

**TULSA COUNTY
JUVENILE DIVISION
POLICIES
AND PROCEDURES**

ACKNOWLEDGEMENTS

The creation of the Tulsa County Juvenile Division Policies and Procedures has been a collaborative project of the:

- Tulsa County Juvenile Division Judges Wilma Palmer and Rodney Sparkman;
- Tulsa County Juvenile Division Court Case Managers;
- Tulsa County Juvenile Bureau;
- District Attorney's Office assigned to the Juvenile Division;
- Counsel for children including the Tulsa County Public Defender's Office and Tulsa Lawyers for Children;
- Counsel for parents, including Still She Rises and the court appointed contract lawyers for the Juvenile Division, and,
- Oklahoma Department of Human Services, including its Tulsa Office of General Counsel and Child Support Services staff attorney assigned to the Juvenile Division.

Special thanks to:

Doris L. Fransein, Tulsa County District Court Judge and Chief Judge of the Juvenile Division and Juvenile Bureau who authored this publication; and Catherine O'Leary, Attorney at Law, Editor.

Effective January 1, 2019

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TULSA COUNTY JUVENILE DIVISION POLICIES AND PROCEDURES

PART ONE: GENERAL APPLICATION POLICIES

I. SCOPE AND PURPOSE OF JUVENILE DIVISION POLICIES

A. Policy scope. The Tulsa County Juvenile Court policies will apply to court proceedings involving the following case categories:

1. Deprived child;
2. Delinquent child;
3. Child in Need of Supervision;
4. Minor in Need of Treatment;
5. Minor Protective Orders; and,
6. Juvenile Miscellaneous.

B. Purpose. These policies shall be liberally interpreted and construed to accomplish the following purposes:

1. To preserve families and to treat each child and family fairly and holistically, regardless of how and why they enter the court system;
2. To ensure that the courtroom is a place where all who appear are treated with respect, patience, dignity, courtesy, and as part of the problem-solving process;
3. To encourage and support the development of family-centered and culturally responsive forms of alternative dispute resolution to allow families to craft effective court-sanctioned solutions to the issues that brought them before the court;
4. To ensure the physical, mental, emotional, and educational success of all children under the supervision of the court;
5. To protect the welfare of the community;
6. To ensure timely permanency decisions;
7. To promote communication, collaboration, mutual respect, and cooperation among the parties without sacrificing the constitutional and other legal rights of the child and parents;

8. To ensure competent and adequate representation for each party and to ensure that the child's wishes are presented to and considered by the court; and,
 9. To secure uniformity in procedure, fairness in administration, and promote excellence in court practices.
- C. Current policies supersede prior policies and administrative directives. These policies and procedures supersede all other local rules, policies or directives governing the Juvenile Division in the 14th Judicial District.
- D. Court orders to supplement policies. When a situation or matter arises that is not covered by these policies, all parties shall act in accordance with the orders of the Chief Judge or the assigned judge of the Juvenile Division.
- E. Statutes supersede policies. Insofar as these policies may add to existing statutory provisions relating to the same subject matter, the policies shall be construed to implement the intent and purpose of the Children and Juvenile Codes found in 10A O.S. 1-1-101 et seq. and 10A O.S. 2-1-101 et seq. and Inpatient Mental Health and Substance Abuse Treatment of Minors Act, 43A O.S 5-501 et seq.
- F. Administrative directives. The Chief Judge of the Juvenile Division for the Tulsa County District Court is authorized to enter or rescind all such administrative directives deemed necessary to ensure effective operation of the Juvenile Division and the Tulsa County Juvenile Bureau.

II. GENERAL OPERATION POLICIES

- A. Bailiffs. When calling a case in the courthouse lobby by case name, no indication will be made as to the category of case being called.
- B. Civility. Civil behavior and professionalism will be practiced by all judges, attorneys, court staff and agency personnel, including, but not limited to DHS, Juvenile Bureau, OJA and Tribal representatives ("court team").
1. Civil behavior by parties and participants. The judge shall ensure that the parties to and participants in a court hearing shall treat each other with respect, dignity, courtesy and cultural understanding. Any party or participant who refuses to proceed in this manner may be excused by the judge from participating in the court proceedings.
 2. Client behavior expectations. Attorneys will advise their clients that civility, courtesy, and fair dealing are expected during all court proceedings,

mediations, meetings and other case-related matters involving clients, the court team and others.

- C. Confidentiality in general. Juvenile Court proceedings are confidential and shall not be open to the public except with prior approval of the court. The court retains the sole discretion to determine in each case whether any non-party shall remain in the courtroom. The court shall admonish any non-party in attendance that the names of the parties and any actual or potential identifying information from any case is confidential and shall not be disclosed outside the courtroom.
- D. Media, use of cameras, television or other recording or broadcasting equipment. Responsibility for developing public interest and understanding of the child, the community, and the court must be shared by the court and the news media. News media and judges will work together with confidence in and respect for each other and in accord with the following precepts:
1. Identifying information. News media are welcome to attend Juvenile Court sessions but should not disclose names or identifying data of participants unless authorized by the court.
 2. Official court records. Court records may be inspected only with the consent of the assigned Judge unless prohibited by statute.
 3. Recording of proceedings prohibited. Neither a party nor participant shall be permitted to record any proceeding by audio or visual means.
 - a. Adoption proceedings exception. The use of cameras or other media to record the adoption of child may be permitted by the judge presiding over an adoption proceeding occurring at the Tulsa County Juvenile Division provided, such recordings shall be subject to any all restrictions imposed by the court regarding the particular adoption proceeding.
- E. Courtroom attire for parties, agency employees and participants. All parties, DHS personnel and other non-party service providers or court participants, including foster parents, relatives and kinship individuals are to dress appropriately for court appearances. The following items are not to be worn to court:
1. halter tops
 2. shorts
 3. bathing suits
 4. flip-flops
 5. tank tops
 6. tee-shirts displaying any type of picture, symbol or graphics

- F. Weapons in the juvenile bureau. Only law enforcement officers, federal or state agents who are required to be armed, or authorized court or juvenile bureau personnel may be in possession of a weapon of any kind in the juvenile bureau.

III. GENERAL PRACTICE POLICIES AND PROCEDURES

- A. Time designations. As used in these policies, all time designations shall be calendar days unless specifically designated as judicial days.
- B. Case style: The case style of a pleading or order must contain child’s name, date of birth, case number, case category, assigned docket and the first and last name of the assigned judge. When designating the case category, the phrase “Alleged (case category) Child” is used pre-adjudication and upon adjudication, the word “alleged” shall not be used in the case style.

Post adjudication deprived case style example:

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA – JUVENILE DIVISION

IN THE MATTER OF:)	
)	
LAST NAME: FIRST NAME)	
DOB: _____)	
)	Case No. JD 19__ - _____
Deprived Child.)	Docket ____; Judge First & Last Name.

- C. Case assignment – new case, same child or sibling. The Chief Judge may transfer the assignment of a newly-filed petition to the specific judge with whom the child or a sibling, who is the subject of the petition, is currently a ward of that court.
- D. Communication: Absent exigent circumstances, there shall be no ex parte case communication with the court by counsel, the child’s tribe, Juvenile Bureau, DHS, OJA or another person or agency.
- E. Continuances. A motion or application for continuance may be granted only on a showing of good cause and only for the time shown to be necessary. Stipulations between counsel or parties and convenience of parties are not, in and of themselves, good cause. Absent a court finding of good cause for non-compliance, the request must be filed, and a copy provided to all parties at least seven (7) days before the hearing date and must indicate other party consent or objection to the request.

- F. Court reports – time for submission in JD and JDL proceedings. Court reports, from DHS, Juvenile Bureau intake and probation departments, Office of Juvenile Affairs, CASA, or Guardian ad Litem Attorney-Advocate shall be submitted at least seven (7) days prior to the scheduled hearing. In the event the due date falls on a holiday, reports shall be submitted the next judicial day.
1. Distribution of court reports. Court reports must be distributed to the appropriate Assistant District Attorney, attorneys representing the children, parents and legal guardians of the children, CASA, and Guardian *ad Litem* for a parent or legal guardian when one has been appointed.
 2. Non-compliance with deadlines for submission of court reports. Court reports must be submitted according to the deadlines listed above. Non-compliant individuals will be subject to judicial sanctions as deemed appropriate by the judge.
 3. Include all applicable JDL court numbers on documents filed in JDL cases. Except for the original petition, all additional documents submitted for filing with the court in a Juvenile Delinquency (JDL) case shall contain all JDL file numbers applicable to the subject juvenile.
- G. Emergency orders not involving emergency custody proceedings.
1. Take to assigned judge. Motions or applications for emergency orders are to be presented only to the judge assigned to the case, except:
 - a. Absence of assigned judge. When the assigned judge is absent from the courthouse, the matter may be presented to the Chief Judge of the Juvenile Division.
 - b. Absence of the Chief Judge of the Juvenile Division. When the Chief Judge of the Juvenile Division is absent from the courthouse, the matter is to be presented to the judge designated by the Chief Judge.
 2. Required statement. When presenting a motion or application for an Emergency Order, counsel must include a statement setting forth whether:
 - a. Any opposing party is represented by counsel and, if so, by whom;
 - b. Any opposing party objects to the proposed emergency order, if known; and,
 - c. The person or agency custodian of the child or their counsel has been notified of the motion or application.

H. Entry of orders.

1. Deadline for filing an order. The court may direct the preparation of an order. All orders required by the court to be drafted by a party should be filed within fifteen (15) days following the conclusion of a hearing, but in no event shall an order be entered later than thirty (30) days following the hearing.
2. Order format. All orders will provide for the date the order is signed by the court above the signature line as well as the first and last name of the judge beneath the signature line. For example:

Date signed: _____

FIRST AND LAST NAME OF JUDGE
JUDGE OF THE DISTRICT COURT

3. Order content. Content of the order must comply with the applicable statute and appellate court rulings, including 12 O.S. §696.3, in general and 10A O.S. §1-4-709 for permanent guardianships.
4. Supreme Court uniform orders. The uniform orders required by the Supreme Court will be used to memorialize juvenile court hearings as indicated on the OSCN website at <http://www.oscn.net/UniformOrders/default.aspx>

I. Motion practice.

1. Written motion or oral motion with detailed court minute. A request to the court for an order shall be by written motion or application unless the court permits it to be made orally, during a trial or hearing. The request shall state the grounds upon which it is made, the legal authority relied upon and the relief requested.
 - a. Non-substantive motions. Motions for continuances, time extensions, status conferences, to stay local proceedings pending appellate relief are excepted from this rule.
 - b. Summary adjudication motions. Summary judgment motions will not be considered in juvenile proceedings.
 - c. Disposition of motions. The court may determine a written or oral motion without hearing by issuing a written order citing legal authority that shall be transmitted to the parties and applicable non-parties and filed in the court record. If a hearing is determined to be necessary, attorneys of record shall be provided with notice of the specific hearing date and time.

- J. Pleadings sent by mail for filing. Pleadings or other documents mailed to the court for filing, must contain sufficient copies and a postage pre-paid, self-addressed envelope large enough to accommodate the return of file-stamped copies.

PART TWO: ATTORNEYS AND GUARDIANS AD LITEM

I. POLICIES THAT APPLY TO ATTORNEYS

- A. Appearance of attorneys. Other than court-appointed attorneys, an attorney shall enter a case by written appearance filed with the court. The entry of appearance shall include the name, OBA number and signature of counsel, the name of the party represented, the mailing address, telephone and fax numbers, email address, and name of the law firm, if any.
1. Attorney retained following court appointed representation. When an attorney is privately retained after an attorney has been appointed by the court, the retained attorney shall immediately notify appointed counsel and file with the court his or her Entry of Appearance.
- B. Court appointed counsel (other than by contract or Public Defender) for JDL cases. The Chief Judge of the Juvenile Division shall maintain a master list of attorneys for appointment to JDL cases, with a copy of the master list to be maintained by the Court Clerk's office.
1. Master list of attorneys. The master list of attorneys will contain the names of attorneys eligible to be appointed as counsel or guardian *ad litem* for parents, legal guardians or juveniles.
 2. Removal from master list of attorneys. An attorney who desires to be removed from the qualified court appointed counsel list shall notify the Chief Judge to request removal.
- C. Determining eligibility for court-appointed counsel in delinquency cases. The eligibility of any juvenile for legal representation by an appointed attorney shall be determined in accordance with 19 O.S. 2018, §138.5 and with the guidelines set forth by these policies.
1. Eligibility for appointment: The juvenile's parent(s) or legal guardian shall complete the Pauper's Affidavit. The income of both parents shall be considered in determining whether the juvenile is entitled to appointed counsel. When the juvenile's parents are divorced or living separately, the household income of each parent shall be considered separately.

- a. “Household income” shall include the parent’s income and may include the combined income of the parent and the parent’s spouse when they are living in the same residence.
 - b. Exception: A parent shall not be required to provide legal representation by a non-public defender for a juvenile when the parent is the victim of the alleged offense.
2. Presumptive eligibility. The court may appoint counsel without further inquiry when any of the following conditions exist:
- a. Public assistance. The youth’s parent or legal guardian currently receives public assistance benefits through a state or federal program for indigent persons, such as Food Stamps, Temporary Assistance for Needy Families (TANF), Medicaid, Disability Insurance, or Supplemental Security Income (SSI), or resides in public housing;
 - b. Incarceration. The parent is currently serving a sentence in a correctional institution;
 - c. Jail custody. The parent is being held in custody in jail and has no available funds; or,
 - d. Poverty. The parents’ annual or monthly income is less than 130% of the most current Federal Poverty Guideline.
3. Appellant counsel for indigent parent or legal guardian. The appealing party in a deprived or delinquency case must complete a separate pauper’s affidavit to obtain assignment of a court appointed appellate attorney.
- D. Compensation for court-appointed attorneys. Compensation for court-appointed attorneys’ representation of a party in any juvenile proceeding is sixty-five dollars (\$65) for in-court time and forty-five dollars (\$45) for out-of-court-time.
1. Compensation cap. Compensation shall not exceed one thousand dollars (\$1,000) unless, upon a showing made for the necessity in an extraordinary case, the Chief Judge and the Presiding Judge of the 14th Judicial District determine that the compensation should exceed that amount.
 2. Special assignments. The Chief Judge may make special assignments when necessary for good cause shown.

- E. Court appointed counsel for the child in deprived cases. The court shall appoint the Office of Public Defender (PD) to represent children who are the subjects of deprived cases. In the event of a conflict which causes the PD to be unable to represent a child, the court shall appoint Tulsa Lawyers for Children to represent the child and allow the PD to withdraw from the case.
- F. Competent counsel. Every represented party in a juvenile case proceeding is entitled to competent counsel who has adequate forensic skills and knowledge of the Children's and Juvenile codes and relevant caselaw.
1. Continuing legal education (CLE). Only those attorneys who have annually completed a minimum of six (6) hours of CLE on topics required by 10A O.S. §1-8-101, or who have sufficient recent experience and demonstrated competence in delinquency or deprived child proceedings, may be appointed to represent parties.
- G. Attorney responsibilities. All attorneys are expected to perform in compliance with the law and these policies, including the following responsibilities:
1. Court hearings. Attend and participate in all scheduled hearings, including detention hearings in delinquency matters;
 2. Client communication. Communicate regularly with clients, including clients who are children, regardless of the age of the child or the child's ability to communicate verbally. When communication is prohibited due to the client's age or disability, the attorney shall communicate regularly with the custodian or placement provider for the client;
 - a. Child's attorney. The attorney for the child is not required to assume the responsibilities of a social worker nor perform services for the child that are unrelated to the child's legal representation;
 3. Associated professionals. Communicate with social workers and other professionals associated with the client's case;
 4. Cooperation. Work with other counsel and the court to resolve disputed aspects of a case, when possible, without a contested hearing; and,
 5. Timelines. Adhere to mandated timelines.
- H. Attorney representation for life of case. Unless allowed to withdraw by the court, an attorney who enters an appearance or accepts an appointment in a deprived or delinquency case shall continue to represent the party throughout all stages of the proceedings including but not limited to, detention hearings, reviews, probation violations, permanency hearings, trials, etc., but excluding appeals, for as long as the party continues under the jurisdiction of the court.

- I. Withdrawal of counsel for a party. Counsel for a party may withdraw only with leave of court.
 1. Withdrawal following provisional appointment. Counsel provisionally appointed for a parent at the emergency custody hearing, shall be dismissed at the adjudication hearing if the parent does not appear, does not wish to engage appointed counsel, or has not qualified for court appointed counsel. If the parent subsequently qualifies for appointed counsel, then the court shall consider appointing the attorney originally appointed as provisional counsel to represent the parent.
 2. Lack of contact with client: When the attorney has had no contact or is unable to maintain contact with his or her client, withdrawal from the case may be permitted upon request or other appropriate relief may be granted when advisable due to action or inaction by the attorney's client.
 - a. Acceptance of pleadings: If representation continues in absence of a client, the attorney must accept service of pleadings on behalf of client, EXCEPT attorneys are not required to accept:
 - i. Petitions or motions to terminate parental rights;
 - ii. Post-adjudication petitions; or,
 - iii. Newly filed delinquency petitions.
 3. Good cause. Counsel may be permitted to withdraw at any time for good cause shown as determined by the court.
- J. Attorney withdrawal or substitution of counsel can be based on oral motion, but the order of withdrawal or notice of substitution of counsel must be written, filed and circulated to the court, counsel of record, the parties, DHS, OJA or other agency custodian, and as applicable, CASA and Tribe at least thirty (30) days prior to a pre-trial date if the matter has been set for trial or seven (7) days prior to adjudication, disposition, review, or permanency hearing absent permission otherwise from the assigned Judge.
 1. Notice of attorney withdrawal or substitution of counsel.
 - a. Adult clients are notified of attorney withdrawal or substitution of counsel by hand delivery or first-class mail. The order allowing withdrawal shall notify the unrepresented party that an entry of appearance must be filed by the substitute counsel within thirty (30) days from the date of the order permitting the withdrawal or that the unrepresented party may file with the court clerk a Pauper's Affidavit for consideration of court-appointed counsel.

- b. Child clients are notified of attorney withdrawal or substitution of counsel by verbal contact, hand delivery or first-class mail of the order to agency or person with legal custody of the child and to child client age 12 or older.
- K. Client complaints against court-appointed counsel. When the court receives a complaint regarding attorney performance from an individual represented by court appointed counsel, the court will review and attempt to resolve the complaint after first providing notice and opportunity to respond to the accused attorney before any action is taken by the court regarding the client complaint.

II. **GUARDIAN AD LITEM FOR CHILD'S PARENT OR LEGAL GUARDIAN**

[See, Matter of T.E.B., 2001 OK CIV APP 70, 24 P.3d 900; 12 O.S. § 2017(C)]

- A. Guardian Ad Litem (GAL) Appointment. The court appoints a GAL *sua sponte* or upon the written request of a party to protect the interests of a parent due to minority or a parent or legal guardian due to impairment. The GAL is not a party in the proceeding but is a representative of the party parent or legal guardian.
- B. GAL appointment based on a parent's minority age. A GAL is appointed due to a parent's minority when the parent is under age eighteen (18) and:
 - 1. Is without a parent or legal custodian; or
 - 2. The minor parent's parent or legal custodian is unavailable, incompetent, indifferent to or hostile to the minor parent, or has interests adverse to or in conflict with the interests of the minor parent.
- C. GAL for adult party parent or legal guardian due to impairment. A GAL is appointed due to impairment of an adult party parent or legal guardian (adult party) when the court determines by the preponderance of the evidence that due to impairment, the adult party:
 - 1. Lacks substantial capacity to understand the nature or consequences of the proceedings and to effectively and rationally assist his or her attorney in the preparation of his or her case; and,
 - 2. The appointment of a GAL is necessary to protect the adult party's rights in the proceeding during the period of that party's impairment.
- D. GAL appointment order. The order appointing a GAL will contain the name, date of birth, address, and other contact information of the party whom the GAL is to represent.

1. GAL notice and pleadings: The GAL shall be given notice of all hearings as well copies of all pleadings, orders, and documents filed in the case.
 2. Duration of GAL appointment. The appointment of a GAL continues until the:
 - a. Court terminates the appointment;
 - b. Juvenile deprived proceeding is dismissed or the case is closed;
 - c. Minor parent has attained the age of eighteen (18);
 - d. Adult party parent or legal guardian is no longer impaired, or,
 - d. Parent's parental rights are terminated.
- E. Removal of the GAL. A party to the proceeding or the attorney for the parent or legal guardian for whom the GAL has been appointed may request removal of the guardian ad litem.
1. Mandatory removal. The court shall remove the GAL when the court determines that the party parent or legal guardian no longer lacks substantial capacity either to understand the nature and consequences of the proceeding or to give direction and assistance to the impaired party's attorney on decisions the impaired party must make in the proceeding; or,
 2. Permissive removal. The court may remove the GAL on other grounds as the court deems appropriate.
- F. Withdrawal of guardian ad litem. A GAL may withdraw only with the consent of the court upon good cause shown.
- G. Qualification and eligibility to be a GAL. The following persons may be appointed as GAL for a parent:
1. A relative of the parent who has knowledge of the parent's capabilities and impairments, or,
 2. A licensed attorney in good standing who possesses the following qualifications:
 - a. The attorney is familiar with legal standards relating to competence and impairment, and,
 - b. Has skills and experience in representing persons with mental and/or physical disabilities or impairments.

H. Consultation and decision-making by GAL for a minor parent. The GAL for a parent under eighteen (18) years of age shall:

1. Investigate. The GAL shall conduct an independent investigation to determine the facts relevant to the situation of the minor parent and the family, which, unless specifically excluded by the court, must include: reviewing relevant documents and interviewing parents, caregivers, past and current CWS staff, treatment providers and others relevant to the case;
2. Advocate. Promote the best interests of the parent by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;
3. Contact. Meet with the parent and consider the parent's wishes, as appropriate;
4. Observe. Monitor the best interests of the parent throughout the judicial proceeding; and,
5. Maintain confidentiality. Keep case related information confidential except as permitted by law to promote cooperative solutions that are in the best interests of the minor parent.

I. Consultation and decision-making by GAL for impaired adult party. The GAL for an impaired adult party (parent or legal guardian) shall:

1. Consult with the impaired adult party when the impaired adult party is able, and with that party's attorney and make any other inquiries as are appropriate to assist in making decisions in the juvenile deprived proceedings;
2. Make legal decisions that the impaired adult party would ordinarily make concerning the proceeding including, but not limited to, whether to:
 - a. Admit or deny the allegations of any petition;
 - b. Agree to or contest jurisdiction, determination of a permanency plan, guardianship, or termination of parental rights;
 - c. Agree to or contest specific services or placements;
 - d. Control the litigation and provide direction to the impaired adult party's attorney on the decisions that would ordinarily be made by the impaired adult party in the proceeding; and,
 - e. Inform the court if the impaired adult party no longer needs a GAL.

3. Substitute decision-making by GAL. The GAL shall make decisions consistent with what the GAL believes the impaired adult party would decide if the impaired party did not lack substantial capacity to understand the nature and consequences of the proceeding or give direction or assistance to the impaired party's attorney on decisions the impaired party must make in the proceeding.
4. Attorney for impaired adult party. The impaired adult party's attorney shall follow directions provided by the GAL on decisions that are ordinarily made by the parent or legal guardian in the proceeding. The attorney shall inquire at every critical stage in the proceeding as to whether the impaired party's competence has changed and, when appropriate, request removal of the GAL.
5. Confidentiality. The GAL shall maintain the confidentiality of case related information except as permitted by law to promote cooperative solutions that are in the best interest of the impaired party.

III. GUARDIAN AD LITEM (GAL) FOR OTHER PURPOSES

- A. GAL for the person of a child. For deprived cases see 10A O.S. §1-4-306.B and for CHINS and delinquency cases see 10A O.S. §2-2-301.
- B. Property GAL of an adjudicated child. The court is required to appoint a GAL of the child's estate under circumstances described by 10A O.S. §1-8-108 for deprived cases and 10A O.S. §2-2-802 for CHINS and delinquency cases when necessary to preserve or administer the child's property rights, claims, benefits or entitlements.
- C. Immigration GAL (I-GAL). When a child under the court's jurisdiction is determined to be an undocumented foreign national, an I-GAL may be appointed to act on behalf of the immigration interests of the foreign national child.
 1. Duties of the I-GAL. The I-GAL will provide, or obtain from an attorney or organization with knowledge or experience in immigration matters involving children, those legal services necessary to initiate the process for the undocumented child to obtain lawful status in the U.S.
 2. Non-eligibility to serve as I-GAL. Employees of the district attorney's office, the district court, the juvenile bureau or any public or private agency with duties or responsibilities towards the foreign national child are not eligible to act as an I-GAL for the child.

3. Information access. The I-GAL shall be given full and complete access (including inspection and duplication) to any and all information which concerns, pertains to or is in any manner related to the foreign national child, including but not limited to District Court records, agency records, medical records, school records, law enforcement records, all records pertaining to the subject foreign national child, the child's family, and any other records specified by a court order.
 4. Disclosure of information. All information obtained by the I-GAL may, without further order of the court, be disclosed to any attorney or organization providing legal services to enable the undocumented child to obtain lawful status in the U.S. Information may also be disclosed to the USCIS, the U.S. Department of State and similar entities as the I-GAL may determine is necessary to assist the child in obtaining a lawful status in the U.S.
- D. Paternity challenge GAL. When the court appoints a GAL pursuant to 10 O.S. §7700-608 due to a paternity challenge, the court shall appoint a CASA, when available, to act as the GAL for the child.

VI. TERMINATION OF GUARDIAN AD LITEM DUTIES

The duties and authority of a guardian ad litem (GAL) shall terminate when any of the following occurs:

- A. Withdrawal of the GAL. A GAL appointed for an adult or child may withdraw only with leave of court upon written application;
- B. Removal of the GAL. The GAL shall have no further authority when removed from a case by the court;
- C. Good cause. The court may terminate the appointment of a GAL for good cause shown; or,
- D. Case closure. The authority of a GAL shall terminate upon closure of the case in which the GAL was appointed.

PART THREE: CONFIDENTIAL RECORDS

I. CONFIDENTIALITY OF JUVENILE COURT AND AGENCY RECORDS

- A. Limited use of confidential juvenile court and agency records. All records designated by law to be confidential that are obtained pursuant to the Oklahoma Children's Code, the Juvenile Code, or other state or federal law for discovery purposes in any case shall remain confidential. The use of such records is limited to the purposes for which disclosure is authorized by the court presiding over that matter. Disclosure or use of the information in any manner other than in the prosecution or defense of the particular litigation for which the records were obtained is legally prohibited.
1. Exceptions. The rule of non-disclosure of confidential records does not apply to:
 - a. Court reporters recording testimony at the trial in the litigation; or,
 - b. Counsel for other parties in the case, or their employees, consultants, or experts, when engaged in a cooperative defense or prosecution of the case.
 2. Duration of protective order. The provisions of the Protective Order will continue in effect after the conclusion of the legal action for which the confidential records were obtained. At the conclusion of that action the court may order the destruction of the released records.
- B. Disclosure of juvenile court records. Juvenile court records may be inspected and disclosed with or without a court order to individuals in accord with the following procedures
1. Disclosure without a court order. Requests by individuals entitled to disclosure without court order per 10A O.S. §1-6-103 and 10A §2-6-105 shall be required to complete a written request for records. Request forms will be provided by the Juvenile Division Court Clerk's Office.
 - a. Credentials. The requestor must provide to the employee of the Court Clerk or Juvenile Bureau Intake Division a showing of proper credentials, e.g., current driver's license, state photo identification card, employment-related identification card with photo.
 - b. Redaction of other party information. In deprived cases, the court file should be provided to a judge for determination whether the names and information regarding another child or party should be redacted as a condition of granting access or copies of the record. The judge may prohibit disclosure where redaction is not possible or practical.

- c. Court clerk acknowledgment. The court clerk must provide written acknowledgment that the requesting individual is or is not entitled by law to inspect the requested court records, document what identification was provided, and what records were copied and provided, if any. The request and court clerk acknowledgment shall be filed in the relevant court file(s) in which disclosure was permitted.
 - d. Faxed or mailed request. The court record may be released by the court clerk upon receipt of a written faxed or mailed request submitted on professional letterhead with evidence of proper credentials, e.g., employment-related identification with photo, current driver's license, state photo identification card. The request must set forth the professional capacity of the requestor and the intended purpose for or use of the records. The court clerk shall complete the court clerk Acknowledgment and file the written request with the Acknowledgment in the relevant court file(s) for which disclosure was permitted.
2. Disclosure of court records by court order. Individuals not entitled to records disclosure without a court order shall be required to complete a written Application for Inspection, Release or Disclosure of Juvenile Court Records.
- a. JD court records. When the records application pertains to an open deprived case, the assigned judge shall preside over the records hearing and determine what if any records should be inspected, released or disclosed to the requestor in accord with 10A O.S. §1-6-102.E. Otherwise, the records application will be set and heard by the Chief Judge of the Juvenile Division for the Tulsa County District Court or designee.
 - b. JDL court records. A judge assigned to a delinquency docket within the Juvenile Division must first determine whether the requested juvenile records are confidential pursuant to 10A O.S. §2-6-102(C). If so, the judge shall issue an order approving the request, approving the request with modifications or denying the request.
 - c. Records hearing. Requests for disclosure of juvenile court records that are subject to confidentiality requirements shall be set for hearing.
 - d. Judicial review of records. The judge must review the court records *in camera* and find that a compelling reason exists, and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest. A written order shall be entered and filed in the relevant court file(s) for which disclosure was permitted or denied.
 - e. Protective order. When the court orders the release of confidential records, the court may set out the terms and restrictions for the release

per the terms of a protective order and shall direct, as applicable, DHS, OJA or a designated employee with the Juvenile Bureau to provide the court authorized information to the requestor.

4. Restricted use. Under no circumstances are individuals who are authorized by statute or court order to inspection and disclosure of juvenile court records entitled to obtain or use information for purposes unrelated to the purposes for which disclosure is permitted by applicable law or court order. This prohibition shall include information obtained through records research and review of court minutes and records scanned in OCIS.
5. Records subpoenas not valid. Pursuant to 10A O.S. §1-6-102.C and 10A O.S. §2-6-102.F, neither a subpoena nor a subpoena duces tecum will be recognized as valid for the release of confidential juvenile court records.

II. SOCIAL RECORDS USE AND DISTRIBUTION PROTOCOLS

- A. Deprived case social records protocol. The following protocol will govern the use, distribution and the court filing of social records.
 1. Social records defined. Per 10A O.S. 1-6-101 "social records" are defined as "family social histories, medical reports, psychological and psychiatric evaluations or assessments, clinical or other treatment reports, education records, or home studies, even if attached to court reports prepared by DHS."
 2. Social records vs. progress reports. Treatment plans by therapeutic foster care agencies and specific child therapist reports are intended to fall within the definition of "social records." This statutory provision, however, does not affect the submission of these records as evidence in trial, if admissible pursuant to the rules of evidence. Progress reports include general reports to the court completed by social service providers regarding progress in parenting classes, substance abuse treatment, supervised visitations, anger management and domestic violence groups and are not considered to be "social records".
 3. Social records are not filed in the court record unless ordered by the court, then are filed "under seal" in confidential envelopes. When ordered by the court to be filed, the social records are placed in confidential envelopes in the court file and may only be accessed by the person who is the subject of the records, or attorney for such person per 10A O.S. §1-6-106.
 4. "Two file" court record. 10A O.S. §1-6-101 defines "legal record" as any petition, docket, motion, etc., other than social records, filed with the court. Thus, the statute has created a "two file" system within a court record that includes legal records and social records.

5. Access to social records held by DHS or filed under seal. Access to the child's "legal file" containing pleadings, orders and formal court reports may be had as allowed by law, however, access to "social records" which may be held by the Department or placed in the court file under seal (confidential envelopes) are not accessible to others, except as may be provided by 10A O.S. §1-6-102.E or 10A O.S. §1-6-103.
 - a. Social records access by the subject of the social records. Any party or attorney for a party who is the subject of a social record who desires access to the record, whether sealed in the court file or held by DHS shall make such request in writing to the court and must receive the written authorization by the court before access shall be allowed by the court clerk or DHS.
6. Distribution of social records. As necessary and relevant, social records shall continue to be submitted to the court, who, in turn, will distribute to legal counsel for some or all the parties, the tribal representative, DHS and CASA for consideration in any hearing provided for by the Oklahoma Children's Code. The records are not provided to any other participant to the hearing absent an order of the court.
7. Disposition of social records at conclusion of hearing. Upon conclusion of a hearing involving social records, the court shall determine whether the social records should be filed with the court under seal or given to DHS to retain as a "social record." The court may, if in the best interests of the child, require the parties and/or attorneys to return all copies of the social record to the court at the conclusion of the hearing or at the conclusion of the party's participation in the case. If the record is returned to the Department, the record shall be labeled by the court stating the date and case number in which the record was presented and considered by the court.
8. Procedure to file a social record "under seal". If a social record is filed under seal, the record shall be placed in an envelope, marked as "CONFIDENTIAL" and sealed. The contents of the envelope should be marked with a brief description, e.g., "Jane Doe's psychological evaluation report completed January 5, 2019 by Dr. John Smith."
9. Social records are not attached to court reports prepared by the Department, CASA or Tribe. Social records obtained by an agency or Tribe in connection with a deprived case shall be maintained separately from "agency records" such as court reports and shall not be disseminated without a written court order.

- B. Juvenile Code social records protocol. The following protocol will govern the use, distribution and the court filing of social records in non-deprived cases.
1. Social records. Social records as defined in 10A OS §2-6-101(8), shall be secured in a sealed envelope marked “confidential” before being placed in the court file pursuant to a court order, and may only be accessed by the attorney for the subject of the social records unless previously distributed to any of the parties during the proceedings per 10A O.S. §2-6-103.
 - a. Further disclosure prohibited. Social records shall not be further disclosed without a hearing having been conducted by the court.
- C. Social records disclosure prohibitions. Unless the court orders otherwise, attorneys and their agents are prohibited from allowing their clients to review, read or otherwise examine the behavioral health records of another respondent, including but not limited to psychiatric evaluations or assessments and like documents.

PART FOUR: DISCOVERY

I. GENERAL DISCOVERY PROCEDURES FOR DEPRIVED CASES

- A. Discovery code and district court rules. Neither the Oklahoma Discovery Code nor the Rules for District Courts of Oklahoma apply to juvenile proceedings except as provided by 10A O.S. §1-4-101.
1. Formal discovery procedures. Only after all informal means have been exhausted may a party move the court for discovery. Any noticed motion shall state the relevancy and materiality of the information sought and the reasons why informal discovery was not adequate to secure that information. The motion shall be served on all parties at least five (5) judicial days before the hearing date. The date for the hearing shall be obtained from the appropriate minute clerk or court case manager (CCM). Any response shall be filed and served two (2) judicial days prior to the hearing. A copy shall be served on the court before whom the matter is scheduled to be heard.
 2. Non-permitted discovery. There shall be no depositions, requests for production of documents, interrogatories, or other similar types of civil discovery without prior approval of the court upon noticed motion. Requests for admissions will not be permitted.

- B. Pre-hearing discovery. Pre-hearing discovery shall be conducted informally and must be liberally construed in favor of mandatory disclosures. Except as protected by privilege, work product or other good cause not to disclose specific material or information, all relevant material or material leading to relevant evidence shall be disclosed in a timely manner to all parties to the litigation.
1. District Attorney within 10 days of request: The assessment and investigation records of the Department of Human Services (DHS) shall be provided with the following redactions or omissions:
 - a. All information that identifies the reporter of alleged child abuse or neglect;
 - b. All addresses, telephone numbers, dates of birth and social security numbers of individuals contained in the DHS or other confidential records; and,
 - c. All work product information.
 2. All parties within 10 days of request or per scheduling order, whichever is later:
 - a. Witness names, addresses and expected testimony. The names and last known addresses of each witness to the occurrence that forms the basis of the underlying allegations or defense along with the names and contact information of any witnesses any party may call and a detailed description of the expected testimony;
 - b. Statements made by any party or witness. Copies of any statements made by any party or witness, including transcriptions, recordings, and summaries of any oral statements of any party or witness, except the work product of counsel;
 - c. Medical reports. Any medical or other reports that a party intends to introduce at the hearing or that pertain to physical evidence that a party intends to introduce at trial;
 - d. Photographs and physical evidence. Photographs and any physical evidence which a party intends to introduce at the hearing;
 - e. Favorable evidence. All other evidence favorable to the requesting party and relevant to the subject matter involved in the pending action.
 - f. Exhibits. Any exhibit any party intends to introduce at trial; and,

- g. Other. Any other relevant material and information within the party's possession or control.
- C. Later discovered matter subject to disclosure. When following compliance with required discovery, a party discovers additional material or information subject to disclosure, the party must promptly notify counsel and unrepresented parties and produce the additional matter.

II. GENERAL DISCOVERY PROCEDURES FOR DELINQUENCY AND CHINS CASES

- A. Delinquency and CHINS proceedings: The ADA shall make available to the respondent's counsel all exculpatory evidence, known or that may become known to the ADA, favorable to the respondent and material either to adjudication or disposition without the need for a formal discovery request.
- B. Pre-trial discovery hearing. The court shall conduct a pre-trial discovery hearing to ensure that discovery is complete.

III. EXPERT WITNESSES

- A. Expert witness identification and contact information. The name of each expert witness and address where the expert witness may be located, along with phone, fax and email information will be provided to all counsel by the party proffering the expert witness testimony.
- B. Testimony, expert qualifications and publications. The party who expects to call the expert witness shall disclose:
 - 1. Substance of testimony. The expected subject matter, the substance of the facts and opinions about which the expert is expected to testify along with a summary of the grounds for each opinion;
 - 2. Qualifications. The qualifications of each expert witness, including a list of all publications authored by the expert witness within the preceding ten (10) years; compensation for testimony, if any.
 - 3. Underlying facts and data. Pursuant to 12 O.S. §2705, the underlying facts and data utilized by the expert witness in reaching an opinion is not required to be disclosed other than in cross-examination.

IV. DISCOVERY ORDERS, DISPUTES, LIMITATIONS AND SANCTIONS

- A. Discovery disputes. Attorneys must meet and confer and attempt to resolve all discovery disputes informally. Only after all informal means have been exhausted may a party file a discovery motion.
- B. Order granting discovery: limitations; sanctions. When a request for discovery is refused, a motion may be made to the court for an order compelling production of the refused discovery. An order granting discovery may require such discovery to be reciprocal for all parties to the proceeding.
 - 1. Discovery limitations. The court may deny, in whole or part, or otherwise limit or set conditions on the discovery authorized by these policies, upon its own motion, or upon a showing by a party upon whom a request for discovery is made that granting discovery may jeopardize the safety of a party, witness, or confidential informant, result in the production of perjured testimony or evidence, endanger the existence of physical evidence, violate a privileged communication, or impede the criminal prosecution of a minor as an adult or of an adult charged with an offense arising from the same transaction or occurrence.
 - 2. Sanctions for non-compliance. If at any time during the proceedings it is brought to the attention of the court that a person has failed to comply with a discovery order, the court may grant a continuance, prohibit the person from introducing into evidence the material not disclosed, or enter such other order deemed necessary under the circumstances.

PART FIVE: DEPRIVED CHILD

I. PROCEDURES THAT APPLY TO ALL DEPRIVED CASES

- A. Conduct of hearings. Per 10A O.S. §1-4-503, all adjudication and termination of parental rights hearings shall be conducted according to the rules of evidence. All other hearings and proceedings conducted pursuant to the Oklahoma Children's Code shall be informal and the rules of evidence shall not apply.
 - 1. Scheduling order, status and settlement conferences, mediation. The court may in its discretion enter a scheduling order, conduct status and settlement conferences, and order mediation as needed during deprived proceedings. The scheduling order will control the exchange of pre-trial discovery between the parties and provide deadlines for dispositive pre-trial and trial motions and the pre-trial conference.

2. Court hearing orders provided to parent or legal guardian. A parent or legal guardian who is a party to a deprived proceeding will be provided a written copy of the court's order at the conclusion of the emergency (show cause), adjudication, disposition, review and permanency hearings.
- B. Testimony by a party or witness. Testimony will occur in the courtroom unless leave of court is obtained to secure testimony of parties or witnesses remotely located or confined.
1. Appearance by telecommunication. If authorized by the court, any proceeding may be conducted via teleconference communication described in sub-part B.2 below; provided, that when a parent, legal guardian or child appears for a proceeding via teleconference communication, the attorney representing that party shall personally appear at the hearing. [10A O.S. §1-4-503]
 2. Standards applying to parties or witnesses who appear remotely. The following standards apply to the remote participation or court appearance of any party or witness by telephone, videoconference, or other digital or electronic means authorized by law.
 - a. Real time participation. The party appearing for hearing by digital or electronic means should participate in real time, with no delay in aural or, if any, visual transmission or reception;
 - b. Identity of parties and audibility. Statements of the participants must be audible to all other participants and court staff and the statements made by a participant must be identified as being made by that participant;
 - c. Confidentiality of proceedings. The proceedings must remain confidential as required by law;
 - d. Attorney communication by remote party. The party appearing by telephone must be able to communicate confidentially with his or her attorney during the proceeding.
- C. Court attendance by children in DHS custody. All children who have been adjudicated to be deprived are entitled to attend court proceedings and it is important that children, including infants, appear in court so the court can observe the interaction between the caregiver and child and observe the child's development and health.
1. Notice of right to attend hearing. All children shall be told of his/her right to attend court hearings by DHS or the child's attorney. For children over the age of twelve (12), the child's attorney shall make reasonable efforts to give

- the child verbal notice of the child's right to attend all hearings and most particularly, permanency hearings.
2. Arrangements for court appearances. When a child expresses a desire to attend a court proceeding, DHS and the child's attorney shall consult with each other and ensure that appropriate arrangements are made for the child's court appearance.
 3. Court appearance excused. The child's court appearance may be excused for any of the following reasons:
 - a. The child declines to attend;
 - b. The child is in foster care out of county or out of state and transportation is unable to be reasonably arranged;
 - c. The child's physical, developmental, or mental disability prevents the child from appearing.
 - d. The appearance in court will likely exacerbate the child's trauma associated symptoms and therefore will not be in the child's best interests; or,
 - e. Other compelling reason.
 4. Non-appearance noted in the court record. Counsel for the child shall advise the court the reason(s) why the court should excuse the child's appearance and the court shall note on the record the reasons for the child's non-appearance.
- D. Exclusion of parties or participants from hearings. The court may exclude from any hearing any party or participant, other than a GAL or counsel for any party or participant, only when it is in the best interests of the child to do so or the person engages in conduct that disrupts the court. The exclusion of any party or participant from a hearing shall be noted on the record and the reason for the exclusion given. The exclusion of any party or participant shall not prevent the court from proceeding with the hearing or issuing a decision.
- E. Trial exhibits. Copies of all exhibits to be offered at trial must be marked by number and exchanged with opposing counsel twenty (20) days prior to the pre-trial conference, if one has been scheduled. If not, no later than twenty (20) days prior to the trial. All documentary/photographic exhibits offered or used at trial must be in a binder or notebook in compliance with the Oklahoma Supreme Court Rules for Appeals (Rule 1.33).

F. Journal entries, orders and decrees.

1. Termination of parental rights (TPR) orders. Orders terminating parental rights must contain, in part:
 - a. Child information. The correct name and date of birth of each child;
 - b. Parent information. The correct name of the parent whose rights have been terminated;
 - c. Statutory grounds for TPR. The specific statutory basis by which parental rights were terminated;
 - c. Conditions that were not corrected currently and previously. When applicable, the specific conditions the parent failed to correct in previous termination of parental rights proceedings and currently;
 - d. Best interest finding. The finding by clear and convincing evidence that TPR is in the best interest of the child; and,
 - e. ICWA expert witness testimony and ICWA findings. When ICWA applies, the expert witness is identified in the order which also must contain the requisite finding that, based on evidence beyond a reasonable doubt, a return of the child to the Indian parent or custodian will likely result in serious emotional or physical harm to the child.
2. Approval of non-uniform orders. Non-uniform orders created by counsel following TPR, guardianship or a contested proceeding must be signed and approved by counsel and unrepresented parties as to form and content prior to submission to the court for approval, unless otherwise ordered by the court.
3. Settlement of journal entry, order or decree. The party not approving an order shall submit in writing his specific objections to the proposed order prior to the hearing on settlement or the order.

G. Permanency mediation.

1. Training requirements. Permanency mediators shall be trained and certified in compliance with the rules and regulations set forth by the Administrative Office of the Oklahoma Supreme Court.
2. Permanency mediation. All parties and their attorneys, as well as court designated non-parties, shall attend court-ordered mediation. Other individuals whose input may be helpful may be invited to the mediation session by the parties or attorneys, however, these individuals may

participate in the session only if agreed upon by the mediator, the parties, their attorneys, or as ordered by the court.

- a. Non-attendance. Parties or attorneys who fail to attend a court ordered mediation session may face contempt of court or other court imposed sanctions.

II. PATERNITY AND CHILD SUPPORT

- A. Trial reunification and duration of child support. When a parent enters trial reunification, that parent's child support obligation for each child being reunited will be suspended beginning the first day of the month following the effective date of trial reunification with the obligor parent as to each child named in the parent's child support or modification order.
 1. When support is ordered at a "per child" rate, the child support will be suspended for each child based on when the child is reunited with the obligor parent when trial reunification does not begin at the same time with every child named in the order.
 2. When trial reunification is unsuccessful resulting in a child's removal from the obligor parent's physical custody, the child support obligation will be automatically reinstated beginning the first day of the month following the termination of trial reunification, or as otherwise ordered by the court.
- B. Case dismissal and duration of child support in reunification cases. Upon **case dismissal**, due to successful trial reunification where the child(ren) named in the order are returned to the parent(s), the court will equate dismissal of the deprived case with termination of the child support obligation as to the parent(s) and the child(ren) who were reunified, provided:
 1. Custody of each child named in the case was returned to the parent(s);
 2. Custody of one or more (but not all) of the children named in the order are returned to the parent(s) and the parent is not legally obligated to pay child support for the remaining child(ren), or,
 3. Custody of one or more (but not all) of the child(ren) named in the order were returned to the parent and a separate modification order for support is entered for any remaining child not returned to the parent.
- C. Entry of child support orders. Child Support Services (CSS) may submit child support orders, as directed by the court, after hearing dates when CSS could not physically be present. When such orders are presented by CSS, the court will waive the signatures of the parties in attendance and will not require CSS to obtain those signatures prior to signing the proffered order(s).

- D. Title 10A guardianship and deferring jurisdiction. When a Title 10A guardianship is established, jurisdiction for child support establishment and enforcement shall be deferred to CSS for future action in the appropriate administrative or district court.

III. EMERGENCY CUSTODY PROCEEDINGS

- A. Ex parte emergency custody order. Pursuant to 10A O.S. §1-4-201.A.2, the preparation and presentation of the application and proposed order to place a child in emergency custody is the sole responsibility of the ADA. The application must state sufficient facts for removal and may be supported by a sworn affidavit prepared by DHS. Prior to the presentation of the application to the court, DHS and the ADA shall consult as to the sufficiency of the facts indicating an imminent safety threat to the child as well as what reasonable/active efforts were taken to prevent the emergency removal of the child.
1. When emergency is during business hours. Following consultation with DHS, the ADA shall present the information to the judge for approval of the emergency order and scheduling of the emergency (show cause) hearing. DHS may accompany the ADA and supplement the information provided to the court but shall not be the sole presenter of information to the court.
 2. When emergency is not during business hours. Following consultation between DHS and the ADA regarding the need for an emergency order, the ADA communicates with the judge to obtain the verbal emergency order. When possible, DHS will be on the call with the ADA, via cell phone conference call or other means, but not be the sole presenter of information to the court.
- B. Emergency custody hearing procedures.
1. Provisional attorney appointments at show cause. The court shall appoint counsel for the child and provisionally appoint counsel for the parents/legal guardian of the child at the time an ex parte emergency order is entered, and counsel shall appear at the emergency custody hearing.
 2. Contact information. Counsel for the parent/legal guardian shall ensure that the client completes the information form on relatives as well as the Pauper's Affidavit. The child's attorney shall be provided with contact information for the child.
 3. Stipulation or uncontested hearing. The emergency custody (show cause) hearing cannot be waived, however, the parties can stipulate to the facts of the reasonable suspicion that resulted in the child's removal or that the

parties are not contesting the need for the child to remain in emergency custody.

4. Presence of parties and participants. The ADA, parents, legal guardians, and PD or child's attorney, attorney for parents, if possible, and DHS are present. The child's current placement provider, custodial parent of a sibling of the child, adult relatives and non-relative kin of the child and tribal representatives are urged to participate in the proceedings.

C. Information needed at every emergency (show cause) hearing.

1. Parents and/or guardians.
 - a. Identity and location of each child's parents and/or guardian;
 - b. Efforts made to identify and locate fathers or absent parents;
 - c. Whether paternity has been legally established.
2. Jurisdiction. Application of UCCJEA or other federal and state law related to the court's jurisdiction over the parties to the case.
3. Indian Child Welfare Act (ICWA). Compliance with ICWA required notice, identification of extended family, and active efforts made to prevent removal.
4. Threshold for removal.
 - a. Evidence. What case-specific evidence supports the reasonable suspicion for imminent threat of harm?
 - b. Reasonable/active efforts. What specific reasonable efforts (or active efforts when ICWA applies) were made to prevent removal, or alternatively, specify why DHS is not required to make such efforts?
 - c. Immediate safety threats. What immediate safety threats prevent placement with a parent?
 - d. Placement at home. Whether reasonable options exist to allow the child to remain at home including the removal or addition of any person from or into the home.
 - e. Services that would allow child to remain at home. Identification of services rationally related to the safety threat that were considered and offered to allow the child to remain home.

- f. Outcome of pre-hearing conferences or meetings. Whether any pre-hearing conferences, including child safety meetings or family group conferences, were conducted that included the family and their outcome.
5. Placement:
- a. Safe parent. Is there a safe parent available who can assume custody of the child?
 - b. Family or kinship placement. Is there a family or non-relative kinship placement available?
 - c. Child placement desire. With whom does the child desire to be placed if going home is not an option?
 - d. Parent desire for child placement. With whom does the parent desire the child to be placed if going home is not an option?
 - e. Visitation. Do the terms of the family visitation match the safety concerns?
 - f. Siblings. If the siblings are not placed together, describe efforts made to place the siblings together as well as documentation that joint placement would be contrary to the safety or well-being of any sibling.
6. Child's school district. Is the placement in proximity to the child's educational setting or does it support educational continuity?
7. Child's needs. What are the child's medical, emotional and developmental needs?
8. Human trafficking. Is the child a victim of human trafficking or at risk of becoming a victim of human trafficking and does the caregiver have the necessary support and training to help the child?
9. Residency and citizenship. Is the child a resident of Oklahoma? Is the child a U.S. citizen?
- D. Post-petition ex parte emergency order. When requesting an ex parte emergency order involving open case, the procedures pursuant to 10A O.S. §1-4-807.1 are followed to the extent possible.

IV. PETITION [10A O.S. §1-4-301]

- A. Service of summons and petition. Service of summons and petition shall comply with 12 O.S. §2004.
1. Open court service. A party may be formally served with a summons and petition by designated Juvenile Bureau employees pursuant to 10A O.S. §2-4-105.B or a party may make a voluntary court appearance pursuant to 12 OS §2004.C.5.
 2. Continuing duty by State to identify and locate unserved parent. Until the closure of the deprived case, the State has a continuing duty to identify, locate and serve each parent and, when applicable, legal guardian of each child who is the subject of a deprived case.
 3. Request for counsel deemed a general appearance. A request by a parent or legal guardian for legal counsel shall be deemed a general appearance for purposes of service of the summons and petition.
- B. Amendment of petition or motion that requires leave of court. When counsel desires to file an amended petition, amended post-adjudication petition or amended motion for the termination of parental rights within seven (7) days prior to the hearing thereby requiring leave of court pursuant to 10A O.S. §1-4-302.B, counsel must advise the court of:
1. The nature of the new matter or amendment;
 2. The current status of the case and next scheduled hearing date;
 3. Whether opposing counsel has been contacted, and if not, why not; and,
 4. Whether opposing counsel objects to the amended petition or motion.
- C. Pre-Adjudication conference. May be requested by counsel for any party to discuss emergency custody, identification of relatives, child well-being, resolution of concerns issues related to the allegations of the petition or similar issues. All counsel, DHS and the child's Tribe must attend.
1. Immunity. Any statement made at the pre-adjudication conference by the parent/legal guardian or counsel regarding the allegations of the petition shall not be admissible in any trial regarding the child's adjudication or termination of parental rights substantively or for the purposes of impeachment.

V. ADJUDICATION HEARING

- A. Adjudication of petition allegations. Unless the facts are stipulated, the court must conduct a non-jury trial in order to adjudicate the allegations of the petition.
1. Non-jury trial stipulations by an offer of proof: The state shall provide either a written or oral proffer on the record of each witness's testimony, together with any exhibits to substantiate the allegations contained in the petition. Merely reading the petition into the record shall be insufficient.
 2. Stipulation by a party. A stipulation by the child's parent or legal guardian that the facts alleged in the petition are true and correct shall be in writing if the allegations have been amended by the agreement of the parties.
 - a. Party approval. Written stipulations must be approved by the parties prior to submission to the court.
 3. Expert witness stipulations when ICWA applies: The parties are permitted to stipulate to a legally sufficient affidavit of a qualified expert witness as required by ICWA.

VI. DISPOSITION HEARING [10A O.S. §1-4-707]

- A. Individualized Service Plan (ISP) prepared by DHS. [10A O.S. §1-4-704]
1. Time for submission: The ISP for each parent and/or legal guardian and each child is submitted by DHS to the court and counsel seven (7) days before the disposition hearing.
 2. Visitation plan. The ISP must include a proposed family visitation schedule with parents, extended family, and siblings if not placed together with documentation of why siblings were separated per 10A O.S. §1-4-704.E. A clear explanation of the need for supervision shall be provided as well as proposed supervisors.
 3. Verification of referrals for services. Within seven (7) days of a request, DHS shall verify that referrals for services have been made on behalf of child in custody, the child's parents or legal guardian by providing a copy of the fax receipt or other referral evidence to the applicable court case manager (CCM).
 4. Placement. A description of DHS efforts made to avoid the need for out-of-home placement and, when applicable, an explanation why efforts were not successful.

5. Relative placement contacts. Identification of relative and non-relative kin who have been contacted about providing a foster home for each child and, when applicable, an explanation as to why the placement is not appropriate.
- B. Redisposition. A motion for redisposition may be filed when the State determines a more restrictive or less restrictive level of temporary legal custody is needed.
1. Hearing. If disputed by any party or by DHS, the hearing on motion for redisposition must be set for hearing within fifteen (15) days of the filing date, otherwise an agreed-to order may be entered *instanter*.
- C. ADA & DHS conference at 12-month permanency hearing. [10A O.S. §1-4-801]
1. When. The conference is held no later than thirty (30) days prior to the 12-month permanency hearing.
 2. Purpose. ADA and DHS brief each other on the current status of the case, including parental progress on ISP when reunification is the permanency plan, or steps and time needed to achieve permanency plan of adoption, guardianship or, when the child is age 16 or older, a planned alternative permanent placement. Other parties and participants should be contacted to submit information relevant to the recommendations that will be submitted to the court.
- D. Optional permanency meeting/conference 90 days after disposition. Although it is recognized that best practices dictate frequent court-conducted reviews, the following alternatives to review hearings are permitted:
1. Case staffings. Staffings that are facilitated by the CCMs wherein all parties and counsel, DHS, CASA, and the tribal representatives are present. Service providers and foster parents may attend if deemed necessary by the CCM or the court. Participation by telephone conference is permitted if a party is unable to attend in person.
 2. Interim DHS reports. Comprehensive DHS written reports that are received and circulated by the CCM to all parties' legal counsel for review, approval, or dispute.
 3. Content. Topics to be addressed at the staffing or in the DHS report are:
 - a. Safety. The ongoing safety concerns of the child and the reasons why continued out-of-home placement is necessary;
 - b. Placement. The appropriateness of the current placement;

- c. Reunification efforts. The reasonable or active efforts made by DHS to effect the safe reunification of the child and family and outcome of those efforts;
 - d. ISP compliance. The extent of parental and DHS compliance with the ISP;
 - e. Services clarification or modification. Whether the services set forth in the ISP need to be clarified or modified due to the receipt of additional information or changed circumstances;
 - f. Parent/legal guardian progress. The extent of the progress that has been made toward alleviating or mitigating the reasons the child was placed in foster care; and,
 - g. Permanency achievement date. The likely date by which the child may be returned home or placed for adoption, guardianship, or a planned alternative permanent placement.
4. Written plan. Within seven (7) days after the conclusion of the case staffing or receipt of the DHS interim report, the CCM will provide written documentation reflecting the recommendations made and agreed to by the parties and participants. The written agreement will be circulated for review to the court and all parties not present for the meeting.
 5. Court order. Unless an objection is filed with the CCM within seven (7) judicial days after the receipt of the report or conclusion of the staffing, the written agreement will become the order of the court and filed in the case.

E. Assessment of Child Safety (AOCS).

1. Unsupervised visits: The AOCS must be completed by DHS and presented to the court, counsel, and when applicable, CASA, and the child's Tribe within five (5) judicial days before an unsupervised visit, including an overnight visit, weekend visit or a visit of longer duration can be authorized. Unless otherwise directed by the court, all unsupervised visits must be pre-authorized by the court.
2. Trial reunification (TR). The AOCS is completed by DHS and presented to the court, counsel, and when applicable, CASA, and the child's Tribe, prior to court authorization for TR to begin and end on a date certain not to exceed six (6) months, except as provided by 10A O.S. §1-4-806.

VII. TERMINATION OF PARENTAL RIGHTS (TPR) HEARING

- A. Mandatory pre-TPR conference between ADA & DHS. The pre-TPR conference between the ADA and DHS will occur within 14 days before TPR is recommended by DHS, unless the TPR recommendation has been discussed and decided at the 12-month permanency staffing.
- B. Pre-trial hearing for TPR. The pre-trial hearing for TPR is scheduled at least **ten** (10) days prior to the trial.
 1. Mandatory attendance. All counsel who will be participating in the trial, pro se litigants and a parent's GAL, if any, must attend, unless excused by the court. Telephone participation may occur with the court's advance permission.
 2. Purpose. The purpose of the pre-trial hearing is to discuss:
 - a. Settlement. Determine whether a settlement of any or all of the issues has occurred or is possible;
 - b. Child testimony. Determine whether the child shall be present and testify at trial and, if so, under what circumstances;
 - c. Discovery issues. Identify any unresolved discovery matters;
 - d. Motions. Resolve any pending pretrial motions;
 - e. Issues of law and fact. Identify and narrow issues of law and fact for trial, including identification of the factual allegations admitted or denied; the statutory grounds admitted or denied; any stipulations to foundation and relevance of documents; and any other stipulations, admissions, or denials;
 - f. Witness and exhibit lists. Exchange of exhibits and witness lists as well as summary of each witness' testimony;
 - g. Trial date. Confirm the trial date and estimated length of trial;
 - h. Testimony by telecommunication. Determine the necessity for teleconferencing a party's or witness's testimony; and
 - i. Other issues. Determine any other relevant issues.
 3. Order. The pretrial conference order shall be filed within ten (10) days before the trial.

- C. Waiver of jury trial. A party's waiver of a jury trial must be on the record or in writing signed by the party.

VIII. ORDERS FINALIZING PERMANENCY PLAN

- A. Consent to concurrent jurisdiction procedure. [10A O.S §1-4-101.A.2.c] The Judge presiding over the deprived proceeding may, upon motion, provide written consent to the exercise of concurrent jurisdiction over a child by another court following notice to the parties and DHS in the deprived action, as follows:
 - 1. Notice to all counsel and DHS. It is stated by counsel for movant that notification has occurred by email, phone, in writing or in person to the district attorney's office, the child's attorney, DHS, and, when applicable, each parent and/or guardian;
 - 2. Objections. Counsel for movant has stated to the court whether anyone has voiced an objection or disagreement to the motion; and;
 - 3. Hearing on objection. When an objection or disagreement has been voiced, the objection will be heard informally prior to the court providing its written consent to concurrent jurisdiction.
 - 4. Approval by counsel. The written consent to concurrent jurisdiction, when granted, shall be approved by all counsel of record, unless affirmatively stated in the order that each counsel of record has been contacted and no one objects. The order shall be filed in both the deprived case and in the venue where the adoption or guardianship proceeding will be heard.
- B. Case style of final permanency "exit" order filed in a public or guardianship case.
 - 1. Existing public case. The "exit" order will be styled in the same manner as the public case and will carry both the public case number as the primary case number and the juvenile case number as a secondary case number, for example:

FD Case Style Case)	Case No. FD-2015-296
)	Case No. JD-2017-322
 - 2. Child identity. The child shall be referenced in the order by initials and date of birth.
- C. Adoption cases. Adoption cases involving children in DHS custody shall be heard in the juvenile division, unless the judge presiding over the underlying deprived case has provided written consent for another judicial venue to finalize the adoption.

D. Guardianship cases.

1. Permanent guardianship. Pursuant to 10A O.S. §1-4-709, *et seq.* a permanent guardianship shall be heard by the judge presiding over the underlying deprived case.
2. Temporary guardianship. Pursuant to 30 O.S. §2-101 *et seq.* a temporary guardianship may be heard by the judge presiding over the underlying deprived case or, by a judge in another judicial venue with the written consent of the deprived court judge.

PART SIX: SPECIALTY DOCKETS

I. FAMILY DRUG COURT

- A. Family Drug Court. Pursuant to 10A O.S. §1-4-702, parents or legal guardians diagnosed with a substance abuse disorder whose children have been adjudicated deprived, may be immediately assessed for participation in the Family Drug Court. The assessment may be ordered by the court, or upon the motion of the district attorney, DHS, parent, legal guardian, CCM, or child.
 1. Admittance to program. The judge presiding over the Family Drug Court shall set a date for hearing, prior to the dispositional hearing, to determine final eligibility for admittance into the program.
 2. Originating court duties. The originating court shall continue to conduct all hearings and make all required decisions pursuant to the deprived case. The court shall consider all information received from DHS and the Family Drug Court judge in its determination for additional treatment needs and permanency planning. The originating court shall decide whether to begin or end trial reunification and shall also conduct the termination of parental rights trial.

II. DUALY ADJUDICATED DOCKET

- A. Eligibility for dually adjudicated docket. Youth who have been adjudicated in both the delinquent and deprived child case categories shall be referred for acceptance to the dually adjudicated docket, hereafter called “Dual Docket”.
1. Process for acceptance to the dual docket. A written request is made for acceptance to the Dual Docket by the assigned judge for either the delinquency or deprived matter involving the same youth, the CCM or a party of either the underlying deprived or delinquent case. The referral is made prior to the dispositional hearing.
 2. Transfer to the dual docket. A youth’s court cases are transferred to the Dual Docket only after verification that the youth has been adjudicated to be both a delinquent and a deprived child and when there are fewer than thirty-five (35) youth currently accepted to the designated Dual Docket.
 - a. Docketing notification. After a case has been accepted to the Dual Docket, the CCM and minute clerk assigned to the Dual Docket determine a date for the Dispositional hearings to be held. An email is sent by the CCM to the judges and minute clerks of the originating dockets and the dual docket team as notification for upcoming hearings.
 - b. CASA appointment as GAL. The court shall appoint a CASA to act as a GAL for the youth, unless CASA declines or the court determines a CASA appointment is not necessary.
 - c. Dual docket hearings and case staffings. Following transfer to the Dual Docket, future dispositional, permanency, review and accelerated hearings are heard by the Dual Docket Judge. In addition, unless otherwise determined by the CCM or the court, staffings of each case will be conducted prior to the court hearing by the Dual Docket CCM that include the prosecuting ADA, probation or OJA and DHS workers and supervisors assigned to the youth’s case, as well as the youth’s attorney, parents attorneys, Tribal representative, GAL and CASA when applicable.
 3. Termination of parental rights (TPR) proceedings. When a TPR motion has been filed in a deprived case assigned to the Dual Docket, the case may, at the option of the Dual Docket Judge be either transferred back to the originating deprived court judge or be retained by the Dual Docket Judge for the TPR proceedings.
 4. Return to original docket. When the youth no longer meets criteria for the Dual Docket, the case is transferred back to the dockets of the originating judges for further proceedings until closure.

5. Duration of dual docket cases. Cases may remain on the dual docket until the youth who is the subject of the cases reaches age 18 or the court-approved permanency plan of reunification, adoption, guardianship or planned alternative permanent placement has been achieved.

PART SEVEN: CHILD IN NEED OF SUPERVISION

I. CHILD IN NEED OF SUPERVISION (JS) COURT CASE

- A. Assignment of JS cases. JS cases shall be assigned randomly and equally to the Special Judges in the Juvenile Division.

PART EIGHT: DELINQUENT CHILD

I. POLICIES THAT APPLY TO ALL DELINQUENCY PROCEEDINGS

- A. Key principles of court practice in juvenile delinquency cases.
 1. Adolescent development training. All judges, attorneys, court staff, and agencies shall apply the principles of adolescent development in the delinquency proceedings to ensure procedural fairness and youth engagement:
 - a. Reformability. Adolescents are less culpable and more capable of reform than adults;
 - b. Development. Adolescents develop at different rates in social, emotional, physical and cognitive domains;
 - c. Childhood experiences impact. Adolescent development and learning are profoundly affected by early childhood experiences; and,
 - d. Relationships. Secure and healthy relationships promote adolescent success and positive development.
- B. Trauma-informed court: The judiciary, court staff, and all system participants should be mindful that court-involved adolescents present with extremely high rates of traumatic stress caused by their adverse life experiences that may be perceived as disrespectful, defiant, or antisocial behavior. The judges, attorneys, court staff, and agencies should be knowledgeable in methods that can lower the

anxiety, increase the trust, and enhance the participation of the child in the court proceedings.

C. Characteristics of a trauma informed court. The trauma-informed court and court staff should be:

1. Sensitive to trauma triggers that remind the juvenile of traumatic experiences;
2. Aware of how the juvenile's caregivers or other significant people are helping the juvenile feel safe or are preventing the juvenile from feeling safe;
3. Able to determine whether increasingly restrictive sanctions or higher levels of care have proven ineffective due to the juvenile's trauma; and,
- 4 Knowledgeable about recognizing and managing traumatic stress reactions and be trained to help juveniles cope with their traumatic reactions.

II. FILING ANNOUNCEMENT

- A. Promise to appear. Any juvenile and his or her parents or legal guardian who were given a written Promise to Appear by law enforcement, the Tulsa Area Community Intervention Center, or the Juvenile Bureau Detention Center shall appear for Filing Announcement for the date and time set forth on the Promise to Appear.
- B. Service or waiver of petition and summons. Any juvenile and his or her parents or legal guardian who have been served with the petition and summons or have executed a waiver of service of summons and who request court appointed counsel shall also be set on the Filing Announcement docket.
- C. Appointment of counsel and initial adjudication hearing date. The court shall determine eligibility for court appointed counsel and shall recognize the juvenile and his or her parents or legal guardian back at a date and time certain for the initial adjudication hearing.
- D. Lack of service or proof of service for filing announcement. The filing announcement shall be reset when the juvenile is unable to be served with summons or proof of service or service of summons has not been filed with the court.
- E. Bench warrant on failure to appear. When a juvenile and his or her family have been served with summons or Promise to Appear for the filing announcement date and time and fail to appear without good cause, the court shall issue a bench warrant (BW) to detain the juvenile.

- F. Bench warrant on failure to locate. Upon presentation of an affidavit by the Juvenile Bureau Intake Department regarding an inability to locate the juvenile, a BW may be issued. The BW will instruct law enforcement to produce the juvenile to the Community Intervention Center.

III. DETENTION RELATED PRACTICES

- A. Filing of petition when juvenile released on intensive supervision program (ISP). When a juvenile has been taken into custody and released from detention on an ISP prior to the filing of a petition, the petition shall be filed, and summons issued within five (5) judicial days from the date of such assumption of custody.
- B. Detention hearings. Detention hearings and reviews shall be scheduled as required by statute without regard to judicial assignment.

IV. POST-PETITION PROCEDURES

- A. Judicial assignment upon filing the petition. Upon the filing of a new petition regarding a juvenile, the originating judge shall check to determine whether a case involving the juvenile or a sibling of the juvenile has been assigned a specific judge in the Juvenile Division. If so, then the same judge shall be assigned to the new case and the petition shall be set for adjudication before the assigned judge.
- B. Mandatory appearance by juveniles for court hearings. Juveniles who are parties shall attend all delinquency hearings unless specifically excused by the court. A waiver of a juvenile's presence shall be made only by that court and only upon a showing of good cause, which shall require extraordinary reasons. A bench warrant under advisement shall be taken.
 - 1. Appearance by telecommunication. When the physical presence of the juvenile is excused by the court, efforts shall be made to have the juvenile appear by telecommunication.
- C. Modification or revocation of disposition order pursuant to 10A O.S. §2-2-503.F. When a motion is filed by the ADA requesting that a juvenile be removed from the custody of his/her parent or legal guardian to be committed to the custody of a private institution, agency, or OJA, a hearing shall be set by the court at least five (5) judicial days subsequent to the service of the motion on the juvenile, the juvenile's parent/legal guardian and, the juvenile's attorney.
 - 1. Conduct of hearing. The hearing shall be conducted according to the rules of evidence and should be on the record, unless waived by the parties and is

subject to appellate review. The minor is permitted to stipulate to the allegations of the motion.

2. District attorney responsibilities. The district attorney shall be responsible for the preparation, prosecution, and argument of its motion.

D. Use of risk and needs assessments: Screening and assessment tools should be utilized at critical points when making key juvenile justice decisions:

1. Intake/diversion. Brief risk assessment tools shall be used in a manner that will avoid compelling the juvenile to incriminate him or herself. The assessment results shall be used by the Intake Department only to determine whether the juvenile is appropriate for diversion from or low penetration into the juvenile justice system such as when a deferred adjudication appears appropriate.
2. Pre-trial detention. A brief risk assessment tool may be used to determine whether the juvenile is a risk of failure to appear or whether the juvenile is a danger to him or herself or others.
3. Adjudication. The results of any risk assessment tool should never be raised nor provided to the judge and parties during the adjudication hearing.
4. Disposition. The results of a comprehensive risk assessment shall be provided within the pre-disposition report and utilized by the court and parties' counsel for the determination of an appropriate disposition and individualized treatment plan for the juvenile based on the juvenile's risk to public safety and the factors driving the juvenile's delinquency and risk to public safety.

PART NINE: MINOR IN NEED OF TREATMENT

I. DETERMINATION OF MINOR IN NEED OF TREATMENT

- A. Judicial determination of In Need of Treatment. A non-jury determination that a minor is in need of treatment (INT) shall comply with Jury instruction No. 4-7, "Elements required for finding that Minor is In Need of Treatment" in order to reconcile the statutory inconsistency between the definition and determination of a minor who is INT per the Committee comments for the jury instruction:

There is an inconsistency between the definition of a "minor in need of treatment" in 43A O.S. Supp. 2010, § 5-502(A) and what the court is required to determine at the hearing under 43A O.S. Supp. 2010, § 5-512(A). The definition in 43A O.S. Supp. 2010, § 5-502(A) includes both 1) a minor who can be expected to inflict serious injury and has engaged in recent overt acts and 2) a minor who has substantial impairment in at least two major areas of functioning. In contrast, 43A O.S. Supp. 2010, § 5-512(A) refers only to a minor who can be expected to inflict serious injury and has engaged in recent overt acts. The Committee has concluded that this instruction should reflect the definition in 43A O.S. Supp. 2010 § 5-502(A).

PART TEN: JUVENILE MISCELLANEOUS

I. CASE TRANSFERS

- A. Interstate transfer of deprived cases under UCCJEA. When necessary to transfer a deprived case to another state, the provisions of Article 2 of the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), 43 O.S. §551-201 et seq. shall be followed.
- B. Intrastate transfer of deprived cases (Supreme Court rule pending). The Oklahoma Supreme Court has requested that the Oversight Committee write a court rule on intrastate transfer of deprived cases pursuant to 10A O.S. §1-4-101.B

B. Intrastate transfer of deprived cases (interim procedures).

1. Transfer request. A written request for case transfer is made by the sending court to the judge presiding over deprived matters in the receiving county.
 - a. Content of transfer request. The written request shall set out the child's name, date of birth, the JD case number, the current status of the deprived proceeding and the reason a case transfer is being requested.
 - b. Placement information. The transfer request will specify the location of the child's placement along with the name and contact information of the parent/legal guardian or other authorized caretaker or representative where the child is living.
2. DHS inquiry. Upon receipt of a transfer request, the receiving court may require DHS to verify the location and status of each child who is the subject of the deprived case and to make a recommendation as to whether the receiving court should or should not accept the case transfer.
3. Court orders requesting, accepting or declining case transfer.
 - a. Order requesting transfer. An order requesting transfer shall be signed and sent by the sending court judge to the receiving court judge.
 - b. Order accepting transfer. When accepting a case transfer, the receiving court shall prepare an order accepting transfer that will contain both the sending court's case number and the receiving court's new case number along with a court date that will be filed in both sending court and receiving court cases and mailed to the parties residing in the county of the receiving court.
 - c. Transmission of court record. The sending court judge shall file the order accepting transfer in the case and shall instruct the court clerk's office to immediately send the entire court file to the receiving court judge.
 - e. Order declining transfer. When applicable, an order declining case transfer shall be sent by the receiving court to the sending court that shall state the reason why the case transfer is being declined.
6. Transfer required due to companion custody proceeding. When other proceedings are pending in another jurisdiction concerning custody of a child or siblings, the cases should be heard in the same jurisdiction absent good cause to the contrary. As a general rule, the deprived or other custody proceedings filed earliest in time will be deemed the receiving county for purposes of the transfer of the deprived proceedings.

7. Transfer preclusion. A deprived case should generally not be transferred when:
 - a. A motion or petition to terminate parental rights is pending;
 - b. A child party is on AWOL status; or,
 - c. The youngest child party will reach majority age within six (6) months.
 8. Waiver or modification. The judges who are or will be presiding over a deprived case in the sending and receiving county jurisdictions, may by mutual agreement, deviate from these procedures when in the best interest of a child involved in the deprived action.
- C. Transfer of deprived case to tribal court. When the Tulsa County district court grants a request by a parent or Indian custodian of an Indian child or the Indian child's tribe for transfer of a deprived child proceeding to tribal court, the following procedures apply:
1. Notice to tribal court. The district court promptly notifies the tribal court in writing of the case transfer request and may request a timely response from tribal court regarding the case transfer request.
 2. Tribal court response. The tribal court must either accept or decline the case transfer request.
 3. Acceptance of case transfer by tribal court. When the tribal court accepts the case transfer, the district court shall expeditiously provide all district court records to the receiving tribal court.
 4. Physical transfer of DHS custody child to tribal jurisdiction. When a district court case involving a child in DHS custody is transferred to tribal court, the Order Transferring Case to Tribal Court should reflect that legal custody of the child remains with DHS until the tribal court has formally accepted transfer of the district court case and the child is placed in the physical custody of the tribe via the tribal worker.
 - a. Coordination by DHS and tribe. Tribal and DHS child welfare staff must coordinate efforts for child's transfer to a tribal placement.

D. Intrastate transfer of delinquency cases [10A O.S. §2-2-102].

1. Transfer from Tulsa County (sending county) to another County (receiving county). A written request for transfer of a delinquent case shall be sent to the judge presiding over juvenile matters in the receiving county. The written request shall set out the child's name, date of birth, the Tulsa County JDL case number(s), whether the child is on probation or in the custody of OJA, and, if placed, the location of the placement, the parent/legal guardian/legal custodian's name and current contact information for each, and the status of each delinquent proceeding for which a transfer to the receiving county is being sought.
 - a. Order requesting transfer. An order requesting transfer shall be signed by the Judge in the sending county as well as an Order Accepting Transfer shall be enclosed with the written request to the sending county.
 - b. Order accepting transfer. Upon receipt of the Order Accepting Transfer from the receiving jurisdiction, the Tulsa County judge shall file an Order to Transfer that shall be filed in the case and shall instruct the court clerk's office to immediately send to the receiving county the entirety of the court's file.
2. Transfer to Tulsa County (receiving county) from another county (sending county). Upon receipt of a written request from the sending county, the Chief Judge or a person designated by the Chief Judge, shall immediately contact the authorized employees of the Juvenile Bureau and OJA to provide all information regarding the case(s) the sending county is requesting to be transferred to Tulsa County.
 - a. Decision to accept or decline transfer. Upon recommendation of the authorized employees of the Juvenile Bureau and/or OJA to accept the request for transfer, the Chief Judge shall execute and mail to the sending county the Order Accepting Transfer. If the Tulsa County Chief Judge declines to accept transfer, a written explanation why the request was declined shall be provided to the judge of the sending county.

II. JUDICIAL AUTHORIZATION FOR ABORTION WITHOUT PARENTAL NOTIFICATION

- A. Filing petition or motion; case designation. In accordance with 63 O.S. §1-740.3, all motions or petitions filed by an unemancipated minor seeking an abortion without the written informed consent of her parent shall be filed with the Juvenile Division and designated as “JMI” and referred to “In the Matter of (initials only).” The motion or petition may be heard by any judge assigned to the juvenile division. No court costs or fees shall be assessed.
1. Confidentiality of court records, hearings and identity of minor. The pleadings and hearings are confidential and shall not be open to the public. The name and any identifying information of the minor shall not be recorded on any court calendar and should not be entered in OCIS. No pleading or order shall be scanned into OCIS. All court files and transcripts shall be sealed and kept separate from any other court files or records and any further transmission of the court records for appellate review shall be forwarded under seal.
 2. Intake procedure. The minor shall be directed to contact identified intake counselors employed by and located at the Tulsa County Juvenile Bureau. The minor shall be interviewed for basic identifying information and an initial intake sheet setting out the minor’s name, age, physician or clinic, and address shall be completed.
 3. Appointment of counsel for the minor. The assistant public defenders assigned to the juvenile division shall be appointed to represent the minor unless the minor expressly waives her right to have an attorney appointed.
 4. Hearing procedures. The assistant public defender shall notify the judge’s minute clerk that a hearing is requested.
 - a. Hearing record. The hearing shall be conducted in judicial chambers as soon as possible and shall be recorded. An appropriate order will be submitted to the judge that contains the court’s written factual findings and legal conclusions supporting the decision.
 - b. Order and transcript of proceedings to be filed under seal. The order will be filed in the court record and a certified copy of the order given to the minor. Transcriptions of the hearing shall be required, to be paid by the court fund, and filed under seal with the pleadings and order in the case.

III. TERMINATION OF LIFE SUPPORT/ DNR REQUESTS OR RELIGIOUS OBJECTIONS BY PARENT TO MEDICAL PROCEDURE

- A. Requests. Requests for termination of life support/do not resuscitate (DNR) requests; and, for permission to perform surgical or other medical procedures over the religious objections of the parents shall be heard by the Chief Judge of the Juvenile Division.
- B. Notice and hearing procedure.
1. Ex parte application or motion. An ex parte application or motion for any procedure described in paragraph A. above shall be filed with the court during regular business hours and a copy provided to the District Court Judge and all parties to the underlying juvenile court case. In addition, agency custodians, including DHS and OJA as well as others designated by the court shall receive a copy of the application or motion.
 2. Content of application. Generally, ex parte requests shall include the following information:
 - a. Communication and efforts to obtain consent. A description of the efforts made to obtain the consent of and/or give notice to the parties, the parents or legal guardians of the minor, and their attorneys of record or a statement indicating the reasons why said consent or notice should not be required;
 - b. Basis for refusal. An indication of whether the minor, the parents or legal guardians of the minor, or their attorneys refused to agree to the proposal which is the subject of the ex parte request including the ground for the person's refusal, if known; and,
 - c. Prior requests and action by the Court. A full disclosure of any prior requests and the court's action thereon whenever a request for an ex parte order of the same character or for the same relief has been made to the court.
 3. Opposition response. An opposing party must present any written objection to the court within twenty-four (24) hours of receipt of notice of the ex parte application.
 4. Court review and decision. The court's initial review of the application will be treated as a non-appearance-non-calendar matter. Upon receipt of the ex parte application and any opposition, as provided above, the court may render its decision on the application or set the matter for hearing, at the court's discretion.

- a. Notice of court order or hearing. The applicant is responsible for serving notice of the court's order on the application, whether granted or denied. If the matter is set for hearing, the applicant shall also give notice of such hearing to all parties and counsel, unless ordered otherwise by the court. Any party disagreeing with the order may request that the matter be placed on calendar for further consideration.
5. DHS custody child exception. The court may authorize the withdrawal of life-sustaining medical treatment or the denial of the administration of cardiopulmonary resuscitation on behalf of a child in the Department's custody upon the written recommendation of a licensed physician, after notice to the parties and a hearing.

IV. MINOR PROTECTIVE ORDERS

- A. Petition. The Petition will be completed at the Family Safety Center and will be delivered to the Juvenile Division no later than 3:00 p.m. that day. The petition will be filed with the court clerk of the juvenile division.
- B. Issuance of emergency or hearing notice. The judge assigned to the minor protective order will review the petition and either issue an emergency protective order or a notice setting hearing. A copy of the petition and emergency protective order or notice setting hearing shall be returned to the Family Safety Center no later than 4:30 p.m. that day.
- C. Hearing. The hearing shall be conducted in the juvenile division.
- D. Non-public record. The court record shall be confidential and not disclosed to the public.

V. ACRONYMS INDEX

- A. Acronyms. As used in these policies or in practice, the acronyms will have the meaning set forth below.
 1. 14A – Report to the District Attorney: The written report prepared by DHS of its child abuse/neglect investigation and recommendation that is submitted to the district attorney's office (previously designated by DHS as form number 14A).
 2. ADA – Assistant District Attorney: Prosecutor and plaintiff in every juvenile court case, i.e., deprived, juvenile delinquent, in need of supervision, in need of treatment case.

3. ADA – Americans with Disabilities Act: Federal legislation [42 U.S.C. §12101 et seq.] describing rights and requirements relative to disabled persons.
4. Adj – Adjudication: Non-jury hearing wherein the court determines if a child is deprived, in need of supervision or delinquent.
5. AF – Alleged Father: Possible father of a child whose paternity has not been legally established.
6. AOCS – Assessment of Child Safety: A tool used by DHS Child Welfare to document the safety evaluation by focusing on six key questions when gathering information regarding family functioning to determine if a child is safe or unsafe.
7. BW – Bench Warrant: A writ issued by the court to law enforcement most commonly for an arrest of a party or witness failure to appear for a hearing.
8. BWUA – Bench Warrant Under Advisement: A notation made in the court record indicating that a bench warrant is under consideration and will be issued when determined necessary.
9. CCM – Court Case Manager: Court employee assisting in the management of deprived cases by establishing cooperation and communication among the parties, attorneys, participants, other agencies, and professionals involved in each case.
10. CHINS – Child In Need of Supervision: Juvenile court adjudication category for youth who are out-of-parental-control, truant or runaway.
11. CSS – Child Support Services: A DHS division that establishes paternity and child support and provides enforcement of child support orders.
12. CWS – Child Welfare Specialist: Representative of the Child Welfare Services division of the DHS who investigates allegations of child abuse and neglect, provides permanency planning services to children in DHS custody or under DHS supervision or provides services related to foster care or adoption.
13. DHS – Department of Human Services: A state government agency responsible for providing assistance to individuals and families in need, child welfare services, child support services and other designated services.
14. Dispo – Dispositional Hearing: Hearing by the court following adjudication as provided by 10A O.S. §1-4-706 in deprived cases and 10A O.S. §2-2-501 in delinquency cases

15. DV – Domestic Violence: Violence between members of a household committed by one member against another.
16. ECO – Emergency Custody Order: Order of the district court entered ex parte in an emergency pursuant to 10A O.S. §1-4-201 or resulting from an emergency custody hearing held pursuant to 10A O.S. §1-4-203 placing a child in the custody of DHS or an individual prior to an adjudication of the child.
17. EFC – Emergency Foster Care: A DHS foster home placement for a child removed from home pursuant to an emergency custody order
18. FCS – Family Centered Services: A DHS program that provides family centered services (FCS) that includes appropriate referrals and services for families after the completion of an assessment or investigation of child abuse or neglect allegations.
19. FFA – Family Functional Assessment: A tool used by DHS Child Welfare to identify and evaluate a family’s strengths, resources, protective factors, and underlying causes of behavior that create unsafe conditions in a home.
20. FP – Foster Parent: Individual providing continuous twenty-four-hour care and supportive services to a child in foster placement including, but not limited to, the care, supervision, guidance, and rearing of a foster child.
21. FTA – Failure to Appear: A notation made in the court record indicating an individual has failed to appear for a hearing.
22. GT – Genetic Testing: A scientific laboratory test that compares a child’s DNA with the DNA of an alleged parent to determine parentage.
23. ICWA – Indian Child Welfare Act: Federal legislation governing state court child custody proceedings involving Indian children.
24. INT – In Need of Treatment: An adjudication category involving a court proceeding to determine if a minor child is in need of mental health or substance abuse treatment as defined by the Inpatient Mental Health and Substance Abuse Treatment of Minors Act.
25. ISP – Individualized Service Plan: An individualized plan of services to be provided to a parent or child based upon a comprehensive assessment and evaluation of the child and family developed with the participation of the family.
26. ISP – Intensive Supervision Program: A detention alternative also known as homebound detention.

27. IT – Immediate Termination: A request by the ADA in a petition to terminate a parent's parental rights without providing reasonable efforts to reunify the family.
28. JEJ – Journal Entry of Judgment: A court judgment written into the official court record and filed with the district court clerk.
29. JD: Case designation for Juvenile Deprived court cases.
30. JDL: Case designation for Juvenile Delinquent court cases.
31. JMI: Case designation for Juvenile Miscellaneous cases.
32. JS: Case designation for Juvenile in need of Supervision cases, also known as CHINS cases.
33. JT: Case designation for Juvenile in need of Treatment cases.
34. JT – Jury Trial: A judicial proceeding regarding the termination of a parent's rights to a child to be decided by a six-person panel of jurors.
35. LF – Legal Father: Father of a child established by legal means who may not be the biologic father.
36. MC – Minor child: Any unmarried person under eighteen (18) years of age.
37. MTT – Motion to Terminate: Motion filed by either an ADA or child's attorney seeking to terminate a parent's rights to a child that describes the statutory basis for the termination.
38. NF – Natural Father: Biologic father of a child.
39. NJ Stip – Non-Jury Trial Stipulation: Agreement by the child's parent, guardian, or other legal custodian that if the state presented its evidence supporting the truth of the factual allegations in the petition to a court of competent jurisdiction, such evidence would be sufficient to meet the state's burden of proving by a preponderance of the evidence that the factual allegations are true and correct.
40. NJT – Non-Jury Trial: A judicial proceeding regarding adjudication of a child as deprived and/or the termination of parent's rights to a child to be decided by the assigned judge of the district court.
41. NM – Natural Mother: Biologic mother of a child.

42. NP – Natural Parent: Biologic parent of a child.
43. OAC – Oklahoma Administrative Code: A compilation of all permanent and preemptive policies and executive orders that have been filed with the Secretary of State
44. OBA – Oklahoma Bar Association: The professional association of all lawyers licensed to practice law in the State of Oklahoma.
45. OCIS or OSCN – Oklahoma Court Information System or Oklahoma State Court Network: Web site providing information about Oklahoma state courts, judges, court rules, statutes and case decisions.
46. PAP – Post-Adjudication Petition: A petition filed by the state after a child has been adjudicated to be deprived that alleges new facts or different conditions that support a finding that the child is a deprived child.
47. PAPP – Planned Alternative Permanent Placement: A permanency plan for a child 16 years of age or older selected when all other permanency plans have been explored and determined to be not feasible or not in the youth's best interest.
48. PC – Permanent Custody: Court ordered custody of an adjudicated deprived child when a parent-child relationship no longer exists due to termination of parental rights or due to the death of a parent or parents.
49. PD – Public Defender: County agency of attorneys representing minor children in juvenile deprived cases.
50. PRFC – Person Responsible for Child: An adult determined to be responsible for the care of a minor child.
51. PT – Pretrial Hearing: A judicial proceeding to prepare an order outlining the presentation of witnesses and exhibits at trial.
52. Stip – Stipulation: Agreement by the child's parent, guardian, or other legal custodian that the facts in the petition are true and correct.
53. TFC – Therapeutic Foster Care: A residential behavioral management service provided in foster home a setting to serve children whose special needs require more intensive or therapeutic service than are found in traditional foster care.
54. TLC – Tulsa Lawyers for Children: An organization of volunteer lawyers who are appointed to represent deprived children.

55. TPR – Termination of Parental Rights: A jury or non-jury trial that results in the legal severance of the parent-child relationship including the termination of a parent's right to the custody of a child, to visit with a child, to control a child's training and education, to consent to the adoption of a child, to the earnings of a child, and to inherit from or through the child.
56. USCIS – United States Citizenship and Immigration Services: An agency of the federal government that oversees lawful immigration to the United States.