

CHILD WELFARE SERVICES

Questions & Answers *for Parents*

OKLAHOMA DEPARTMENT OF HUMAN SERVICES
Child Welfare Services



What are child welfare services?

The Oklahoma Department of Human Services (DHS) is responsible for providing child welfare services. DHS Child Welfare Services focuses on protecting children from harm and helping families through situations that cause their children to be unsafe. DHS child welfare specialists (CWS) are required by law to respond to reports of child abuse and neglect. When a report of abuse or neglect is received, the specialist contacts the family to determine whether children in the family are safe.

How did DHS get my name?

Oklahoma law requires every person to report suspected child abuse or neglect to DHS when he or she believes a child has been abused or neglected by someone responsible for the child. The name of the person reporting the suspected child abuse or neglect is confidential by law, and that is why you will not be told who reported it. Reports of suspected child abuse or neglect may be made anonymously. Anyone may call DHS to request child welfare services.

What happens after a report of suspected child abuse or neglect is received?

Under Oklahoma law, DHS determines what response is required to a report of suspected child abuse or neglect. A child welfare specialist (CWS) is assigned when necessary to conduct an assessment or investigation of the reported allegations. The CWS initiates contact with each child named in the report and talks to members of the household, family and others as necessary to complete the assessment or investigation.

What is the difference between an assessment and an investigation?

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

An investigation is conducted when the referral concerns suspected child abuse or neglect that is serious or could be dangerous, or when there have been previous reports of abuse or neglect. During an investigation, the child welfare specialist (CWS) talks with you and your child separately, when your child is old enough.

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

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

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

What happens after the assessment or investigation?

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

Upon completion of the investigation, a finding for each allegation is determined by the CWS. The potential findings are:

Ruled Out – This finding is made when it is determined that child abuse or neglect has not occurred.

Unsubstantiated – Services Recommended – This finding is made when there is insufficient evidence of child abuse or neglect but it is determined that the family may benefit from prevention and intervention-related services.

Substantiated – Services Recommended – This finding is made when there is some evidence of child abuse or neglect, but it appears the family is willing to accept recommended services on a voluntary basis without the need for court intervention.

Substantiated – Court Intervention Recommended – This finding is made when there is evidence of serious child abuse or neglect. Because the child's health, safety or welfare is threatened, court intervention is recommended.

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

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

DHS refers reports of child abuse and neglect to law enforcement. Oklahoma law requires the child welfare specialist (CWS) to provide a written report of each completed assessment and investigation to the district attorney.

The district attorney decides what happens next and may:

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

Oklahoma law requires that DHS keep a permanent record of every report assessed or investigated. The information is confidential and only released in certain situations, specifically set forth by law.

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

You will receive a letter describing the findings or recommendations that were made at the conclusion of the assessment or investigation. A letter following a completed investigation contains findings about the child abuse or neglect allegation and if it was substantiated, unsubstantiated, or ruled out, along with recommended services, if any. The letter regarding a completed assessment only contains service recommendations.

What if I disagree with the investigation finding?

When the allegations of the investigation are substantiated and there is no court action, you have the right to appeal the substantiated finding. A letter is sent explaining the appeal process and what you do to request an appeal of the substantiated finding.

What kind of help can I get from Child Welfare Services?

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

Can my child be taken away from me?

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

What happens if my child is placed in DHS emergency custody?

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

When may I see my child?

When the child is placed in the DHS emergency custody, the child welfare specialist arranges a time for you to see your child as soon as possible. You are told whether your child is in a shelter, foster home, or with another responsible person, and given information on how your child is doing.

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

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

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

- **Emergency custody hearing:** This hearing is held within two judicial days after your child was removed from his or her home. The purpose of the emergency custody hearing, also called a “show cause” hearing, is for the judge to decide if your child may be released to you or another responsible person. At the hearing, you receive written information about your rights and court procedures.
- **Adjudicatory hearing:** If the district attorney files a deprived petition, another hearing is held called an adjudicatory hearing. This hearing is held whether your child is returned to you or remains in DHS custody after the emergency custody hearing. This is a hearing for a judge to decide if your child is deprived as a result of abuse or neglect. If your child is determined deprived, the child is placed in DHS temporary custody and the the court continues decision-making and planning for your child.
- **Dispositional hearing:** This is a separate hearing from the adjudicatory hearing that may be held on the same day as the adjudicatory hearing or at a later time. At the dispositional hearing, the judge may return your child to you under DHS legal supervision, or keep your child in the temporary custody of DHS, another agency, or person. The court orders a plan that you must follow before your child will be returned to you. This plan helps you solve the problems that caused your child to be determined to be deprived. If you do not follow the court-ordered plan, you could lose all rights to your child.

What will I have to do if the court determines my child is deprived?

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

- Work with your child welfare specialist (CWS) to plan what you must do to solve the problems that caused the court action and to discuss what is in your child's best interests. This plan is called an Individualized Service Plan (ISP).
- Stay in touch with your specialist and notify him or her of any changes such as change of address, job, income, marriage, a new person living in your home, and progress on your ISP.
- Follow the court orders in the time period required.
- Contribute to your child's financial support.
- Regularly visit your child at the scheduled time and place.

What are my rights?

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

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

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

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

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

What happens to my child?

Placement outside the home, when necessary, is usually temporary. The best plan is for you and your child welfare specialist to work together to develop a meaningful plan that meets your child's needs and assists you in correcting the problems that resulted in the filing of a deprived petition.

The final decision regarding the child's placement, in or out of the home, is made by the judge who hears the evidence.

It is important for your child to have a permanent home. The goal is to find ways to return your child home quickly and safely. When this is not possible, court action allows the child to have a permanent home through adoption, guardianship or other living arrangement.

What is termination of parental rights?

Termination of parental rights means the court decided that you no longer have legal rights to your child.

The court may terminate parental rights in certain situations, such as when a parent fails to correct the conditions that led to the deprived finding. Your parental rights to your child may be terminated if you fail to appear for court hearings.

Sometimes parents decide it is in their child's best interest for them to voluntarily give up their parental rights. This is a serious step and should be given careful consideration before a decision is made. Parents should discuss this with their attorney and the child welfare specialist.

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

If you feel that you were not treated fairly by the child welfare specialist (CWS) assigned to your case, or that the specialist is not following DHS policy, an open talk with the specialist may resolve the situation. When you and the specialist cannot solve the problem, you may talk with the assigned supervisor. If you are not satisfied with the supervisor's response, you may talk with the DHS county director. In case you feel the county staff has treated you unfairly, you may contact the area director's office or Child Welfare Services directly.

In certain situations, you may request an administrative fair hearing by contacting the local DHS county office (human services center). The fair hearing process is designed to make sure your rights are protected and you receive certain DHS services.

A grievance procedure is available to resolve issues regarding your child. You may file a grievance on behalf of your child. Neither the fair hearing process nor the grievance procedure applies to court rulings. You may obtain information regarding both of these procedures from your local DHS county office (human services center).

Important Numbers

Child Welfare Specialist:

Name _____

Address _____

Phone number _____

Supervisor:

Name _____

Address _____

Phone number _____

County Director:

Name _____

Address _____

Phone number _____

Area Office:

Address _____

Phone number _____

Child Welfare Services:

Address _____

Phone number _____

Notes



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