

Oklahoma Child Welfare Processes and Procedures

1. **A complaint is filed with the Department of Human Services.**
 - a. Oklahoma law requires every person to report suspected abuse or neglect to DHS. The name of the person reporting the suspected child abuse or neglect is confidential by law. Child abuse and neglect reports are made to the child abuse hotline at 1 800 522 3511.
2. **A DHS child welfare specialist is assigned when necessary to conduct an assessment or investigation of the reported allegation. The CWS initiates contact with each child named in the report and talks to members of the household, family and others necessary to complete the assessment or investigation.**
 - a. **Assessment:** Conducted when the report concerns abuse or neglect that is not a serious and immediate safety threat
 - b. **Investigation:** Conducted when the referral report concerns suspected abuse or neglect that is serious or could be dangerous, or when there have been previous reports of abuse or neglect.
3. **Upon completion of the investigation a finding for each allegation is determined by the CWS. The potential findings are:**
 - a. **Ruled Out:** This finding is made when it is determined that child abuse or neglect has not occurred.
 - b. **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.
 - c. **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.
 - d. **Substantiated – Court Intervention Recommended:** This finding is made when there is evidence of severe child abuse or neglect. Because the child's health, safety or welfare is threatened, court intervention is recommended.
 - e. **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.
4. **DHS refers reports of child abuse and neglect to law enforcement. Oklahoma law requires that child welfare specialist (CSW) to provide a written report of each completed assessment and investigation to the district attorney.**

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5. The district attorney decides what happens next and may:

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

6. The following types of hearings may be held by the court on deprived cases:

- a. **Emergency Custody Hearing:** This hearing is held within two judicial days after the child is removed from his/her home. The purpose of the emergency custody hearing, also called a “show cause” hearing, is for the judge to decide if the child may be released to the family or another responsible person.
- b. **Adjudicatory Hearing:** If the district attorney files a deprived petition, another hearing is held called an adjudicatory hearing. This hearing is held regardless of whether or not the child is returned to the parents or remains in DHS custody after the emergency custody hearing. This is a hearing for the judge to decide if the child is deprived as a result of abuse or neglect. If the child is determined deprived, the child is placed in DHS temporary custody and the court continues decision-making and planning for the child.
- c. **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 the child to the biological parents under DHS legal supervision, or keep the child in the temporary custody of DHS, another agency, or person. The court orders a plan that the parents must follow before the child will be returned to their custody. This plan helps the parents to solve the problems that caused the child to be determined deprived. If the parents do not follow this plan, they could lose rights to the child.
- d. **Review Hearing:** This is a hearing that takes place every 30 to 90 days in which the judge hears updated information from all parties on the case and makes any orders in regards to the case.
- e. **Termination Hearing:** In the event that the parents do not follow the required plan, the court will proceed with the termination of parental rights at a termination hearing.