



# OSAGE NATION SOCIAL SERVICES

Questions & Answers for Parents about  
Child Protective Services

## **What is Child Protective Services?**

Child Protective Services (CPS) is a program that helps keep children safe from abuse and neglect. Tribal and state programs operate their own CPS programs. Osage Nation Social Services (ONSS) provides CPS services to Indian children located within the territorial boundaries of the Osage Reservation. In Oklahoma, the state CPS program is called the Department of Human Services (OKDHS). ONSS and OKDHS receive, screen, and investigate referrals of alleged abuse and neglect, check if children are safe, assess any immediate risk of harm, and look at the conditions to see if the allegations are true or not. CPS works to prevent abuse and neglect by providing services and support to families as a way to help keep children safe.

## **How does ONSS/OKDHS get my name and why is CPS visiting my family?**

The Osage Nation and Oklahoma Children's Codes require anyone who suspects that a child is being abused or neglected to report it. This includes teachers, doctors, family members, and neighbors. By law, anyone else who believes a child may be in danger has to report it. When someone makes a report, their name is confidential by law. This means that ONSS cannot tell you who made the report, even if you ask. The law protects the reporter so that they can come forward without fear of retaliation.

Reports of abuse or neglect can also be made anonymously. This means the person reporting does not have to give their name at all. The most important goal of these laws is to make sure children are safe while protecting the people who speak up. Even though you may not know who made the report, OKDHS will investigate the situation carefully and fairly to determine if the child is safe and what services may be needed.

## What does CPS do in an investigation?

During an investigation, the CPS Specialist(s) will usually talk to and visually examine the child reported to have been abused or neglected. This interview can take place at any reasonable time and location, including at school, and may be done without parental consent.


The CPS Specialist(s) will make a reasonable effort to notify the child's parent or guardian about any interviews and explain the nature of the allegations within 24 hours after the interview. They will also discuss the report with the child's parent or guardian to get an explanation about the alleged abuse or neglect, and will obtain criminal history and child welfare history information about anyone alleged to have harmed the child.

As needed, the CPS Specialist(s) may also:

- Interview and visually examine all children in the home.
- Talk to anyone alleged to have abused or neglected the child.
- Speak with anyone who might have information about the situation.
- Request access to mental health records for the child, the child's parents or guardians, or others in the home.
- Request a mental, psychological, or psychiatric examination of the child if necessary.

## When ONSS receives a referral of alleged abuse or neglect, will OKDHS or the police be notified?

When ONSS receives a referral, a designated CPS Specialist will investigate. This may be done together with OKDHS or on its own. For instance, if the child is Native American and lives on restricted land within the territorial boundaries of the Osage Nation, OKDHS will not be notified and only ONSS will be involved. OKDHS is notified when the child does not live on restricted land or if the child is non-native living on restricted land. If the child is a non-Osage Indian, the child's tribe will be notified.



It is also required by the Osage Nation Children's Code to notify the Osage Nation Police Department or other law enforcement agency when a report involves alleged criminal abuse or neglect. The law enforcement agency will decide separately from CPS whether to conduct a criminal investigation and whether a crime occurred.

## What happens when the investigation is completed?

As a result of the investigation, which normally is completed in 30-60 days, the Child Protection Specialist(s) will decide on one of the following outcomes or findings:

- **Ruled Out:** This finding is made when the Child Protection Specialist(s) determines that no child abuse or neglect has occurred.
- **Unsubstantiated – No Services Recommended:** Based on the information gathered, there is no evidence of abuse or neglect, the child is not at risk, or there is not enough evidence to determine whether abuse or neglect occurred.
- **Unsubstantiated – Services Recommended:** Based on the information gathered, there is no evidence of abuse or neglect, the child is not at risk, or there is not enough evidence to determine whether abuse or neglect occurred but the family could benefit from prevention and intervention related services.
- **No Finding – Services Recommended:** Based on the information available, there is some evidence of abuse or neglect or the child may be at risk, but voluntary services, rather than court involvement, appear to be the best way to address the concerns.
- **Substantiated:** Based on the information available, there is evidence of abuse or neglect, and court intervention is recommended to address the issues that led to the abuse or neglect.

## **How will I know what has been decided after the investigation has been completed?**

If a report of alleged abuse or neglect is handled solely by ONSS, you will receive a letter from ONSS stating the investigation findings. If the report is handled jointly by ONSS and OKDHS, and ONSS agrees with the findings, you will receive a letter from OKDHS stating the results. If ONSS does not agree with the OKDHS findings, you will receive a letter from ONSS in addition to the letter from OKDHS.

## **What if I disagree with the investigation findings?**

If the investigation finds that abuse or neglect did occur (substantiated) and no court action is being taken, you have the right to appeal the finding. This means you can ask for the decision to be reviewed because you do not agree with it. You will need to request a client grievance form, which explains the appeal process. This document will give clear instructions on how to request an appeal, including deadlines and where to send your request.

It is important to follow the instructions carefully so that your appeal can be reviewed. While the appeal is being considered, the original finding will still remain in effect, but you have the opportunity to have your concerns formally reviewed.

## **Can my child be taken away from me?**

If there is evidence that your child needs immediate protection from harm, a law enforcement officer may place your child in temporary protective custody without a court order. CPS cannot remove your child from your home without a court order.

For tribal cases, the Osage Nation Trial Court can place your child in custody of ONSS if requested by the Attorney General or his designee. In State cases, the District Attorney can ask the Court to place your child in OKDHS custody.

Before requesting a court order to remove your child, the CPS Specialist(s) will assess the following:

- Is the child in immediate danger of harm?
- Does the parent understand the situation and what is happening?
- Is the parent willing to get help or follow suggestions?
- Can the parent make changes to keep the child safe?
- Are there ways to keep the child safe without removing them from the home?
- Can services or support be put in place quickly to help?
- Will the person who harmed the child leave the home if needed?

If the CPS specialist thinks your child might need extra safety protection, a Child Safety Meeting (CSM) may occur before any removal happens. This meeting includes the parent, family members, and other supports to look at all options to keep the child safe. The purpose is to make a live, family-centered decision about your child's safety. In emergencies, where a child has already been removed, a CSM may not occur.

The goal of a CSM is always to find the safest solution for your child. Sometimes, children may be found to be unsafe, but the situation does not require court intervention. These are called Family Preservation or Family-Centered Services cases. These programs focus on keeping children safe while working with the family to address the issues, so children can remain at home whenever possible.

ONSS and OKDHS always try to use the least restrictive option, which means they try to avoid taking children from their homes unless there is no other way to ensure safety. The main focus is on keeping your child safe while supporting the family in making necessary changes.

## **What happens if my child is placed into protective custody?**

ONSS and OKDHS, if involved, will make every effort to place children safely in a kinship home. If that is not possible, your child may be placed in a tribal or traditional foster home. The CPS Specialist(s) will provide you with updates on your child's well-being and will arrange a time for you to see your child as soon as possible, unless the court has prohibited contact. Any visits or contact with your child must be scheduled with the ONSS and/or OKDHS caseworker(s).

## **When can I see my child(ren)?**

If your child is removed from home, the CPS Specialist(s) will arrange for you to see your child as soon as possible. You will be told where your child is living—this could be with relatives, in a foster home, a shelter, or with another responsible adult. You will also receive information about how your child is doing and may be asked to meet with the caregivers to explain your child's daily routines. This helps your child adjust to the new placement. You will continue to have regular visits with your child while they are in ONSS or OKDHS custody, unless the Court has ordered otherwise.

## **Will I have to go to Court?**

If your child is placed in protective custody, an Emergency Custody Hearing or Show Cause Hearing will be held within 48 hours of removal. At this hearing, the Judge will decide if your child should be returned home or remain in out-of-home care. The Judge will also explain your rights and certain court procedures.

The Attorney General (AG) or District Attorney (DA) have a set number of days to decide whether to file a deprived petition. Once the petition is filed, an Adjudicatory Hearing will be

scheduled. At this hearing, the Judge will hear the evidence and decide whether your child has been abused or neglected. In legal terms, this is called being 'deprived.'

## **What will I have to do if my child is adjudicated deprived?**

If the Judge determines your child is deprived, a Dispositional Hearing will be held. This is a separate hearing from the Adjudicatory Hearing and may be held on the same day or at a later date. At this hearing, the Judge may return your child to your home under the legal supervision of ONSS (or OKDHS in State cases) or may keep your child in the temporary custody of ONSS (or OKDHS in State cases). You will also receive a Case Plan/Treatment Plan/Individualized Service Plan (ISP) to guide you in addressing the issues that led to your child being deprived. The ISP will help you resolve the issues that caused your child to be deprived, and if you do not follow the court-ordered plan, you could lose all rights to your child or children.

If the Court decides your child is adjudicated deprived, you may be ordered to follow certain requirements to address the issues that led to your child being placed in protective custody. These requirements may include:

- Working with your caseworker(s) to create and follow a plan called a Case Plan/Treatment Plan/Individualized Service Plan (ISP). This plan explains what you must do to correct unsafe behaviors and shows how you will work toward your child's best interests.
- Staying in contact with your caseworker(s) and reporting any changes, such as a new address, job, income changes, marriage, new people living in your home, or progress on your ISP.
- Following all Court orders within the timeframes set by the Court.
- Contributing to your child's financial support if required.
- Visiting your child regularly at the scheduled times and locations.

After the Adjudicatory and Dispositional Hearings, a Permanency Review Hearing will occur periodically, typically every three to six months. This hearing provides the court with updates on the child, parents, progress on their ISPs, and any additional concerns or changes in circumstances.

## **How does a case get transferred from State to Tribal Court?**

Under the Indian Child Welfare Act (ICWA), any State court may transfer to the Osage Nation Trial Court any proceeding regarding the foster care placement of a child who is a member of, or eligible for membership in, the Osage Nation, if the Osage Nation Trial Court determines that the transfer would not be detrimental to the best interests of the child. The Trial Court will not transfer the case from State court prior to the adjudication hearing.

## **What can I expect to happen to my child(ren)?**

If it becomes necessary for your child to be placed outside your home, this placement is usually temporary. The main goal is to make sure your child has a permanent and safe home. This could be through returning home, guardianship, adoption, or another living arrangement that meets your child's needs.

The best decisions for your child are made when you work together with ONSS to create a meaningful plan. This plan helps meet your child's needs and guides you in addressing the problems that led to the deprived petition being filed. The final decision about whether your child stays in or out of your home is made by the Judge, who reviews all the evidence before making a placement decision.

## What is termination of parental rights?

Termination of parental rights means the court has decided that you no longer have legal rights to your child. This is a serious step, and it can happen in certain situations, including:

- When a parent does not correct the issues that led to the child being found deprived.
- When a parent fails to appear at scheduled court hearings.
- When the court finds, based on the seriousness of abuse or neglect, that termination is necessary.

Sometimes, parents may choose to voluntarily give up their parental rights if they believe it is in the best interest of the child. This is a permanent decision and should be considered very carefully. Parents should talk with their attorney and caseworker(s) before making this choice.

## What are my rights?

You have the following rights:

- You have the right to be represented by an attorney. You may consult with a lawyer at any point during the investigation at your own expense. If your child has been removed from your home and a petition has been filed, you may ask the Court to appoint an attorney to represent you.
- You have the right to not be discriminated against based on disability, age, race, sex, religion, ethnic origin, economic status, or sexual orientation.
- You have the right to know the qualifications of the CPS Specialist(s) or ONSS program staff providing services to you and your family.
- You have the right to have all information about you and your family treated confidentially.
- You have the right to know the results of the investigation and may request a review of the investigation findings made by CPS.

- You have the right to make a complaint or raise any concerns regarding the ONSS Department, OKDHS (if involved), or their caseworker(s).

## What are my child's rights?

If a petition is filed in court, an attorney will be appointed to represent your child in any court proceeding. This attorney may also be referred to the Guardian Ad Litem. While in the custody of ONSS or OKDHS, your child has the following rights:

- The right to be protected from abuse, neglect, or other maltreatment in foster homes, group homes, and other placements;
- The right to visitation with their parents;
- The right to adequate food, clothing, and shelter;
- The right to an appropriate, stable placement in the least restrictive situation possible;
- The right to regular medical and dental care and any necessary mental health services;
- The right to needed developmental and educational services;
- The right to case-planning services and a permanent home consistent with the case plan goals; and
- The right not to be discriminated against based on race, religion, or gender.

## What kind of help can I get from ONSS?

Your CPS Specialist(s) will work with you as much as possible to help determine which services may be available through Osage Nation or the local community. Services can include basic needs such as food, clothing, shelter, transportation, health care, and in-home assistance.

## **What can I do if I feel I have not been treated fairly by OKDHS?**

If you feel your OKDHS Caseworker is not treating you fairly or is not following OKDHS policies, the first step is to try talking directly with your caseworker. Often, a calm discussion can help resolve concerns. If you cannot resolve the issue with your caseworker, you may speak with the caseworker's supervisor. You can request the supervisor's contact information at any time, and it will be provided promptly.

If you are still not satisfied after speaking with the supervisor, you may contact the OKDHS District Director. You may also reach out to the Regional Director's Office or the Director's Helpline if you feel county staff has treated you unfairly.

In some situations, you may request an Administrative Fair Hearing through your local OKDHS district office. The fair hearing process is designed to ensure your rights are protected and that you receive the services you are entitled to from OKDHS.

A grievance procedure is also available to resolve issues regarding your child. You may file a grievance on your child's behalf. It is important to know that neither the fair hearing process nor the grievance procedure applies to court decisions.

## **How do I file a complaint against ONSS Department?**

If you believe you are being treated unfairly or that an unsatisfactory condition exists within the functioning or operation of ONSS, you are encouraged to first discuss your concern with the staff member assigned to your case. If you are not satisfied with the response from your worker, you may raise your issue with the caseworker's supervisor. At any time, you may ask for your worker's supervisor's contact information, and it will be provided promptly.

If your concern remains unresolved after these steps, you may proceed to Step 3 of the ONSS Client Grievance Process. This process was established to ensure that services are delivered in an appropriate and professional manner, providing a formal method for any issues or concerns regarding client service delivery to be heard. ONSS will provide you with a copy of the Client Grievance Process upon request.

## Glossary

**Adjudication Hearing:** A court hearing where the Judge decides if a child has been abused, neglected, or deprived. This is the legal determination of the child's status.

**Administrative Fair Hearing:** A process you can request to review OKDHS decisions about services or actions, ensuring your rights are protected.

**Child Safety Meeting (CSM):** A CSM is a meeting with the parent, family, and supports to decide how to keep a child safe. It usually happens before a child is removed, or within two days if already removed.

**CPS Specialist:** The Child Protective Services worker who investigates reports of abuse or neglect and helps coordinate services for children and families. When referring to more than one worker, it may be written as CPS Specialist(s).

**Deprived:** A legal term used when a Judge determines a child has been abused, neglected, or is at risk of harm.

**Dispositional Hearing:** A court hearing that occurs after a child is found "deprived." The Judge decides if the child will return home under supervision, stay in foster care, or have other arrangements. The Judge also approves the Individualized Service Plan (ISP).

**Emergency Custody Hearing/Show Cause Hearing:** A hearing held within five business days when a child is placed in protective custody. The Judge decides if the child should return home or remain in out-of-home care.

**Family- Centered Services (FCS):** FCS helps families keep their children safe at home when the child is at risk but court is not needed. It focuses on supporting the family and fixing problems.

**Foster Home/Traditional Foster Home:** A temporary home for children who cannot stay with their parents. Homes are licensed by the tribe (tribal foster home) or the state (traditional foster home).

**Grievance Procedure:** A formal way for parents or guardians to report and resolve concerns about their child’s care or services provided by OKDHS or ONSS. This process allows issues to be reviewed and addressed by the agency. It does not apply to court decisions.

**Guardian Ad Litem (GAL):** A person appointed by the Court to represent the best interests of a child during court proceedings.

**ICWA (Indian Child Welfare Act):** A federal law that gives tribes the right to be involved in child welfare cases involving Native children. It ensures that tribal customs and the best interests of the child are considered.

**Individualized Service Plan (ISP):** A written plan that explains the services and support you and your child will receive to address safety or other concerns.

**Kinship Home:** A home where a relative or connected person cares for the child instead of traditional foster care.

**ONSS (Osage Nation Social Services):** The tribal agency that investigates child abuse or neglect and provides services to Osage children and families.

**OKDHS (Oklahoma Department of Human Services):** The state agency responsible for child welfare services in Oklahoma:

**Permanency Review Hearing:** A court hearing every 3–6 months after adjudication to review the child’s progress, the parents’ progress on the ISP, and any new concerns.

**Permanent Placement/Permanency Plan:** The long-term living arrangement for a child, which may include returning home, living with relatives, adoption, or other arrangements approved by the Court.

**Petition:** A formal request filed with the Court asking for legal action in a child welfare case.

**Placement Preferences:** Rules under ICWA that encourage placing children with family, tribal members, or other Native families to maintain cultural connections.

## Glossary

**PRFC (Person Responsible for the Child):** The adult primarily responsible for caring for the child.

**Temporary Protective Custody:** When a child is taken from home immediately to keep them safe, before a Court decision is made.

**Termination of Parental Rights (TPR):** A legal action where a parent permanently loses their rights to a child. After termination, the parent no longer has legal responsibilities or decision-making power regarding the child.

**Visitation/Contact:** Scheduled time for parents or family members to see or communicate with a child in protective custody. Visits must be arranged with ONSS and/or OKDHS.

**Voluntary Termination:** When a parent chooses, with guidance from an attorney and caseworker, to give up their legal rights to the child.

# Important Contact Information

## Osage Nation Social Services

**Main Office Number**  
(918) 287-5335

**Fax Number**  
(918) 287-5231

**Toll-Free Number**  
(800) 460-4615

**Email**  
socialservices@osagenation-nsn.gov

**Address**  
255 Senior Drive  
Pawhuska, OK 74056

Caseworker Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Notes:

## Oklahoma Department of Human Services

Caseworker Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Supervisor Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

# NOTES





## **CHILD PROTECTIVE SERVICES**

**255 Senior Drive  
Pawhuska, OK 74056**

**918.287.5335  
1.800.460.4615  
FAX 918.287.5231**