth for independent living placement;
- (3) the approach used to assess the appropriateness of independent living placement;
- (4) the nature and frequency of supervision provided to youth in the program;
- (5) programs and services available to the youth during placement;
- (6) living environments provided by the agency; and
- (7) a crisis response system that ensures youth have 24-hour access to agency staff.

Section 118. Responsibilities of the agency

Responsibilities of the child-placing agency (agency) are to:

- (1) evaluate each youth's ability to assume responsibility and work towards the goal of independence within a specified time frame;
- (2) obtain written approval from:
 - (A) the parents or custodian regarding the youth's participation in the program; or
 - (B) the court if the youth's placement is court-ordered;
- (3) release the youth who is discharged from the program prior to the age of 18 to the youth's custodian with notification to the court when appropriate;
- (4) review the service agreement every three months and revise and update as necessary;
- (5) develop a monthly budget with the youth and meet monthly with the youth to review the budget. Budget reviews may occur less frequently after the first six months if the youth demonstrates ability to maintain the budget; and
- (6) provide counseling and support to the youth at least twice a month through face-to-face contact, which includes at least one meeting per month at the youth's residence.

Section 119. Training and life skills assessment

(a) **General.** Prior to placement of the youth in an independent living program, appropriate training and a life-skills assessment are required and documented.

(b) **Life-skills assessment.** The assessment identifies potential areas of risk associated with independent life in the community and includes:

- (1) money management and consumer awareness;
- (2) food management;
- (3) personal appearance and hygiene;
- (4) health services;
- (5) housekeeping and personal belongings;
- (6) housing search skills;
- (7) transportation skills and issues;

- (8) educational planning, if appropriate;
- (9) vocational training;
- (10) job seeking skills;
- (11) skills in emergency situations;
- (12) drug and alcohol use;
- (13) sexuality;
- (14) interpersonal skills;
- (15) community involvement and knowledge of resources; and
- (16) legal issues and knowledge of legal rights.

Section 120. Service agreement

Prior to placement of the youth in an independent living program, a written service agreement is completed that includes:

- (1) respective roles and responsibilities of the child-placing agency (agency), the youth, and other involved parties;
- (2) goals and all services to be provided or arranged by the agency, including the plan for contact between the youth and agency staff;
- (3) any financial arrangements related to the placement; and
- (4) signatures of the youth and a representative of the agency.

Section 121. Physical facility

The child-placing agency approves each living unit based upon written policy.

Section 122. Supervision and support

- (a) The ratio of staff to youth is based upon the needs and location of the youth under supervision.
- (b) The agency ensures regular contact between agency personnel and each youth as documented in the youth's service agreement or plan.
- (c) There is daily contact with youth participating in a transitional living program.
- (d) The agency, through routine visits to the living situation, documents that:
 - (1) there is no reasonable cause for believing that the youth's residence or life style presents any unacceptable risks to the youth's health or safety;
 - (2) the youth is receiving necessary medical care; and
 - (3) the current program plan provides appropriate and sufficient services to the youth.

Section 123. Emergency procedures

The child-placing agency documents that training in emergency procedures was provided to each youth within one week of placement in the independent living program. Such training includes:

- (1) use of emergency equipment, such as fire extinguishers and smoke detectors, and a plan for evacuation from the living situation;
- (2) contacting police, fire, and other emergency services;
- (3) fire and accident prevention; and
- (4) response to tornados and natural disasters.

Section 124. Conclusion of participation

Participation in the independent living program is concluded when the youth:

- (1) achieves independence to the extent that financial support and social services are no longer needed;
- (2) makes a voluntary decision to no longer participate in the program; or
- (3) demonstrates unwillingness or inability to meet the requirements of the program and terms of the agreement.

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OKLAHOMA CHILD CARE FACILITIES LICENSING ACT

Sections 401 through 418 of Title 10 of the Oklahoma Statutes (Amended May 16, 2013)

Section 401 - Purpose and Policy - Minimum Standards

- A. Sections 401 through 418 of this title shall be known and may be cited as the "Oklahoma Child Care Facilities Licensing Act".
- B. It is the declared purpose and policy of the Oklahoma Child Care Facilities Licensing Act, to:
 - 1. Ensure maintenance of minimum standards for the care and protection of children away from their own homes;
 - 2. Encourage and assist the child care facility toward maximum standards; and
 - 3. Work for the development of sufficient and adequate services for child care through joint work of public, private and voluntary agencies. Whenever possible, child care facilities should help to preserve and restore family life for children.
- C. In order to provide care for children in child care facilities, a license shall be obtained from the Department of Human Services, which is issued on the basis of meeting minimum standards which are essential for the health and welfare of the child or children placed for care with such agencies and individuals.
- D. The Child Care Facilities Licensing Division within the Department of Human Services shall work with representatives from municipalities to develop a single child care licensure procedure for use by state and local entities.

Section 402 - Definitions

As used in the Oklahoma Child Care Facilities Licensing Act:

- 1. "Adult" means an individual eighteen (18) years of age or older;
- 2. "Child" or "minor" means any person who has not attained the age of eighteen (18) years;
- 3. "Child care center" means a program that operates thirty (30) or more hours per week;
- 4. "Child care facility" means any public or private child care residential facility, child-placing agency, foster family home, child care center, part-day program, out-of-school time program, day camp, drop-in program, program for sick children, family child care home, or large family child care home providing either full-time or part-time care for children away from their own homes;
- 5. "Child-placing agency" means an agency that arranges for or places a child in a foster family home, adoptive home, or independent living program;
- 6. "Foster family home" means the private residence of a family which provides foster care services to a child, and includes a specialized foster home, a therapeutic foster family home, or a kinship care home;
- 7. "Foster parent eligibility assessment" includes a criminal background investigation, including, but not limited to, a national criminal history records search based upon the submission of fingerprints, a home assessment, and any

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other assessment required by the Department of Human Services, the Office of Juvenile Affairs, or any child-placing agency pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes. A foster parent eligibility assessment shall be similar to the procedures used by the Department of Public Safety for determining suitability of an individual for employment as a highway patrol officer;

8. "Department" means the Department of Human Services;
9. "Division" means the section within the Department that is assigned responsibilities pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act;
10. "Family child care home" means a family home which provides care and supervision for seven or fewer children for part of the twenty-four-hour day. The term "family child care home" shall not include informal arrangements which parents make independently with neighbors, friends, and others, or with caretakers in the child's own home;
11. "Full-time care" means continuous care given to a child beyond a minimum period of twenty-four (24) hours;
12. "Large family child care home" means a residential family home which provides care and supervision for eight to twelve children for part of the twenty-four-hour day;
13. "Part-day child care program" means a program that provides care and supervision for children and that operates for more than fifteen (15) and up to thirty (30) hours per week;
14. "Program" means the business entity that provides care, supervision, and learning opportunities for children;
15. "Rap back" means a notification from the Oklahoma State Bureau of Investigation to the Department of subsequent criminal activity of individuals whose criminal background checks have been completed pursuant to the requirements of the Oklahoma Child Care Facilities Licensing Act;
16. "Residential child care facility" means a twenty-four-hour residential facility where children live together with or are supervised by adults who are not their parents or relatives;
17. "Responsible entity" means an individual who is authorized to obligate the business; and
18. "Specialized service professional" means an individual from an academic discipline or field of expertise who provides individualized services to a child, such as behavioral or physical therapist.

Section 403 - Exemptions

- A. The provisions of the Oklahoma Child Care Facilities Licensing Act shall not apply to:
 1. Care provided in a child's own home or by relatives;
 2. Informal arrangements which parents make with friends or neighbors for the occasional care of their children;
 3. Programs in which school-aged children three (3) years of age and older are participating in home-schooling;

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4. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a public school district;
 5. Programs that serve children three (3) years of age and older and that are operated during typical school hours by a private school that offers elementary education in grades kindergarten through third grade;
 6. Summer youth camps for children who are at least five (5) years of age, that are accredited by a national standard-setting agency or church camp accreditation program;
 7. Programs in which children attend on a drop-in basis and parents are on the premises and readily accessible;
 8. A program of specialized activity or instruction for children that is not designed or intended for child care purposes including, but not limited to, scouts, 4-H clubs and summer resident youth camps, programs that limit children from enrolling in multiple sessions because of the type of activity or ages accepted, and single-activity programs such as academics, athletics, gymnastics, hobbies, art, music, dance and craft instruction;
 9. Any child care facility that:
 - a. provides care and supervision for fifteen (15) or fewer hours per week,
 - b. operates less than eight (8) weeks annually, or
 - c. operates in the summer for less than eight (8) hours per day;
 10. Facilities whose primary purpose is medical treatment;
 11. Boarding schools that have education as their primary purpose and that are recognized as accredited by the State Board of Education. To be exempt, such programs shall:
 - a. have classroom facilities that are not used for residential living,
 - b. not have been granted nor have assumed legal custody of any child attending the facility, and
 - c. adhere to standard educational holiday and seasonal recess periods to permit students reasonable opportunities to return to their primary places of residence with parents or legal guardians;
 12. Day treatment programs and maternity homes operated by a licensed hospital;
 13. Juvenile facilities certified by the Office of Juvenile Affairs or certified by any other state agency authorized by law to license such facilities;
 14. A program where children are not enrolled by the parents and are free to come and go;
 15. A program in tribal land as defined at 25 U.S.C.A. 1903 (10); and
 16. A program on a military base or federal property.
- B. The provisions of the Oklahoma Child Care Facilities Licensing Act shall be equally incumbent upon all private and public child care facilities.

Section 404 - Minimum Requirements and Desirable Standards

- A. 1. The Department of Human Services shall appoint advisory committees of representatives of child care facilities and others to:
- a. prepare minimum requirements and desirable standards for promulgation by the Department, and

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- b. provide advice regarding concerns brought by child care facilities or referred by the Department to assist facilities in meeting minimum requirements.
 2. Committee members shall be appointed for a three-year term, with a two-consecutive-term limit. A majority of any committee appointed to prepare requirements and standards for child care facilities shall be representatives of child care facilities.
 3. The advisory committee shall create a Child Care Facility Peer Review Board whose purpose shall be to participate in the Department's grievance process. The Department shall promulgate rules specifying the duties of the Child Care Facility Peer Review Board in the grievance process.
- B. Child care facilities shall not allow children to be left alone in the care of any person under eighteen (18) years of age.
- C. The Department shall promulgate rules establishing minimum requirements and desirable standards as may be deemed necessary or advisable to carry out the provisions of the Oklahoma Child Care Facilities Licensing Act.
- D. Such rules shall not be promulgated until after consultation with the State Department of Health, the State Department of Education, the Oklahoma State Bureau of Investigation, the State Fire Marshal, and any other agency deemed necessary by the Department. Not less than sixty (60) days' notice, by regular mail, shall be given to all current licensees before any changes are made in such rules.
- E. In order to improve the standards of child care, the Department shall advise and cooperate with licensees, the governing bodies and staff of licensed child care facilities and assist the staff through advice of progressive methods and procedures, and suggestions for the improvement of services.
- F. The Department may participate in federal programs for child care services, and enter into agreements or plans on behalf of the state for that purpose, in accordance with federal laws and regulations.

Section 404.1 - Criminal History Records Search and Child Care Restricted Registry for Individual Applying to Establish or Operate Child Care Facility

- A. On and after November 1, 2013:
1. Prior to the issuance of a permit or license, owners and responsible entities making a request to establish or operate a child care facility shall have:
 - a. an Oklahoma State Courts Network search conducted by the Department,
 - b. a Child Care Restricted Registry search conducted by the facility,
 - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
 - d. a criminal history records search conducted by an authorized source, when the individual has lived outside the United States within the last three (3) years, and
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act and conducted by the Department of Human Services;
 2. Prior to the employment of an individual:

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- a. an Oklahoma State Courts Network search, conducted by the Department, shall be requested and received by the facility; provided however, if twenty-four (24) hours has passed from the time the request to the Department was made, the facility may initiate employment, notwithstanding the provisions of this paragraph,
 - b. a Child Care Restricted Registry search shall be conducted by the facility with notification of the search submitted to the Department,
 - c. a national criminal history records search pursuant to paragraph 10 of this subsection shall be submitted,
 - d. a criminal history records search conducted by an authorized source, when the individual has lived outside the United States within the last three (3) years, shall be submitted to the Department, and
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act shall be conducted by the Department and received by the facility;
3. Prior to allowing unsupervised access to children by employees or individuals, including contract employees and volunteers and excluding the exceptions in paragraph 8 of this subsection:
- a. Oklahoma State Courts Network search results, conducted by the Department, shall be received by the facility,
 - b. a Child Care Restricted Registry search shall be conducted by the facility with notification of the search submitted to the Department,
 - c. national criminal history records search results pursuant to paragraph 10 of this subsection shall be received by the facility,
 - d. a criminal history records search conducted by an authorized source, when the individual has lived outside the United States within the last three (3) years shall be submitted to the Department, and
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act shall be conducted by the Department and received by the facility;
4. Prior to the issuance of a permit or license and prior to the residence of adults who subsequently move into a facility, adults living in the facility excluding the exception in paragraph 7 of this subsection shall have:
- a. an Oklahoma State Courts Network search conducted by the Department and the facility shall be in receipt of the search results,
 - b. a Child Care Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
 - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection,
 - d. a criminal history records search conducted by an authorized source, when the individual has lived outside the United States within the last three (3) years, and
 - e. a search of the Department of Corrections' files maintained pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility;

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5. Children who reside in the facility and turn eighteen (18) years of age excluding the exception in paragraph 7 of this subsection shall have:
 - a. an Oklahoma State Courts Network search conducted by the Department,
 - b. a Child Care Restricted Registry search conducted by the facility with notification of the search submitted to the Department,
 - c. a national criminal history records search conducted pursuant to paragraph 10 of this subsection, and
 - d. a search of the Department of Corrections' files pursuant to the Sex Offenders Registration Act conducted by the Department and received by the facility;
6. Prior to review of or access to fingerprint results, owners, responsible entities, directors, and other individuals who have review of or access to fingerprint results shall have a national criminal history records search pursuant to paragraph 10 of this subsection;
7. Provisions specified in paragraphs 4 and 5 of this subsection shall not apply to residents who are receiving services from a residential child care facility;
8. A national criminal history records search pursuant to paragraph 10 of this subsection shall not be required for volunteers who transport children on an irregular basis when a release is signed by the parent or legal guardian noting their understanding that the volunteer does not have a completed national criminal history records search. The provisions in paragraph 3 of this subsection shall not be required for specialized service professionals who are not employed by the program and have unsupervised access to a child when a release is signed by the parent or legal guardian noting his or her understanding of this exception. These exceptions shall not preclude the Department from requesting a national fingerprint or an Oklahoma State Bureau of Investigation name-based criminal history records search or investigating criminal, abusive, or harmful behavior of such individuals, if warranted;
9. A national criminal history records search pursuant to paragraph 10 of this subsection shall be required on or before November 1, 2016, for existing owners, responsible entities, employees, individuals with unsupervised access to children, and adults living in the facility, as of November 1, 2013 unless paragraph 6 of this subsection applies;
10. The Department shall require a national criminal history records search based upon submission of fingerprints that shall:
 - a. be conducted by the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes and the federal National Child Protection Act and the federal Volunteers for Children Act with the Department as the authorized agency,
 - b. be submitted and have results received between the Department and the Oklahoma State Bureau of Investigation through secure electronic transmissions,
 - c. include Oklahoma State Bureau of Investigation rap back, requiring the Oklahoma State Bureau of Investigation to immediately notify the Department upon receipt of subsequent criminal history activity, and
 - d. be paid by the individual or the facility;

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11. The director of the Department, or designee, shall promulgate rules that may authorize an exception to the fingerprinting requirements for individuals who have a severe physical condition which precludes such individuals from being fingerprinted; and
 12. The Office of Juvenile Affairs may directly request national criminal history records searches as defined by Section 150.9 of Title 74 of the Oklahoma Statutes from the Oklahoma State Bureau of Investigation for the purpose of obtaining the national criminal history of any employee or applicant who has resided in Oklahoma for less than three (3) years for which a search is required.
- B. 1. a. On and after September 1, 1998:
- (1) any child-placing agency contracting with a person for foster family home services or in any manner for services for the care and supervision of children shall also, prior to executing a contract, complete:
 - (a) a foster parent eligibility assessment for the foster care provider except as otherwise provided by divisions (2) and (4) of this subparagraph, and
 - (b) a national criminal history records search based upon submission of fingerprints for any adult residing in the foster family home through the Department of Human Services pursuant to the provisions of Section 1-7-106 of Title 10A of the Oklahoma Statutes, except as otherwise provided by divisions (2) and (4) of this subparagraph,
 - (2) the child-placing agency may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least five (5) years immediately preceding such placement,
 - (3) a national criminal history records search based upon submission of fingerprints to the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home,
 - (4) provided, however, the Director of Human Services or the Director of the Office of Juvenile Affairs, or a designee, may authorize an exception to the fingerprinting requirement for a person residing in the home who has a severe physical condition which precludes such person's being fingerprinted, and
 - (5) any child care facility contracting with any person for foster family home services shall request the Office of Juvenile Affairs to conduct a juvenile justice information system review, pursuant to the provisions of Sections 2-7-905 and 2-7-308 of Title 10A of the Oklahoma Statutes, for any child over the age of thirteen (13) years residing in the foster family home, other than a foster child, or who subsequently moves into the foster family home. As a condition of contract, the child care facility shall obtain the consent of the parent or legal guardian of the child for such review.
- b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Office of Juvenile Affairs prior to September 1,

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1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Department or by law.
2. a. (1) On and after September 1, 1998, except as otherwise provided in divisions (2) and (4) of this subparagraph, prior to contracting with a foster family home for placement of any child who is in the custody of the Department of Human Services or the Office of Juvenile Affairs, each Department shall complete a foster parent eligibility assessment, pursuant to the provisions of the Oklahoma Child Care Facilities Licensing Act, for such foster family applicant. In addition, except as otherwise provided by divisions (2) and (4) of this subparagraph, the Department shall complete a national criminal history records search based upon submission of fingerprints for any adult residing in such foster family home.
 - (2) The Department of Human Services and Office of Juvenile Affairs may place a child pending completion of the national criminal history records search if the foster care provider and every adult residing in the foster family home has resided in this state for at least (5) years immediately preceding such placement.
 - (3) A national criminal history records search based upon submission of fingerprints conducted by the Oklahoma State Bureau of Investigation shall also be completed for any adult who subsequently moves into the foster family home.
 - (4) The Director of Human Services or the Director of the Office of Juvenile Affairs or their designee may authorize an exception to the fingerprinting requirement for any person residing in the home who has a severe physical condition which precludes such person's being fingerprinted.
 - b. The provisions of this paragraph shall not apply to foster care providers having a contract or contracting with a child-placing agency, the Department of Human Services or the Office of Juvenile Affairs prior to September 1, 1998. Such existing foster care providers shall comply with the provisions of this section, until otherwise provided by rules of the Department or by law.
3. The Department of Human Services or the Office of Juvenile Affairs shall provide for a juvenile justice information system review pursuant to Section 2-7-308 of Title 10A of the Oklahoma Statutes for any child over the age of thirteen (13) years residing in a foster family home, other than the foster child, or who subsequently moves into the foster family home.
- C. The Department or the Board of Juvenile Affairs shall promulgate rules to identify circumstances when a criminal history records search or foster parent eligibility assessment for an applicant or contractor, or any person over the age of thirteen (13) years residing in a private residence in which a child care facility is located, shall be expanded beyond the records search conducted by the Oklahoma State Bureau of Investigation or as otherwise provided pursuant to this section.
 - D. Except as otherwise provided by the Oklahoma Children's Code and subsection F of this section, a conviction for a crime shall not be an absolute bar to employment, but shall be considered in relation to specific employment duties and responsibilities.

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- E. Information received pursuant to this section by an owner, administrator, or responsible entity of a child care facility, shall be maintained in a confidential manner pursuant to applicable state and federal laws.
- F.
 - 1. It shall be unlawful for individuals who are required to register pursuant to the Sex Offenders Registration Act to work with or provide services to children or to reside in a child care facility and for any employer who offers or provides services to children to knowingly and willfully employ or contract with, or allow continued employment of or contracting with individuals who are required to register pursuant to the Sex Offenders Registration Act. Individuals required to register pursuant to the Sex Offenders Registration Act who violate any provision of Section 401 et seq. of this title shall, upon conviction, be guilty of a felony punishable by incarceration in a correctional facility for a period of not more than five (5) years and a fine of not more than Five Thousand Dollars (\$5,000.00) or both such fine and imprisonment.
 - 2. Upon a determination by the Department of any violation of the provisions of this section, the violator shall be subject to and the Department may pursue:
 - b. an emergency order,
 - c. license revocation or denial,
 - d. injunctive proceedings,
 - e. an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00), and
 - f. referral for criminal proceedings.
 - 3. In addition to the penalties specified by this section, the violator may be liable for civil damages.

Section 404.2 – Demarion's Law

This act shall be known and may be cited as "Demarion's Law".

Section 404.3 - Mandatory Liability Insurance Requirement for Child Care Facility

- A. A child care facility shall maintain liability insurance coverage of at least Two Hundred Thousand Dollars (\$200,000.00) for each occurrence of negligence. An insurance policy or contract required under this section shall cover injury to a child due to negligence that occurs while the child is in the care of the child care facility.
- B. The Department of Human Services shall promulgate rules providing for a standard form to be signed and dated by an insurance agent licensed in this state stating that the child care facility has an unexpired and uncanceled insurance policy or contract of at least Two Hundred Thousand Dollars (\$200,000.00) that meets the requirements of this section. This form shall be completed annually and shall be maintained by the child care facility. Upon request, the form shall be made available to the Department to determine compliance with licensing requirements.
- C. Should the child care facility for financial reasons or for lack of availability of an underwriter willing to issue a policy be unable to secure the insurance required under subsection A of this section, should the policy limits be exhausted, or if the

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child care facility reports self-insurance in accordance with state law the child care facility shall:

1. Post a notice at the facility indicating the facility does not have liability insurance coverage pursuant to this section or reports self-insurance in accordance with state law; and
 2. Notify the Department that coverage is not provided or that the facility reports self-insurance in accordance with state law.
- D. The Department shall promulgate rules providing for a standard form for the facility to post which indicates the facility does not carry liability insurance or reports self-insurance in accordance with state law. In no case shall the inability to secure coverage serve to indemnify the child care facility due to negligence.
- E. The insurance policy or contract shall be maintained at all times in an amount as required by this section, except as provided for in subsection C of this section.
- F. The requirements for posting shall not apply to:
1. Licensed child-placing agencies;
 2. Licensed residential child care facilities; or
 3. Department-certified child care facilities.
- G. The Department may promulgate rules requiring liability insurance for facilities listed in subsection F of this section.
- H. Failure by a child care facility to comply with the provisions of this section is grounds for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.

Section 405 - License and Permit Requirements for Child Care Facilities - Application - Issuance

- A. No child care facility may be operated or maintained in this state, unless licensed or temporarily authorized by the Department of Human Services, except for the shelters certified by the Office of Juvenile Affairs pursuant to Section 2-7-202 of Title 10A of the Oklahoma Statutes; No new child care facility may be established without the prior approval of the Department, which shall be granted only after the Department is satisfied that the facility will meet minimum standards for a license to operate.
- B. The Department shall not grant approval for a permit, or a license for a new child care facility to receive and care for children until:
1. All background investigation requirements are met pursuant to Section 404.1 of this title; and
 2. All required training including, but not limited to, cardiopulmonary resuscitation (CPR), first aid, health and safety training, and minimum education requirements pursuant to licensing requirements have been completed for any person left alone with children.
- C. The incorporation or domestication of a corporation organized for the purpose of operating a child care facility shall not exempt such corporation from compliance with the provisions of Sections 401 through 418 of this title.
- D. An application for a license shall be made on forms provided by the Department and in the manner prescribed. Temporary authorization may be granted to allow the

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Department to investigate the activities and standards of care of the applicant. The Department may issue a license once it is satisfied that the applicant meets the requirements as provided in Sections 401 through 418 of this title. All licenses shall be in force unless revoked as authorized by Section 407 of this title.

Section 405.1 - Comprehensive Oklahoma State Plan for Child Care

- A. The Department of Human Services shall collaborate with other appropriate agencies to develop a comprehensive Oklahoma state plan for child care.
- B. The comprehensive plan shall:
 - 1. Meet all requirements for child care state plans as periodically determined by the United States Department of Health and Human Services Administration for Children and Families Child Care Bureau; and
 - 2. Be submitted to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Senate on a biannual basis.

Section 405.2 - Public Online Database - Licensed Child Care Centers and Child Care Homes

- A. The Department of Human Services shall promulgate rules to establish and maintain an online database accessible to the public that contains information including, but not limited to:
 - 1. The name, address, and phone number of all child care centers licensed by the Department of Human Services, and the name, address, and phone number of all child care homes licensed by the Department; and
 - 2. A summary of substantiated complaint records and inspection reports generated by the Department.
- B. Child care licensing records and inspection reports shall be maintained by the facility and be posted or made available to individuals pursuant to the licensing requirements promulgated by the Department.

Section 405.3 - Public Online Database - Child Care Restricted Registry

- A. On or before July 1, 2010, the Department of Human Services shall promulgate rules to establish and maintain the Child Care Restricted Registry, accessible to the public through an online database, to address:
 - 1. A procedure for recording individuals on the restricted registry resulting from:
 - a. a finding of abuse or neglect, as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, by an individual when the abuse or neglect occurred to children while in the care of a child care facility licensed by the Department,
 - b. a revocation or denial of a child care facility license, and
 - c. a specified criminal history of an individual, as defined by rules promulgated by the Department;
 - 2. A procedure to provide notice and an opportunity for review prior to recording an individual on the restricted registry;
 - 3. Disclosure requirements for information on the restricted registry; and

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4. A procedure to prohibit licensure, ownership, employment, unsupervised access to children, or residence in a child care facility licensed by the Department of individuals recorded on the restricted registry.
- B. The Child Care Restricted Registry shall include, but not be limited to:
 1. The full name of the individual;
 2. Information necessary to identify the individual; and
 3. The date the individual was recorded on the restricted registry.

Section 406 - Investigations and Visitation

- A. The Department of Human Services shall have authority at any reasonable time to investigate and examine the conditions of any child care facility in which a licensee or applicant hereunder receives and maintains children, and shall have authority at any time to require the facility to provide information pertaining to children in its care.
- B.
 1. The State Department of Health may visit any licensee or applicant at the request of the Department to advise on matters affecting the health of children and to inspect the sanitation of the buildings used for their care.
 2. The State Fire Marshal may visit any licensee or applicant at the request of the Department to advise on matters affecting the safety of children and to inspect the condition of the buildings used for their care.
- C.
 1. Upon receipt of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act, or any licensing standard promulgated by the Department, the Department shall conduct a full investigation. If upon investigation, it is determined that there are reasonable grounds to believe that a facility is in violation of the Oklahoma Child Care Facilities Licensing Act or of any standard or rule promulgated pursuant thereto, the Department shall:
 - a. document the complaint,
 - b. provide the complaint allegations in writing to the facility involved and, upon written request by the child care facility, provide a summary of the facts used to evaluate the completed complaint, and
 - c. document the facility's plan for correcting any substantiated violations.
 2. If the Department determines there has been a violation and the violation has a direct impact on the health, safety or well-being of one or more of the children cared for by the facility, the Department shall notify the facility and require correction of the violation.
 3. The Department shall notify the facility that failure to correct the confirmed violation can result in the revocation of the license, the denial of an application for a license, the issuance of an emergency order or the filing of an injunction pursuant to the provisions of Section 409 of this title.
 4. If the facility refuses to correct a violation or fails to complete the plan of correction, the Department may issue an emergency order, revoke the license, or deny the application for a license. Nothing in this section or Section 407 of this title shall be construed as preventing the Department from denying an application, revoking a license, or issuing an emergency order for a single

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violation of this act, or the rules of the Department as provided in Section 404 of this title.

- D. Upon the completion of the investigation of a complaint against any child care facility alleging a violation of the provisions of the Oklahoma Child Care Facilities Licensing Act or any licensing standard promulgated thereto by the Department, the Department shall clearly designate its findings on the first page of the report of the investigation. The findings shall state whether the complaint was substantiated or unsubstantiated.
- E. Information obtained by the Department or Oklahoma Child Care Services concerning a report of a violation of a licensing requirement, or from any licensee regarding children or their parents or other relatives shall be deemed confidential and privileged communications, shall be properly safeguarded, and shall not be accessible to anyone except as herein provided, unless upon order of a court of competent jurisdiction. Provided, however, this provision shall not prohibit the Department from providing a summary of allegations and findings of an investigation involving a child care facility that does not disclose identities but that permits parents to evaluate the facility.

Section 406 .1 - Indian Tribal Child Care Facility Electing Licensure Under Oklahoma Child Care Facilities Licensing Act - Agreement for State Inspection

- A. If an Indian tribe in this state that operates a child care facility elects to apply for a license for the facility pursuant to the Oklahoma Child Care Facilities Licensing Act, the Department of Human Services, the State Department of Health, and the State Fire Marshal may enter into an agreement with the Indian tribe to allow the state to conduct any inspections of the facility necessary to comply with the licensing provisions of the Oklahoma Child Care Facilities Licensing Act.
- B. As part of the agreement authorizing the state to conduct inspections as provided in this section, the state and the Indian tribe may agree to a payment of a fee by the Indian tribe to the state in an amount not to exceed the reasonable cost to the state to conduct the inspections.

Section 407 - Revocation or Denial of Issuance of License

- A. The Department of Human Services may revoke or deny issuance of the license of any child care facility found to be in violation of any provision of this act or the rules of the Department, as provided in Section 404 of this title.
- B.
 - 1. No license shall be revoked or issuance denied unless and until such time as the licensee or applicant shall have been given at least thirty (30) days' notice in writing of the grounds of the proposed revocation or denial.
 - 2. At the time the facility is given notice in writing of the revocation or denial of a license, the Department shall also advise parents of children attending the facility and the child care resource and referral organization within one (1) business day of such action by verbal, electronic, or written notification and the posting of an announcement in the facility.

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3. If the revocation or denial is protested within thirty (30) days of receipt of notice, by writing addressed to the Department, the Department, or its authorized agency, shall conduct a hearing at which an opportunity shall be given to the licensee or applicant to present testimony and confront witnesses.
 4. Notice of the hearing shall be given to the licensee or applicant by personal service or by delivery to the proper address by certified mail, return receipt requested, at least two (2) weeks prior to the date thereof.
 5. If notice of the proposed revocation or denial of a license is not protested, the license shall be revoked or denied.
- C.
1. Nothing in this section or Section 406 of this title shall be construed as preventing the Department from taking emergency action as provided by this subsection.
 2. For the purposes of this subsection, "emergency" means a situation that poses a direct and serious threat to the health, safety, or welfare of any child cared for by the facility.
 3. Whenever the Department finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility licensed, authorized, or providing unlicensed care except as exempted by the provisions of the Oklahoma Child Care Facilities Licensing Act, the Department may without notice or hearing issue an emergency order stating the existence of such an emergency and requiring that such action be taken as it deems necessary to meet the emergency including, when necessary, removing children from the facility and prohibiting the facility from providing services to children pending a hearing on the matter.
 - a. An emergency order shall be effective immediately. Any person to whom an emergency order is directed shall comply with the emergency order immediately but, upon written request to the Department on or before the tenth day after receipt of the emergency order, shall be afforded a hearing on or before the tenth day after receipt of the request by the Department.
 - b. On the basis of such hearing, the Department shall continue the order in effect, revoke it, or modify it.
 - c. Any person aggrieved by the order continued after the hearing provided for in this subsection may appeal to the district court of the area affected within ten (10) days. The appeal when docketed shall have priority over all cases pending on the docket, except criminal cases.
- D. The Department shall establish a process to review the initial determination of the closure of a facility due to an emergency pursuant to the licensing requirements promulgated by the Department.
- E. The Department shall continue to monitor any facility whose license has been revoked, denied, or who has had an emergency order issued for a period of thirty (30) days after the action becomes final.
- F. In addition to any other remedy authorized by this act, a CLEET-certified officer may issue a citation for a violation of any provision of this act or rules of the Department as provided in Section 404 of this title. The fine shall not be less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for every day the facility maintains and receives children after:
1. An emergency order has been issued; or

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2. An application for a license has been denied or the license has been revoked.
- G. One-half (1/2) of the funds collected pursuant to subsection F of this section shall be deposited in the Quality of Care Development Fund established in Section 10 of this act and one-half (1/2) shall be retained by the law enforcement agency represented by the CLEET-certified officer.

Section 408 - Appeals

- A. Any licensee or applicant aggrieved by the decision of the Department of Human Services under Section 407 of this title may, within ten (10) days after the revocation or denial of the license, appeal to the district court of the county in which the child care facility is maintained and operated by filing with the clerk of the court a verified petition. Notice of such appeal shall be served on the Director of the Department within five (5) days of the date of its filing.
- B. The licensee or applicant shall, within twenty (20) days of the filing of the appeal, file with the clerk of such court a transcript of the proceedings held pursuant to Section 407 of this title. The district court shall thereupon be vested with jurisdiction to review the proceedings of the Department; provided that, if the Department prevails, the judgment of the district court shall be that the decision of the Department be affirmed, and if the licensee or applicant prevails, the judgment of the court shall be that the revocation be set aside or the license issued or renewed, as the case may be. Pending the hearing of the appeal, the action of the Department revoking or denying the license or the granting thereof shall be stayed; provided, after the filing of an appeal, the district court, upon application by the Department and after an appropriate hearing, may grant a restraining order to enforce the decision of the Department.

Section 409 – Injunction

Any person or child care facility may be enjoined from maintaining and operating such facility for violations of any provisions of this act by suit brought in the name of the state by the Attorney General of Oklahoma or by a district attorney.

Section 410 - Violations - Punishment

Any person or agent, representative, or officer of any child care facility who violates any of the provisions of the Oklahoma Child Care Facilities Licensing Act shall, upon conviction, be deemed guilty of a misdemeanor and punished in accordance with the provisions of Section 10 of Title 21 of the Oklahoma Statutes. Whenever any agent, representative, or officer of any child care facility shall be convicted under authority of this act, such conviction shall be sufficient ground for the revocation of the entity's license.

Section 410.1 - Quality of Care Development Fund

There is established in the State Treasury a revolving fund to be known as the "Quality of Care Development Fund". The fund shall be a continuing fund, not subject to fiscal

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year limitations, and shall consist of all fines collected by the Department of Human Services pursuant to Section 407 of this title and shall, in addition to any other monies made available for such purpose, be available to the Director solely to support the continued improvement of the child care facilities in this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Section 411 - Certificate of Immunization as Condition for Admission to Day Care Facility - Waiver

- A. No person, firm, corporation, partnership or other legal entity operating a day care center or day care home in this state shall cause or permit a minor child two (2) months of age or older to be admitted to such facility unless and until the parent, guardian, or other related person of such child presents certification from a licensed physician or authorized representative of any state or local department of public health that such child has received or will receive immunization at the medically appropriate time against diphtheria, pertussis, tetanus, haemophilus influenzae type B (HIB), measles (rubeola), rubella, hepatitis A, varicella, and poliomyelitis; or presents such certification that the child is likely to be immune as a result of the disease. Provided, however, that in the event the parent, guardian, or other person presenting a child for admission to a day care center or day care home certifies in writing that a family emergency exists, the requirement imposed by this section may be waived for a period not to exceed thirty (30) days. Such certification shall be made prior to the provision of care. No such waiver shall be knowingly permitted more than once for any child.
- B. The State Board of Health, by rule, may alter the list of immunizations required under this section after notice and hearing. Any change in the list of immunizations required shall be submitted to the next regular session of the Legislature and such change shall remain in force and effect unless and until a concurrent resolution of disapproval is passed. Hearings shall be conducted by the State Board of Health, or such officer, agents or employees as the State Board of Health may designate for that purpose. The State Board of Health shall give appropriate notice of the proposed change in the list of immunizations required and of the time and place for hearing. The change shall become effective on a date fixed by the State Board of Health. Any change in the list of immunizations required may be amended or repealed in the same manner as provided for its adoption. Proceedings pursuant to this subsection shall be governed by the Administrative Procedures Act.

Section 412 - Manner and Frequency of Immunizations - Enforcement of Act

- A. The immunizations required by this act, and the manner and frequency of their administration, as prescribed by the State Board of Health, shall conform to recognized standard medical practices in this state. The State Department of Health shall supervise and secure the enforcement of the required immunization program.

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- B. The Department of Human Services shall render reasonable assistance to the State Department of Health in the enforcement of the provisions of this act. This assistance shall be in the form of revocation or denial of the license of any facility not in compliance with this act.

Section 413 - Exemptions

Any minor child, through his or her parent or guardian, may submit to the health authority charged with the enforcement of the immunization laws, a certificate of a licensed physician stating that the physical condition of the child is such that immunization would endanger the life or health of the child; or upon receipt of a written statement by the parent or guardian objecting to such immunizations because of religious or other reasons, then such child shall be exempt from the provisions of this act.

Section 414 - Administration of Immunizations - Persons Eligible - Indigent Persons

The immunizations shall be administered by, or under the direction of, a licensed physician, or by any local or state health department. If the parent or guardian is unable to pay, the State Department of Health shall provide, without charge, the immunization materials required by this act.

Section 415 - Child with Reportable Contagious Disease to be Excluded from Day Care Facility

Any child afflicted with a reportable contagious disease shall be excluded from attending a day care center or day care home until such time as the period of communicability has elapsed as determined by a licensed physician or health department official. Such exclusion shall be reported to a local health department official.

Section 418 - Authority to Obtain Evidence - Administration of Oaths

When conducting investigations of complaints as provided in this article, the Department of Public Welfare shall have the power to summon any person to appear and produce such books and papers as shall be designated in the summons, and to give testimony under oath concerning the matter and institution under investigation. The Department shall have the power to administer oaths to such persons as may be summoned and to enforce all such powers as are given to notaries public when they are taking depositions.

SUPPLEMENT II

WHAT IS CHILD ABUSE?

What is the Law? Oklahoma statutes define child abuse as harm or threatened harm to a child's health or welfare by a person responsible for the child. This includes non-accidental physical or mental injury, sexual abuse or neglect (10 O.S. Section 7102).

- Physical abuse is non-accidental physical injury to a child.
- Mental injury is an injury to a child's psychological growth and development. It is caused by a chronic pattern of behaviors, such as belittling, humiliating and ridiculing a child.
- Sexual abuse, in general terms, includes any sexual activity between an adult and a child for the purpose of sexually stimulating the adult, the child or others. Sexual abuse may also be committed by a person under the age of 18 when that person is either significantly older than the victim or is in a position of power or control over the child.
- Neglect is the failure of the parent or caretaker to provide a child with basic needs such as food, clothing, shelter, medical care, protection and supervision.
- Threatened harm means a substantial risk of harm to the child. It may include acts or expressions of intent to inflict actual harm presently or in the future.

Who must report? Every person, private citizen or professional, who has reason to believe that a child has been abused, is mandated by law to promptly report suspected abuse. Failure to do so is a misdemeanor. A person making a report in good faith is immune from civil or criminal liability. The name of the reporter is kept confidential.

When to report? A report should be made when there is reasonable cause to believe that a child has been abused or neglected or is in danger of being abused. A report of suspected abuse is a request for an investigation. Investigation of child abuse reports is the responsibility of Child Welfare workers and, when a crime may have been committed, law enforcement officials.

If other incidents of abuse occur after the initial report has been made, another report should be made.

How is abuse reported? A report may be made to the 24-hour statewide Child Abuse Hotline, 1-800-522-3511.

SUPPLEMENT III

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SUPPLEMENT IV

IMMUNIZATION REQUIREMENTS FOR CHILD CARE

LAW

Section 411 of Title 10 of the Oklahoma Statutes mandates children attending child care obtain, at the medically appropriate time, the Required Immunization Schedule vaccines.

EXEMPTIONS FROM THE LAW

Exemptions from the law are allowed for medical, religious and personal reasons. Below are summaries, including procedures for obtaining exemptions.

Exemption Procedures. Child care programs willing to enroll an unimmunized child based on an exemption, obtain Certificate of Exemption forms (ODH 216A) from the Oklahoma State Department of Health (OSDH) Immunization Service (405-271-4073). Parents complete the form, obtain required signatures, and return it to the child care program. Programs review the form for proper completion and signatures, keep a copy in place of an immunization record, and send a copy to the OSDH Immunization Service for approval.

Medical. For exemptions based on medical reasons, a Certificate of Exemption must be signed by a licensed physician and state the child's physical condition is such that a particular immunization would endanger the life or health of the child. The parent is responsible for obtaining the signature of the physician.

Religious. For exemptions based on religious reasons, a Certificate of Exemption must be signed by a parent or religious leader or a written statement signed by a religious leader or parent may be attached to the Certificate of Exemption.

Personal. For exemptions based on personal beliefs, a Certificate of Exemption must be signed by a parent and include a brief written statement summarizing his or her objections to immunizations.

FAMILY EMERGENCIES

This provision applies in rare instances when a true family emergency exists, such as a death in the family. A program may allow a child to enter and remain for up to 30 calendar days, without an immunization record. However, a dated and signed parent statement is required. The record must be provided at the earliest possible opportunity. If at the end of 30 days an up to date record has not been provided, the child care program must exclude the child. No child may receive this waiver more than once.

EXCLUSION OF EXEMPT CHILDREN DURING OUTBREAKS

If there is an outbreak of a vaccine-preventable disease, child care programs may be required to exclude unimmunized children based on exemptions or family emergencies. The exclusion may be a lengthy period of time. The Commissioner of Health makes this decision and the child care program would be contacted. The child care program is responsible for informing the parent of this possibility at the time the Certificate of Exemption is accepted by the program.

SUPPLEMENT IV

REQUIRED IMMUNIZATION SCHEDULE

Due Immunizations are *due* according to Required Immunization Schedule.

Dose due that month. Dose due end of age range.
 Can be given anytime during age range.

Past Due Immunizations are *past due* the month following the age due.

	Birth	2 Mos.	4 Mos.	6 Mos.	12 Mos.	15 Mos.	18 Mos.	23 Mos.	***	4 – 6 Years
Hep B	<input type="checkbox"/>	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DTaP	<input type="checkbox"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hib*	<input type="checkbox"/>	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IPV	<input type="checkbox"/>	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MMR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Varicella**	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCV	<input type="checkbox"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hep A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* **Hib:** May be complete with 3 or 4 doses depending on vaccine brand used.

** **Varicella:** If child had Chickenpox, vaccine is not required. Parent or doctor note required.

*** **Hep A:** Dose 2 is due 6 – 18 months after dose 1.

Due	Doses Due	Past Due
Birth - 2 months	Hep B 1	3 months
2 months	DTaP 1 + Hib 1 + IPV 1 + PCV 1	3 months
4 months	Hep B 2 + DTaP 2 + Hib 2 + IPV 2 + PCV 2	5 months
6 months	DTaP 3 + PCV 3	7 months
6 - 18 months	Hep B 3 + IPV 3	19 months
12 - 15 months	Hib 3 or 4* + MMR 1 + Varicella 1** + PCV 4	16 months
12 - 18 months	DTaP 4	19 months
12 - 23 months	Hep A 1	24 months
6 - 18 months after 1 st dose	Hep A 2	19 months after 1 st dose

SUPPLEMENT IV

REQUIRED IMMUNIZATION SCHEDULE

Late Doses = Revised Due Dates

When a dose(s) is given late, the remaining doses **may** have a different due date than shown on the Required Immunization Schedule.

- Next dose is due 1-2 months after the previous dose, **unless** schedule allows more time **or** if one of the below exceptions apply:
 - **DTaP 4** is due 6 - 12 months after 3rd dose.
 - **Hep A 2** is due 6 - 18 months after 1st dose.

Late Doses = Revised Number of Doses

When a dose(s) is given late, **usually** the same number of doses is required. However, **fewer Hib and PCV doses may** be required once a child reaches a certain age.

Hib

- If one dose is given at 12 months or older, regardless of previous doses received, no more doses are required.
- If a child is 5 years or older, no doses are required.

PCV

- If two doses are given at 12 months or older, regardless of previous doses received, no more doses are required.
- If one dose is given at 24 months or older, regardless of previous doses received, no more doses are required.
- If a child is 5 years or older, no doses are required.

Vaccine Names and Combination Vaccines

Use the chart below, as needed, to determine what vaccines have been received. Combination vaccines have two or more vaccines in one shot.

Vaccine	Disease	Vaccine Brand Names
Hep B	Hepatitis B	Comvax, HBV, Hep B Pediatric, Engerix-B, Pediarix, Recombivax
DTaP	Diphtheria, Tetanus, & Pertussis (Whooping Cough)	Daptacel, DT, DTP, Infanrix, Kinrix, Pediarix, Pentacel, TriHIBit
Hib	Haemophilus Influenzae Type B	ActHIB (PRP-T), Comvax, HbCV, HbOC, Hib conjugate, Hiberix, Pedvax HIB (PRP-OMP), Pentacel, TriHIBit
IPV	Polio	Kinrix, OPV, Pediarix, Pentacel
MMR	Measles, Mumps, & Rubella	M-M-R II, MMRV, ProQuad
Varicella	Chickenpox	MMRV, ProQuad, VAR, Varivax
PCV	Pneumococcal	PCV 7 or 13, Pneumococcal Conjugate, Prevnar
Hep A	Hepatitis A	HAV, Havrix, Vaqta

SUPPLEMENT V

CHILD PASSENGER RESTRAINT SYSTEM - WHEN REQUIRED

Oklahoma Statute
47 O.S. Section 11-1112
(Amended 2005)

A. Every driver when transporting a child under six (6) years of age in a motor vehicle operated on the roadways, streets, or highways of this state shall provide for the protection of said child by properly using a child passenger restraint system. For purposes of this section and section 11-1113 of this title, "child passenger restraint system" means an infant or child passenger restraint system that meets the federal standards as set by 49 C.F.R. §571.213.

B. Children at least six (6) years of age but younger than thirteen (13) years of age shall be protected by use of a child passenger restraint system or a seat belt.

C. The provisions of this section shall not apply to:

1. The driver of a school bus, taxicab, moped, motorcycle, or other motor vehicle not required to be equipped with safety belts pursuant to state or federal laws;
2. The driver of an ambulance or emergency vehicle;
3. The driver of a vehicle in which all of the seat belts are in use;
4. The transportation of children who for medical reasons are unable to be placed in such devices; or
5. The transportation of a child who weighs more than forty (40) pounds and who is being transported in the back seat of a vehicle while wearing only a lap safety belt when the back seat of the vehicle is not equipped with combination lap and shoulder safety belts, or when the combination lap and shoulder safety belts in the back seat are being used by other children who weigh more than forty (40) pounds. Provided, however, for purposes of this paragraph, back seat shall include all seats located behind the front seat of a vehicle operated by a licensed child care facility or church. Provided further, there shall be a rebuttable presumption that a child has met the weight requirements of this paragraph if at the request of any law enforcement officer, the licensed child care facility or church provides the officer with a written statement verified by the parent or legal guardian that the child weighs more than forty (40) pounds.

D. A law enforcement officer is hereby authorized to stop a vehicle if it appears that the driver of the vehicle has violated the provisions of this section and to give an oral warning to said driver. The warning shall advise the driver of the possible danger to children resulting from the failure to install or use a child passenger restraint system or seat belts in the motor vehicle.

SUPPLEMENT V

E. A violation of the provisions of this section shall not be admissible as evidence in any civil action or proceeding for damages.

F. In any action brought by or on behalf of an infant for personal injuries or wrongful death sustained in a motor vehicle collision, the failure of any person to have the infant properly restrained in accordance with the provisions of this section shall not be used in aggravation or mitigation of damages.

G. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars (\$50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in Section 11-1113 of this title. This fine shall be suspended and the court costs limited to a maximum of Fifteen Dollars (\$15.00) in the case of the first offense upon proof of purchase or acquisition by loan of a child passenger restraint system. Provided, the Department of Public Safety shall not assess points to the driving record of any person convicted of a violation of this section.

SUPPLEMENT VI

MINIMUM QUANTITIES FOR FOOD BASED MENUS— BREAKFAST

(Adopted from the RCCI Food Service Manuel Revised 1998)

Meal Component	Ages 1-2	Required		Option
		Preschool	Grades K-12	Grades 7-12
Milk (Fluid)				
As a beverage, on cereal	½ cup	¾ cup	8 fl. Oz.	8 fl. Oz
Juice/Fruit/Vegetable Fruit and/or vegetable; or full-strength fruit juice or vegetable juice	¼ cup	½ cup	½ cup	½ cup
Select one serving from each of the following components or two from one component:				
Grains/Breads				
<i>One of the following or an equivalent combination:</i>				
Whole grain or enriched bread	½ slice	½ slice	1 slice	1 slice
Whole grain or enriched biscuit/roll, muffin, etc.	½ serving	½ serving	1 serving	1 serving
Whole grain, enriched or fortified cereal	¼ cup or 1/3oz.	¾ cup or ½ oz .	¾ cup or 1 oz.	¾ cup or 1oz. <i>Plus an additional serving of one of the grains/breads above</i>
Meat or Meat Alternates:				
Meat/poultry or fish	½ oz.	½ oz.	1 oz.	1 oz.
Cheese	½ oz.	½ oz.	1 oz.	1 oz.
Egg (large)	½	½	½	½
Peanut butter or other nut or seed butters	1 Tablespoon	1 Tablespoon	1 Tablespoon	1 Tablespoon
Cooked dry beans and peas	2 Tablespoons	2 Tablespoons	4 Tablespoons	4 Tablespoons
Yogurt	¼ cup	¼ cup	½ cup	½ cup
Nut and/or seeds (as listed in program guidance*)	½ oz.	½ oz	1 oz.	1 oz.

*No more than 1 oz. of nuts and/or seeds may be served in any one meal.

SUPPLEMENT VI

MINIMUM QUANTITIES FOR FOOD BASED MENUS LUNCH OR SUPPER

Meal Component	<u>Required</u>				<u>Option</u>
	Ages 1-2	Preschool	Grades K-6	Grades 7-12	Grades K-3
Milk (as a beverage)	6 fl.oz.	6 fl.oz.	8 fl.oz.	8 fl. oz.	8 fl. oz.
Meat or Meat Alternate (quantity of the edible portion as served)					
Lean meat,poultry, or fish	1 oz.	1 ½ oz.	2 oz.	2 oz.	1 ½ oz.
Cheese	1 oz.	1 ½ oz.	2 oz.	2 oz.	1 ½ oz.
Large egg	½	¾	1	1	¾
Cooked dry beans or peas	¼ cup	3/8 cup	½ cup	½ cup	3/8 cup
Peanut butter or other nut or seed butters	2 Tablespoons	3 Tablespoons	4 Tablespoons	4 Tablespoons	3 Tablespoons
Yogurt	½ cup	¾ cup	1 cup	1 cup	¾ cup

The following may be used to meet no more than 50% of the requirement and must be used in combination with any of the above:

Peanuts,soynuts,tree nuts or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternate (1 oz. of nuts/seeds=1 oz. of cooked lean meat, poultry, or fish)	½ oz =50%	¾ oz. = 50%	1 oz. = 50%	1 oz. = 50%	¾ oz. = 50%
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Vegetables/Fruits (2 or more servings of vegetables or fruits or both)	½ cup	½ cup	¾ cup plus extra ¾ cup over a week*	1 cup	¾ cup
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Grains/Breads Must be enriched or whole grain. A serving is a slice of bread or an equivalent serving of biscuits, rolls, etc., or ½ cup cooked rice, macaroni, noodles, other pasta products or cereal grains. * For the purpose of this chart, a week equals seven days.	7 servings per week*	12 servings per week*	17 servings per week*	21 servings per week*	14 servings per week*
	Minimum of ½ per day**	Minimum of 1 per day**	Minimum of 1 per day**	Minimum of 1 per day**	Minimum of 1 per day**

** Up to one grains/breads serving per day may be a dessert.

REVISIONS TO REQUIREMENTS FOR CHILD PLACING AGENCIES

Below is the time-frame reflecting the most recent legislative revisions to the Licensing Requirements for Child Placing Agencies:

October 15, 2013 Governor approves proposed revisions.

November 1, 2013 Effective date of revisions.

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LICENSING REQUIREMENTS

for

CHILD PLACING AGENCIES



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