

The Rose Project

Redefining Success for Abused & Neglected Children

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Our Shared Belief

We believe foster care should be the most brief period of time necessary to correct the conditions that led to the removal of children from their homes and begin the pursuit of well-being for each family member.

Pursuing Well-Being for Our Children

Well-being is “children’s behavioral, emotional and social functioning-those skills, capacities and characteristics that enable young people to understand and navigate their world in healthy and positive ways.” [ACYF-CB-IM-12-04 \(hhs.gov\)](#)

4 primary domains for measuring well-being:

- Cognitive functioning
 - Physical health and development
 - Behavioral/emotional functioning
 - Social functioning
- (Center for the Study of Social Policy)

*“The purpose of Child Welfare Services is to improve the safety, permanence and **well-being** of children and families involved in the Child Welfare system through collaboration with the families and their community.”*

-OKDHS Child Welfare Mission Statement

Why Focus on Well-Being?

- There is a growing body of evidence indicating that while ensuring safety and achieving permanency are necessary to well-being, they are not sufficient. [ACYF-CB-IM-12-04 \(hhs.gov\)](#)
- A focus on S/E wellbeing can significantly improve outcomes for these children while they are receiving services and after cases have closed. [ACYF-CB-IM-12-04 \(hhs.gov\)](#)
- Addressing SE elements of functioning for children in foster care can improve permanency outcomes. [ACYF-CB-IM-12-04 \(hhs.gov\)](#)
- SE Wellbeing is jeopardized by the conditions that lead to their removal as well as experiences once in care. [Social Emotional WellBeing Newsletter.pdf \(ncsl.org\)](#)
- The longer a child is in placement, the greater the chance they will experience changes in placement, placing them at further risk of placement instability. [Social Emotional WellBeing Newsletter.pdf \(ncsl.org\)](#)

Social and Emotional Well-Being and Mental Health

- Children and youth in foster care with mental health disorders stay in foster care longer, experience more moves in care, have higher involvement with criminal justice system and have poorer educational outcomes.
- 80% of youth involved with CW require mental health intervention and services.
- Children in foster care utilize mental health services at 5 to 8 times the rate of other Medicaid-eligible children.

[Social Emotional WellBeing Newsletter.pdf \(ncsl.org\)](#)

How do we accomplish this vision of OK Foster Care?

Through timely permanency. What defines timely? The fastest PERMANENT resolution as possible!

Stability does not equal permanency.

- A child in a stable, loving foster home does not perceive their situation as permanent. While a child may feel presently safe and secure with trusted foster parents, the lack of ability to successfully see their future creates uncertainty that impacts felt safety.

How Permanency Improves Mental Health Outcomes

- Assessment of safety is a key part of early phases of trauma work.
- Assessment of safety includes present safety (physically, emotionally and relationally)
- When safety is not present or perceived by the client, their internal stress systems are not set up for trauma processing to be successful.
- For some, we can install present safety in a way that is “good enough” to do varying degrees of successful, sufficient treatment.
- For others (often those with chronic, early childhood trauma) increasing felt-safety is a more complex process.

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Social & Financial Impacts on Oklahoma

- 90% of foster children with 5+ placements will enter the justice system.
<https://jlc.org/news/what-foster-care-prison-pipeline>
- There are 26,000 children in Oklahoma who have an incarcerated parent.
<https://oklahoma.gov/content/dam/ok/en/occy/office-of-planning-and-coordination/CIP-Taskforce-Report.pdf>
- Children of incarcerated parents are 70% more likely to become incarcerated.
(“Best Practices Termination of Parental Rights Sub-Committee Report - Judge Mike Warren)
- It costs the State of Oklahoma \$21,000/year to house incarcerated adults.
- The Pew Center on the States estimates the cost to society to pay for medical and mental health services annually is more than \$30,000 for each abused child.
- For children in foster care, mental health expenditures are 8 to 11.5 times greater than the expenditures for other Medicaid eligible children.
[Social Emotional WellBeing Newsletter.pdf \(ncsl.org\)](#)

What's it going to take?

Bills that Increase Clarity

- **We recommend** changes to Oklahoma Children & Juvenile Code - Title 10A:
 - Clearly define the roles of all participants in the Juvenile Deprived Court System and what they need from each other. (Parties include Judges, Court Managers, OKDHS Court Liaisons, Caseworkers, Child's Attorney, Natural Parents, Natural Parents' Attorneys, Community Partners, Service Providers, Foster Parents, Adoptive Parents, and the ADA.) (10A-1-1-502v2)
 - Provide & Clearly define the deadline provided for natural parents to correct the conditions that led to the removal of their children. Currently, Oklahoma Children's Code provides for 15 of 22 months in custody for older children. (10A-1-4-902)
 - Clearly state in court on the record and in Individualized Service Plans (ISPs) the deadline to correct the conditions. With a deadline, parents will know what's expected of them and OKDHS and legal representation can work together with a sense of urgency. (10A-1-4-704)

“Clear is kind.” - Brene Brown

Updating Oklahoma Children & Juvenile Code - Title 10A

- We recommend:
 - New legislation:
 - Expand “safety threat” to include language regarding “emotional, relational and physical safety” (10A-1-4-201)
 - Adding that the safety assessment “identifies if there is imminent threat to the child’s safety in regards to physical, emotional, and relational safety.” And “The safety evaluation can include evidence provided by a licensed mental health professional after their clinical assessment of the child and/or parent.” (10A-1-4-201)
 - When assessing the safety of a child, the Department must document and consider the needs of the child in regards to their mental health and safety when reported by their foster parents, natural parents, mental health providers, or daycare/school professionals. If no action was taken to address those documented concerns, The Department will document why. (10A-1-4-208)
 - Eliminating the Oklahoma constitutional right to a jury trial when terminating parental rights. Removing 10A-1-4-502 and the jury reference in 10A-1-4-505(B)(1).
 - HB1551: Empowers foster parents for the purposes of the child’s best interests.
 - HB3190: Great steps toward timely permanency of children, relieving some of the burden that has historically rested upon OKDHS.
 - Uniform, reliable application and adherence to the Oklahoma Children & Juvenile Code by the county District Attorneys, OKDHS and Judges.

Improved Training for Child and State's Attorneys

ADAs and Public Defenders are only required to complete 6 hours of training related to “juvenile law, child abuse and neglect, foster care and out-of-home placement, domestic violence, behavioral health treatment, and other similar topics.” (10A-1-8-101)

OKDHS caseworkers complete 10-14 weeks of pre-service CORE training. <https://oklahoma.gov/okdhs/library/policy/current/oac-340/chapter-75/subchapter-1/parts-15/new-child-welfare-specialist-development-plan.html>

And foster parents complete 27 hour of pre-service training. <https://oklahoma.gov/okdhs/library/policy/current/oac-340/chapter-75/subchapter-7/parts-2/training-requirements.html>

But there's no uniform, consistent pre-service training required for attorneys representing abused and neglected children and the State of Oklahoma when deciding the future of families.

How can we expect them to do this life-altering job without equipping them to do it?

Tulsa Attorney Becki Murphy reported that she did not feel equipped for her role as a deprived & delinquent court ADA and stated that we as a state do not prioritize the needs of children within our county court budgets. Most training is aimed at criminal and civil courtrooms.

We recommend that uniform pre-service training related to childhood trauma, attachment, and development be required in ALL counties. OKDHS does this well. So can the District Attorneys Council of Oklahoma.

Increased Deprived Court Manpower

The judicial sub-committee, (see attachment), that examined whether Covid-19 was creating a backlog of trials waiting to be heard learned several things:

- It wasn't the pandemic causing the backlog, it was already a massive problem.
- "...the frequency of jury trials is just a symptom of a larger problem...we lack the requisite urgency in achieving timely permanency, and some of our well-intentioned efforts to protect children are, instead, harming them."
- Key courtroom manpower issues:
 - "The lack of sufficient, experienced prosecutors to prepare the cases for trial, and to also be able to maintain their day-to-day case work, with many counties having a part-time ADA..."
 - "The lack of attorneys to represent the parents in these cases at trial and the needed resources for these attorneys to prepare for trial..."
 - And the ADAs may not file the Petition to Terminate when it is ruled necessary because "he or she could only prepare 3, maybe 4 juvenile cases for jury trial on a given docket with his or her additional burden to prepare other matters for jury trial for that docket as well. It was too much to expect."

We recommend that, along with prioritizing the funding of additional deprived and delinquent courtroom ADAs, we train and fund paralegals to support ADAs when preparing for trial.

Greater Collaboration

Presently, there is no means by which attorneys, parents, the Court, OKDHS, foster parents, and service providers can safely share information. Too much is expected from a single caseworker to collect, document, and communicate in any given case. Even with the leaps and bounds made by the Pinnacle Plan, a typical 12-child caseload means:

At least 24 parents and 12 kids with 36 attorneys, a judge, an ADA, sometimes a court manager and an OKDHS court liaison, dozens of service providers, schools and/or daycares, and as many as 12 different foster, group, or hospital placement providers.

We recommend the creation of a secure online portal that shares the responsibility for case management among the group of professionals responsible for the safety and well-being of children.

Uniform Approaches in Timeliness

There is a discrepancy in understanding for when critical points in a case arrive.

The judicial sub-committee examining best practices in terminating parental rights, (see attachment), pointed out:

- OKDHS labels “a case ready for termination at the point in time they determined that Reasonable or Active Efforts to achieve permanency had failed.”
- Whereas, “the judges labeled a case ready for termination at the point the ADA had actually filed the Petition to Terminate and the case was waiting or had been placed on the docket for trial.”

This creates yet another barrier in achieving timely permanency for children.

We recommend policy and/or legislation that clarifies when a case is ready for termination.

What We Specifically Ask of You

Assemble a Senate Interdisciplinary Task Force:

- Participants: Senators, Mental Health Providers, OKDHS Caseworkers, Foster/Adoptive Parents, and Natural Parents
- Goal: Reviewing Oklahoma Children & Juvenile Code and OKDHS Policy to make improvements that include and consider the science of trauma and maltreatment of children, as well as increased clarity in language.

“We aren’t simply protecting children from abuse and neglect; we’re protecting *their only opportunity to develop into a healthy, functioning adult.*”

Best Practices Termination of Parental Rights
(Judicial) Sub-Committee Report

Thank you.

We deeply appreciate your time
and your desire to explore such
an important topic.



Resources

Administration for Children and Families [ACYF-CB-IM-12-04 \(hhs.gov\)](#)

Center for the Study of Social Policy [raising-the-bar-child-welfares-shift-toward-well-being-7-22.pdf \(wordpress.com\)](#)

National Conference of State Legislatures [Social Emotional WellBeing Newsletter.pdf \(ncsl.org\)](#)

Best Practices Termination of Parental Rights Subcommittee Report (printed copy in attachments)

Oklahoma Children & Juvenile Code - Title 10A <https://oksenate.gov/sites/default/files/2019-12/os10A.pdf>

New Child Welfare Specialist Development Plan <https://oklahoma.gov/okdhs/library/policy/current/oac-340/chapter-75/subchapter-1/parts-15/new-child-welfare-specialist-development-plan.html>

Training Requirements (For Foster Parents) <https://oklahoma.gov/okdhs/library/policy/current/oac-340/chapter-75/subchapter-7/parts-2/training-requirements.html>

Social and Emotional Well-Being of Children in Foster Care [Social Emotional WellBeing Newsletter.pdf \(ncsl.org\)](#)

What is the Foster Care-to-Prison Pipeline? <https://ilc.org/news/what-foster-care-prison-pipeline>

Children of Incarcerated Parents Task Force <https://oklahoma.gov/content/dam/ok/en/occy/office-of-planning-and-coordination/CIP-Taskforce-Report.pdf>