State of Tennessee
Department of Children’s Services

Administrative Policies and Procedures: 16.48

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Policy Statement:

The Department of Children’s Services will assist all children/youth and families in careful search for known and unknown parents, maternal and paternal grandparents, and any other adult relatives/significant kin who may provide a support to both the child and family. This search will begin with the child/youth’s first contact with DCS, will include a thorough search and identification of all potential resources, including those located in-state or out-of-state. The search results are documented as part of the Department’s permanency planning efforts. The diligent search process will continue throughout the child/youth’s involvement with DCS. The tools described within this policy are to be completed and updated during the family’s continuing contact with DCS.

Purpose:

Maintaining or placement of children in a safe and secure environment is the primary focus of DCS. Building a supportive environment for a child/youth and family to succeed within their own home or in out of home care is of utmost importance. Timely identification of appropriate relative and significant kin resources is necessary for the achievement of permanent placement of children/youth.

Procedures:

A. Initiating a Diligent Search

The following activities are suggested to complete a diligent search for a child’s parent, known and unknown, grandparents, and any adult relatives or significant kin:

1. During conversations with the parent gather information on any relatives, friends or significant kin that could be a resource for the child/youth or family. Obtain addresses, telephone numbers, and the last school the child attended, doctor’s names, tribal affiliation (if applicable) and any other information that would be helpful in locating resources for the child. This information will be recorded in the child welfare information system, the Family Functional Assessment and form CS-0774, Genogram Contact Sheets.
2. When trying to locate the whereabouts of a parent, an absent parent, grandparents, adult relatives, and significant kin contact all known relatives and friends. Family members and friends should be asked periodically about the whereabouts of absent parents and relatives since circumstances can change. Share information of relatives and friends with the regional attorney, to assist in achieving personal service of court documents.

3. Child and Family Team members will be asked during Team meetings if any new information on absent parents, grandparents, adult relatives and significant kin is available.

4. When it is age appropriate, children and youth should be asked to identify their family members, other significant adults or relationships that are important to them.

5. Review social service and public assistance records for identification of the parent, grandparents, adult relatives or significant kin and last known addresses.

6. Request information from the records of other states if the individual being sought is alleged to be residing in another state.

7. Check post offices, city directories and telephone directories for name and address listings.

8. Check police records for any records of address.

9. Check with in-state or out-of-state Driver’s License Agencies for an address.

10. If the individuals are believed to be in the military or recently discharged from the military, check with the appropriate branch of the military service for a current address.

11. If the individual being sought is alleged to be a student, check with the appropriate school for information concerning the parent’s address.

12. A letter asking for information about the parent will be sent to the last known address and marked “Address Correction Requested – Do Not Forward”, when a current address is unknown. Document the results in the child welfare information system in the diligent search section.

13. Check the following sources as applicable:
   a) Last known landlord,
   b) Department of employment security,
   c) Last known employer,
   d) Utility companies,
   e) Internet Searches
   f) County records that are in the possession of the county tax assessor,
   g) Registrar of deeds, or
   h) County court clerk.
   i) CLEAR Search Results

**Note:** For a guide on completing diligent searches, refer to the [Diligent Search Quick Tips](#).
B. Conducting a Diligent Search

1. Diligent Searches for parents, including parents of a sibling, half-sibling or step-sibling that have legal custody of the sibling, all grandparents and any other adult relatives or significant kin identified by the parents or child, are conducted in the following manner:

   a) The Worker assigned to the child’s case has the primary responsibility for conducting the diligent search. The diligent search process should begin prior to the child or youth entering state custody, but is initiated within the first 30 days of custody entry date. The diligent search process continues throughout the life of the case.

   b) Documentation of all efforts and the results are placed in the official case record.

2. All identified parents, including parents of a sibling, half-sibling or step-sibling that have legal custody of the sibling, maternal and paternal grandparents and any other adult relatives or significant kin are notified of the following:

   a) A child’s custodial status within thirty (30) days of the child’s entry into state custody. The *Family Notification Letter* can be used to document the worker’s attempt to notify relatives.

   b) A child entering custody even if the parents will not give permission. The notification does not need to include any confidential health information. However, if the Child & Family Team determines that by notifying anyone identified above presents a safety risk for the child or youth, the notification does not have to be sent. The official record must reflect the justification for not sending out the notification.

   c) Relative placement options and supports available for relative placements. They will be given a copy of *Relative Caregiver Brochure: Guide for Options and Available Services*. The worker ensures all relatives or kin identified above sign form *CS-0660, Relative Caregivers Disclosure Statement Options/Available Services*, and place the form in the child’s file.

3. If a worker cannot contact all relatives or kin identified above within thirty (30) days, the diligent search efforts made to locate these family members is documented in the current child welfare information system.

4. If by contacting any relative or kin listed above causes significant safety and risk issues for the child or parents, the reasons for failing to make those contacts must be is documented in the current child welfare information system.

5. If a previously absent parent is located, reasonable efforts and engagement of that parent or relative occurs as soon as possible, and is reflected in the permanency plan.

6. If a relative or other significant kin, as listed above, is located, the FSW asks that individual if they will join the Child and Family Team (CFT). All parents, grandparents, relatives or significant kin are encouraged to join the CFT, even if they cannot be a placement resource for the child.

7. When engaging the child/youth and families the worker will inquire about resources that will assist in locating possible placement or support resources.
8. The diligent search process for all parents, including parents of a sibling, half-sibling or step-sibling that have legal custody of the sibling, grandparents, adult relatives and significant kin identified by the parents or child is updated within three (3) months of the child entering custody and when a child has been in custody for six (6) months.

C. Data Systems Documentation

Information regarding diligent search efforts and outcomes is documented in the current child welfare information system by the staff person who is responsible for completing the searches and is entered within thirty (30) days of date of the occurrence.

Forms:

- **Relative Caregiver Brochure: Guide For Options and Available Services**
- **CS-0774 Genogram Contact Sheets**
- **CS-0660, Relative Caregivers Disclosure Statement Options/Available Services**
- **Family Notification Letter**
- **The following forms will be integrated into TFACTS in the future**
  - **CS-0584 Diligent Search Checklist**
  - **CS-0777, Family Functional Assessment**
  - **Diligent Search Quick Tips**

Collateral Documents:
- CLEAR Search Results
Glossary:

<table>
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<th>Term</th>
<th>Definition</th>
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<tr>
<td>Case File/Record</td>
<td>A written compilation that describes the client and the services delivered. Records can be in hard copy and/or electronic format. The case record can be used as a source of information for quality improvement or other evaluation activities, for research purposes, or to demonstrate accountability to funding bodies.</td>
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<tr>
<td>Diligent Search</td>
<td>To search for/identification of relatives and/or significant kin to assist in providing locating the child/youth and family. While also identifying supportive services to a child/youth during and after involvement with the Department to include such support as mentoring, respite or permanent placement. This process begins during the CPS investigation/assessment and continues until the child is in a permanent placement.</td>
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<tr>
<td>Significant Kin</td>
<td>Non-relative adults who have a significant relationship with a child in out-of-home placement (e.g. godparents or family friend).</td>
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<td>Sibling</td>
<td>Anyone having a sibling relationship; “Sibling relationship” means the biological or legal relationship between persons who have a common biological or legal parent. An individual who is considered by state law to be a sibling or who would be considered a sibling under state law if it were not for a disruption in parental rights, such as a termination of parental rights (TPR) or the death of a parent.</td>
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Subject: Permanency Planning for Children/Youth in the Department of Children’s Services Custody


Standards: DCS Practice Standards: 5-201, 5-202, 5-203, 5-204, 5-401, 5-402, 5-500, 6-507 A

Application: To All DCS Family Service Workers, Contract Agency Staff and Supervisory Staff

Policy Statement:
A written permanency plan shall be developed in collaboration with the child and family during a Child and Family Team Meeting (CFTM) for all children/youth adjudicated dependent/neglect, unruly under 18 years old, children/youth under 19 who have been adjudicated delinquent that are in the custody of DCS. A Transition Plan shall be developed for youth ages 18 - 21 that are eligible and approved for Extension of Foster Care Services.

Purpose:
Children whose lives are disrupted by removal from their families are at increased risk for trauma, developmental delay and other problems. The longer a child is separated from family and remains in a temporary placement, the greater these risks become. Permanency planning requires service providers to consider the negative impact of placement and separation on children and to work diligently to find permanent, safe homes for children in care, in a timely manner. All service providers must recognize that time is of the essence for children and must maintain a sense of urgency to achieve a permanent living situation for every child as soon as possible.

Procedures:
A. Scheduling and Timeframes

1. The Family Permanency Plan is developed in collaboration with the child and family in the context of the Initial Permanency Planning Child and Family Team Meeting (CFTM).

2. Families, foster parents and agency partners are given adequate notice of meetings, preferably ten (10) calendar days in advance if in writing or seven (7) calendar days if notified by telephone, email or face to face. Method of notification requests and invitees contacted are documented in TFACTS.

3. The Initial Permanency Planning CFTM is held within thirty (30) calendar days
of a child/youth’s placement in custody. Letters and telephone participation is encouraged for those parties not able to physically attend.

4. Meetings are scheduled to accommodate the child, family and their support systems whenever possible, even if it requires meeting before or after traditional workday hours.

5. The Family Permanency Plan for children in custody are completed and submitted to the Regional Legal Counsel no later than thirty (30) calendar days of a child/youth entering state custody. It is submitted by the Department to the court and ratified within sixty (60) calendar days of the date that the child/youth first enters state custody.

B. Development of a Permanency Plan

1. Information gathered from the ongoing assessment process guides team participants in the Initial Permanency Planning CFTM in determining an appropriate plan of intervention with the child/youth and his/her family.

2. The Family Permanency Plan establishes realistic goals, outcomes and action steps for the family, the child/youth and/or the Department necessary to achieve permanency. The outcomes and action steps address all of the concerns that brought the child into custody as well as those needs identified by the ongoing assessment process, including health and education information and needs. Plans are designed to utilize the strengths of the family and include designated time frames for the completion of actions that will help the child and family achieve permanency and stability as soon as possible. Refer to DCS Policy 31.1 Family Permanency Plans.

3. Time periods for achieving permanency goals are specific to the unique circumstances of the child and family and not dictated by the scheduling of administrative or periodic reviews or meetings. Achievement target dates for permanency goal(s) do not exceed six (6) months.

4. While it may be a handwritten draft, the Family Permanency Plan is considered complete at the conclusion of the CFTM. Minor changes that do not affect content, such as grammatical or spelling errors, may be made following the meeting. Significant changes to the goals or action steps on the plan are only be made by convening another CFTM or by court order at the Permanency Hearing.

5. Parents have the opportunity to sign a completed, handwritten Family Permanency Plan at the conclusion of the CFTM. If the typewritten permanency plan is not available for signature, the FSW ensures that one will be presented to the parents for discussion and signatures. Where available, completed signature pages may be scanned into TFACTs and attached to the appropriate plan.

6. If parents have signed a handwritten copy at the conclusion of the CFTM and it is later typed, both copies of the Family Permanency Plan must be made available to the court, the family and their attorneys to approve the language in the typed plan and given the opportunity to sign it, if agreed upon.
7. Detailed information regarding plans for parent/child visitation and a schedule of visits are developed during the Initial CFTM and recorded on form **CS-0747, Child and Family Team Meeting Summary**. In addition, details regarding visitation are documented in TFACTS.

8. Independent Living Planning is a component of the Family Permanency Plan for all youth in state custody age fourteen (14) and older. As such, it is the responsibility of the assigned FSW, in conjunction with agency case managers and the youth’s team, to develop this plan along with the Family Permanency Plan, maintaining the same review and update schedule. (Refer to **Independent Living and Transition Planning Guide**. The Casey Life Skills Assessment is completed by the FSW at the seven (7) day meeting with the family present to complete all portions. The CLSA is completed no later than 14 days after a youth enters custody in order to fully integrate the results into the youth’s plan.

9. For youth 14 years and older, the results of the Casey Life Skills Assessment are entered into the strengths and concerns records using the IL indicators in TFACTS prior to the Initial Permanency Planning CFTM. Those assessment results are used, along with team members’ input, to develop Independent Living outcomes and action steps.

10. The participants in the CFTM receive a copy of the Family Permanency Plan immediately following the CFTM. The FSW should be sensitive to whether foster parents want their identifying information shared with everyone in the CFTM and be prepared to delete it, if requested.

11. Whenever a Family Permanency Plan is developed or revised, the FSW reviews form **CS-0745, Criteria and Procedures for Termination of Parental Rights**, with every parent, provides them with a copy, and asks them to sign an acknowledgement that they received a copy.

12. The participants of the CFTM receive a completed Notice of Action (NOA) along with the TennCare Medical Appeal form at the conclusion of the CFTM if there is a placement recommendation of Level 2, 3 or 4.

### C. Participation

1. The Initial Permanency Planning CFTM includes the child and family team, the family and their support systems, foster parents, agency partners and DCS staff (including DCS specialty staff and YDC Staff/Treatment Team Members). At a minimum, this CFTM should include the parents, the DCS Team Leader, and the DCS Family Service Worker. If the child was being cared for by someone other than the parents, the primary caretaker(s) should also be included. (Refer to DCS Policies **31.1 Family Permanency Plans** and **31.7 Child and Family Team Meeting Process**).

2. Children and youth who are at least 6 years of age and older are involved in the planning process to the extent that they are capable. All children 12 and over are prepared and included in the Initial Permanency Planning CFTM. Younger children may be able to participate. Exceptions to this policy must be clearly documented in TFACTS with an explanation for why the child’s participation would be contrary to his/her best interests.
3. The DCS Supervisor assigned to the case participates in the Initial Permanency Planning CFTM and any other permanency plan related CFTM's if the FSW has less than one (1) year of experience. In the event that the assigned DCS Supervisor is unavailable, another Supervisor or FSW III can attend the meeting in his/her place. (Refer to the Child and Family Team Meeting Protocol attachment to DCS Policy 31.7 Child and Family Team Meeting Process for the expectations of supervisory participation in CFTMs).

4. If an identified child or family member does not attend a CFTM, the FSW documents the stated reasons for non-participation and the efforts made to accommodate them. The Department conducts diligent searches to locate family members as soon as DCS becomes involved with the child/family, but no later than thirty (30) days after the child enters DCS custody and every three months thereafter (Refer to DCS Policy 16.48 Conducting Diligent Searches and DCS Policy 31.1 Family Permanency Plans).

5. The incarceration of a parent is not a barrier to their participation in the planning process. By law, DCS creates opportunities for all parents to participate in the plan and to meet their parental responsibilities. This is accomplished by having meetings where they are located or by arranging for them to participate by telephone.

D. Permanency Goals to consider for the Child/Youth

1. DCS establishes a planning process for all children in DCS custody that:
   a) Initially seeks to work intensively with the child’s parents and other appropriate family members to allow the child to remain safely at home, if appropriate;
   b) Works intensively with the child’s parents, foster parent(s) and other appropriate family members in a collaborative process to return the child home quickly under appropriate circumstances consistent with reasonable professional standards; and
   c) If return to home is not appropriate or cannot be accomplished safely, within a reasonable period of time, will assure the child an appropriate alternative, permanent placement as quickly as possible.

2. Return to Parent is the preferred goal, if the conditions that led to the child’s removal can be remedied and it is safe for the child/youth to return to the home. A plan for assuring that both the child receives safe and proper care and services are provided to the parent(s), the child and foster family are identified on the permanency plan. The Adoption and Safe Families Act of 1997 (ASFA) requires supervisory approval to continue a goal of Return to Parent beyond certain timelines:
   a) For any child who has a permanency goal of Return to Parent for more than 12 months, the FSW, with written approval from the Team Leader, will enter an explanation justifying the continuation of the goal in TFACTS, and identifies the additional services necessary, or circumstances which must occur, in order to achieve the goal. This justification is presented to the court at the Permanency Hearing.
b) No child will have a permanency goal of Return to Parent for more than 15 months unless there are exceptions to filing TPR and reasons to believe that the child can be returned to the parent(s) within a specified and reasonable time period. These are documented in TFACTS and approved by the FSW’s Team Leader. This documentation is also presented to the court at the Permanency Hearing. ASFA does permit an exception to this when the child is placed with relatives and in a stable situation.

c) DCS must file a Termination of Parental Rights (TPR) petition if a child is in foster care for 15 of the past 22 months. There are three (3) exceptions to this requirement:

- If a child is placed with a fit and willing relative;
- DCS has not exercised reasonable efforts;
- There is some other compelling reason for determining that filing such a petition would not be in the child’s best interests. Some examples of these compelling reasons might be that Adoption is not the appropriate permanency goal for the child; there are no grounds to file a TPR; the child is an unaccompanied refugee minor as defined in 45 CFR 400.111; or, there are international legal obligations or compelling foreign policy reasons that would preclude TPR as cited in 45 CFR 1356.21.

i. If DCS has a compelling reason for not filing TPR, the reason is documented in the child welfare information system 30 days prior to the child’s 15th month in custody. The documentation also includes an “end date” for when the reason will expire. Typically, the end date is six (6) months from when the compelling reason is documented.

ii. If the reason for the exception is the failure of DCS to exercise reasonable efforts or there are no grounds for termination of parental rights, DCS has an obligation to resolve this condition within six (6) months.

3. **Exit Custody to Live with Relative or Exit Custody to Live with Kin** is to be utilized when the child/youth is unable to return to the parent(s) and he or she can achieve permanency through a legal relationship with someone who is related by blood, marriage, or in some other way allows for a strong bond and with whom the child/youth has had a significant relationship prior to entering State’s custody.

a) Relatives must be fully informed of all of the permanency options for children/youth in their care as described in DCS Policy 16.59, Disclosure of Legal Options and Available Services for Relative Caregivers so that they can make an informed choice.

b) Legal custody can be transferred from DCS to the relative/caregiver. This is when an adult (relative or non-relative), with a significant relationship with the child/youth is willing to take custody. An order from the court must
be obtained in order for this change in legal custody to occur.

c) Parents retain their rights and the court order generally outlines explicit
guidelines for parental visitation. Child support can also be ordered by the
court. Parents can petition the court to have custody returned to them
when they can demonstrate that they have reasonably remedied the
conditions that let to the child/youth’s placement.

4. **Adoption** is to be utilized when a child/youth is unable to return to the
parent(s) and permanency through the creation of a new legal parental
relationship is in the child/youth’s best interest. This option is appropriate
when there are no willing and appropriate relative or kin for the child to exit
custody to, or adoption is the permanency option preferred by the relative or
kin caregiver. The termination or voluntary surrender of parental rights does
not preclude the possibility of relative adoption.

a) When considering the goal of Adoption, the FSW engages the Region’s
Permanency Specialist to become a member of the team so that they can
collectively consider the child/youth’s best interests and explore his/her
thoughts regarding adoption. The FSW also consults with the DCS
attorney to ensure legal grounds exist to terminate parental rights prior to
placing Adoption on the permanency plan and/or to properly attain the
voluntary surrender of parental rights. Even if there are sufficient grounds
to terminate, state and federal law requires DCS to continue to make
reasonable efforts to work with the parents until the termination is granted
by the Court.

b) Any time that Adoption is utilized in permanency planning (either as a
concurrent or sole goal), outcomes and action steps to pursue include
preparing the child, biological parents and foster parents for adoption;
efforts to reduce trauma related to loss for the child and the biological
family; creation of a Life Book; work related to pre-placement and
presentation summaries, freeing the child for adoption (i.e. Filing TPR) and
entering the child into TFACTS.

c) Upon identifying a sole permanency goal of Adoption, efforts begin to free
the child/youth for adoptive placement and to recruit and locate an
appropriate adoptive family. This occurs without delay, even if the goal is
changed to adoption prior to the filing of the petition to terminate parental
rights.

d) Once the child has been placed for adoption and a sole goal is identified
on the Family Permanency Plan, outcomes and action steps to pursue
include: preparing the record for closure and discussing how to access
closed adoption records; discussing eligibility for Adoption Assistance and
Post Adoption Services; recruitment/selection of an adoptive family (Refer to
**15.14 Attachment, CFTM Guidelines for Identifying a Permanent
Family**); maintenance of the child in the adoptive home as it relates to any
on-going medical concerns; adoptive parent training related to
medical/psychological needs of the child; presentation to the adoptive
family; and any needed on-going adoption preparation for the identified
family and child.

e) Refer to DCS Policy 15.11, Adoption Assistance for the criteria and eligibility for a child to receive adoption assistance.

5. **Permanent Guardianship** is a goal to be utilized only after the goals of Return to Parent or Adoption have been ruled-out. This rule-out includes documentation of the CFTM discussion surrounding the goals of Return to Parent and Adoption. Reasons for not returning the child to Parent and/or Adoption is documented in CFTM notes and case recordings. Documentation should include a description of the relationship between the youth/child and the prospective permanent guardian.

a) Outcomes and action steps to consider for Permanent Guardianship include preparation of the child, biological parents and potential guardian for Permanent Guardianship; what this will mean to the potential guardian and the biological parents, who retain their parental rights; Life Book work; discussion of what to expect from the court order, i.e., visitation can and should be included in the court order for permanent guardianship provided there are no TPR or safety issues; and, child support may be added to the court order according to each juvenile court judge’s discretion.

b) With the establishment of a goal of Permanent Guardianship, the FSW documents discussions of the ongoing post custodial services available to the child and permanent guardian; an understanding of the significance and permanence associated with becoming a Permanent Guardian and an explanation to the guardian regarding their rights and what decisions they can make on behalf of the child. Refer to: *TN Code Annotated: 37-1-804.*

c) Some permanent guardians may be eligible for a subsidy. Please refer to DCS Policy 15.15, Subsidized Permanent Guardianship and the Protocol for Subsidized Permanent Guardianship Case Planning for steps to arrange this for eligible guardians and preparing the paperwork necessary for the court exit.

d) Biological parents should participate in the court exit to Permanent Guardianship. While biological parents can petition the courts to regain custody, the standard for regaining custody is more stringent - they must convince the court not only that they have remedied the conditions that led to the placement of the child, but that returning the child to them would be in the child’s best interest. Permanent Guardianship can last until the child is an adult (up to age 21).

6. **Planned Permanent Living Arrangement (PPLA)** is only appropriate in very rare circumstances, as this goal generally does not support the youth’s need for permanency. A sole or concurrent goal of PPLA cannot be added to the Family Permanency Plan without the approval of the Commissioner or his/her designee. Staff will not take a Family Permanency Plan with a sole or concurrent goal of PPLA (nor a recommendation to change to such a goal) to the Foster Care Review Board or to the court without the Commissioner’s approval.
a) A request can be made by completing the **Request for Planned Permanent Living Arrangement (CS-0681)** and submitting it to the Commissioner through the Executive Director for the Office of Child Permanency or his/her designee.

b) In order for a PPLA goal to be used, the youth must be at least 16 years of age. DCS must demonstrate that the goals of Return to Parent, Exit Custody with Kin/Relative, Permanent Guardianship and Adoption are not feasible for the youth. PPLA must be in the youth’s best interest and the proposed permanent caretaker must be identified and demonstrate a commitment to assuming long-term responsibility for the youth. The foster family will be agreeing to provide relational permanence for the youth. The foster parent(s), the youth and the Family Service Worker will complete and sign form **CS-1006, Planned Permanent Living Arrangement Agreement**.

c) The recommendation of PPLA must be made within the context of a Child and Family Team Meeting. The Child and Family Team must review the appropriateness of PPLA no less often than every six (6) months. After a year with a goal of PPLA, another request for approval is required to continue with the goal.

d) For youth with a goal of PPLA, the Family Permanency Plan includes action steps designed to increase supportive adult relationships that can be resources beyond the youth’s 18th birthday. This may include family members or other significant adults from the youth’s past that may have been unable to be a placement resource. These efforts are documented in TFACTS. Failure to do so may result in the denial of the request to continue the goal of PPLA.

e) If a placement disrupts, the goal of PPLA is no longer valid since it is associated with a specific caregiver with a long-term commitment to this youth. Another PPLA request is required once an alternative caregiver has been identified who has agreed to care and support the youth at least to the age of 18.

f) Refer to **Planned Permanent Living Arrangement Protocol** for an in depth description of the process.

7. **Planned Permanent Living Arrangement – Extension of Foster Care:**

a) This goal is utilized to develop a Transition Plan, per DCS Policy **16.51, Independent Living and Transition Planning**, with youth ages 18 up to 21 that are eligible and approved for Extension of Foster Care Services.

b) Young adults who receive Extension of Foster Care Services after age 18 need to be doing one of the following to qualify for services:

- Completing high school or an equivalent program
- Enrolled in a four year college or university, a community college or a vocational program

c) Young adults who are unable to do one of the above requirements
because of a medical condition may also be eligible for services and supports. Refer to DCS Policy 16.52 Eligibility for Independent Living and Voluntary Post-Custody Services.

8. There are four (4) Extension of Foster Care Goals:
   a) Young adults completing high school or an equivalent program have the permanency goal of Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Secondary Education.
   b) Young adults enrolled in college or a university, have the permanency goal of Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Post-Secondary/Academic Education.
   c) Young adults enrolled in a post-secondary vocational program, have the permanency goal of Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Post-Secondary/Vocational Ed.
   d) Young adults with special needs receiving services, have the permanency goal of Planned Permanent Living Arrangement (PPLA) Extension of Foster Care Special Needs.

   NOTE: Unlike the PPLA goal use for youth up to the age of 18, the Extension of Foster Care PPLA goal does not require approval from Central Office.

E. Concurrent Planning

Concurrent Planning is the identification and active pursuit of more than one permanency goal at the same time and can help expedite the achievement of permanency. FSW’s fully disclose all concurrent planning information with parents, foster parents and other child and family team members regarding timeframes, expectations, services and court actions. The FSW include identification of appropriate in-state and out-of state placement options as part of the concurrent planning process.

F. Reasonable Efforts not Required

1. DCS Legal Counsel is consulted immediately if the FSW believes that reasonable efforts to reunite a child with a parent(s) or former legal guardian may not be required. The consultation with DCS Legal Counsel is critical before deciding that reasonable efforts are not required. If the department desires not to make reasonable efforts, then a motion is filed with the juvenile court and an order obtained that reasonable efforts are not required. If the court determines that reasonable efforts are not required, there is a permanency hearing within thirty (30) days of the court’s decision. If the permanency hearing triggers the filing of a petition to terminate, DCS files the petition immediately.

2. Reasonable efforts are not required when a court of competent jurisdiction has found that certain defined felonies have been committed by the parent(s) against the child/youth or another child/youth of the parents. TCA 37-1-166 (g) (4) lists those felonies:
   a) Murder of any sibling or half-sibling or other children/youth in the home;
   b) Committed voluntary manslaughter of any sibling or half-sibling/s of the
child or any other child residing in the home;

c) Aided or abetted, attempted, conspired, or solicited to commit such a murder such as voluntary manslaughter of the child or any siblings or half-sibling of the child or any other child residing in the home;

d) Felony assault that resulted in serious bodily injury to the child/youth, siblings, half siblings or other child/youth in the home.

3. Reasonable efforts to reunify are also not required if the parental rights of the parent to a sibling or half-sibling have been involuntarily terminated.

4. Reasonable efforts do not have to be made if the parent has subjected the child/youth who is the subject of the petition or any sibling, half-sibling or other child/youth residing in the home to aggravated circumstances defined in TCA 36-1-102 (9) and the court agrees, including abandonment, abandonment of an infant, aggravated assault, aggravated kidnapping, especially aggravated kidnapping, aggravated child/youth abuse and neglect, aggravated sexual exploitation of a minor, especially aggravated sexual exploitation of a minor, aggravated rape, rape, rape of a child/youth, incest or severe child abuse.

5. If there has been abandonment or severe child abuse or any of the above felonies committed, DCS carefully considers if there are compelling reasons to make reasonable efforts to reunite this child/youth with the offender.

6. Other circumstances may exist when it is reasonable to make no effort to reunify the child/youth and parent. DCS Legal Counsel is consulted in connection with this determination, i.e., refer to grounds for termination as set out in TCA § 36-1-113, though cessation of reasonable efforts to reunify does not necessarily have to occur because adoption is a goal or even a sole goal. Either way, termination protocol must begin immediately.

7. In addition to the above statutory exceptions to reasonable efforts, there are some cases where, after an assessment of the facts and the family situation, DCS may take the position that returning the child to the parent will never be appropriate. For instance, in a severe child abuse case, an assessment of the injuries, circumstances and family constellation may result in the determination that the only viable permanency goal is adoption. It may be reasonable to make no effort to reunify the child/youth and family. After DCS has made that decision and established the goal of adoption, the Court must determine (within thirty (30) days of the decision) that the Department’s assessment and decision are accurate and that the actions were appropriate.

8. If the Court agrees with the decision, then the Court would find that the Department’s efforts up to that point were sufficient (not that reasonable efforts were not required in the past). If this is the finding, DCS will proceed with termination of parental rights.

G. Permanency Plan Ratification

1. The Juvenile Court of Venue reviews and approves all Permanency Plans.

2. If the parents, child, or any team member disagree with the plan, they have
the right to present their concerns about the plan to the Court.

3. Notification of the review is sent to all members of the Child and Family Team and a copy is placed in the child’s record.

### H. Role of the DCS attorney in permanency planning

1. DCS attorneys are welcome to participate in any Permanency Planning CFTM’s. In every case it is expected that the FSW and DCS attorney will confer about the contents of the Family Permanency Plan prior to the CFT.

2. The Family Permanency Plan is submitted to the DCS attorney so that it can be reviewed and approved by the court. If the DCS attorney is concerned that the content of a plan is insufficient or the goal inconsistent for early permanency, the attorney consults with the FSW and the Team Leader and may ask that a reconvening of the CFT occur to address the concerns.

3. The FSW is responsible for providing a copy of the Family Permanency Plan to the DCS attorney with either: a) referral/request for a motion to set a hearing; or, b) with the date and place of an already-set hearing.

### I. Permanency Plan Reviews and Revisions

1. The Family Permanency Plan is reviewed in the context of a CFTM at least every three (3) months. These meetings must be separate and distinct from any court hearings, Foster Care Review Board meetings or other judicial or administrative reviews of the Family Permanency Plan.

2. If the Child and Family Team are meeting for another purpose, the progress on the plan can be reviewed at that time. It is not necessary to convene another meeting solely for the purpose of reviewing the plan.

3. Significant revisions of the Permanency Plan are the responsibility of the assigned FSW and are completed within the context of a CFTM.

4. Family Permanency Plans are updated before the goal achievement date expires, so in most cases this would be at least every six (6) months. Family Permanency Plans are updated no less often than annually. Family Permanency Plans are reviewed through the quarterly progress review process, so the opportunity to update and refine activities and outcomes are revisited on a regular basis (Refer to DCS Policy 16.32, Foster Care Review and Quarterly Progress Reports.)

5. As with the original plan, the revised plan is presented to the court of venue in a hearing and approved by the court in accordance with DCS Policy 16.33, Permanency Hearings.

6. A parent or other legal custodian who did not agree with the revised plan has the right to present their concerns about the revised plan to the court of venue during the hearing.

### J. Documentation

1. Major treatment issues for the child/youth and family (safety issues identified in the child protective services investigation, drug treatment, sexual offense victim or sex offender treatment, special education, domestic violence, etc.) that are identified during the assessment process is noted in the Family
1. Permanency Plan along with activities necessary to address the issues that brought the child/youth into care.

2. The Family Permanency Plan includes statements of responsibilities that specifically include both action steps that each party should take and the desired outcomes of those steps. To determine compliance with the plan, parents are expected to be able to demonstrate their completion of the action steps as well as their ability to maintain the desired outcomes in the permanency plan.

3. The Family Permanency Plan has clearly defined outcomes and specific, time-limited action steps that need to be completed to reach each desired outcome. All services documented in the plan as necessary for the achievement of the permanency goal(s) is provided within the time period in which they are needed.

4. Specific tasks listed on the Family Permanency Plan include observable, measurable outcomes as well as the names of the persons responsible for completion of each task. This includes responsibilities of the family, the Department and other community resources, including cross-jurisdiction resources in provision of services and monitoring progress as well as the child/youth in regard to his/her needs for safety, permanency and well-being.

5. Federal Law requires that each of the following be documented in the Permanency Plan:
   a) Efforts made by the Department to prevent removal of the child/youth and placement into custody.
   b) A description of the type of placement, including interstate placements when appropriate, and a plan for assuring that the child/youth receives safe and proper care in the least restrictive, most family like setting appropriate, in close proximity to the parents' home, consistent with the best interest and individual needs of the child/youth.
   c) A discussion of the safety and appropriateness of the placement.
   d) To the extent available and accessible, the most recent health and education records of the child/youth, including the EPSD&T, IEP and/or psycho-educational when applicable, and the specific steps to be taken to assure health and education progress.
   e) For a child/youth ages 14 or above, the plan must also include a written description of the services that will help the child/youth prepare for independence.
   f) For all children/youth, the plan must document the steps the Department is taking to achieve permanency for the child/youth.

6. The Family Permanency Plan information and dates are entered into TFACTS within forty-eight (48) hours of the completion of the CFTM where the plan is developed or revised.

7. For those families who cannot speak or read English, the Family Permanency Plan is translated into the language the family speaks and reads. The Regional Fiscal Teams can be contacted when translation services are needed.
Subject: Permanency Planning for Children/Youth in the Department of Children’s Services

### Custody

#### Forms:
- CS-0746, Meeting Notification
- CS-0745, Criteria & Procedures For Termination Of Parental Rights
- CS-0681, Request for Goal of Planned Permanent Living Arrangement
- CS-1006, Planned Permanent Living Arrangement Agreement
- CS-0747, Child and Family Team Meeting Summary
- CS-0158, Notification of Equal Access to Programs
- CS-0800 Notice of Action
- TennCare Medical Appeal Form

#### Collateral Documents:
- Functional Assessment, Copy of Notification
- Attachment 1 Casey Life Skills Assessment/Protocol
- Policy 15.11, Adoption Assistance
- Policy 15.15 Subsidized Permanent Guardianship
- Policy 16.32, Foster Care Review and Quarterly Progress Reports
- Policy 16.33, Permanency Hearings
- Policy 16.51, Independent Living Plan
- Policy 31.1, Family Permanency Plans
- Policy 31.7, Child and Family Team Meeting Process
- Policy 31.7, Attachment: CFTM Protocol
- Policy 16.48, Conducting Diligent Searches
- Policy 16.59, Disclosure of Legal Options and Available Services For Relative Caregivers
- Protocol for Subsidized Permanent Guardianship Case Planning
- ICPC Practice and Procedure Manual
- Independent Living and Transition Planning Guide
- Visitation Protocol
**Subject:** Permanency Planning for Children/Youth in the Department of Children’s Services

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**Policy Statement:**

DCS shall recruit foster parents who are capable to provide for the safety, permanency, and well-being of children and are fully prepared to serve in this capacity. This policy is applicable to relatives and kin and non-relatives who are potential placement resources for children under the Interstate Compact on the Placement of Children. Reference the [ICPC Practice and Procedure Manual](#) for details in practice for an inter-jurisdictional placement.

DCS needs foster families expressing an interest in and a willingness to adopt older children in full guardianship with special needs. DCS will also engage families whose initial interest involved the placement of a child/youth in the custody/guardianship/jurisdiction of another public agency pursuant to the Interstate Compact on the Placement of Children (ICPC).

**Purpose:**

To provide guidelines for identifying qualified foster homes for placement of children/youth in DCS custody or children/youth placed into Tennessee pursuant to the Interstate Compact on the Placement of Children. If a child/youth must be separated from their family, DCS strives to place the child/youth with relatives and families capable of meeting their needs.

**Procedures:**

1. An applicant who wishes to become a foster parent must meet the following criteria:
   a) Twenty-one (21) years of age. An applicant to be a foster parent for a sibling or other blood relative must be at least eighteen (18) years old;
   Note: Some contract agencies have a minimum age requirement of twenty-five (25) for therapeutic foster homes.
   b) For a traditional applicant, a legal resident of Tennessee for at least six (6) months;
### Subject: Foster Home Selection and Approval

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<th>B. DCS Response to Potential Foster Parents</th>
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<tbody>
<tr>
<td>1. Central Office Foster Care Unit staff and Regional Foster Parent Support (FPS) staff responding to inquiries or referrals provide interested families with an overview of foster parenting, the home study process and approval requirements. The opening of the inquiry/referral and documentation of the contact is entered into <strong>TFACTS</strong> and responded to within seven (7) calendar days.</td>
</tr>
<tr>
<td>2. Foster home referrals submitted to the region through the Interstate Compact on the Placement of Children (ICPC) are contacted by the assigned home study writer within seven (7) calendar days of the referral's entry into <strong>TFACTS</strong>.</td>
</tr>
<tr>
<td>3. Third party PATH training staff or Contract Agency staff persons assist families in completing their application and initial paperwork during the Parents as Tender Healers (PATH) orientation session.</td>
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<tr>
<th>C. Orientation and Schedule for Parents as Tender Healers (PATH)</th>
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<tbody>
<tr>
<td>1. DCS schedules and offers one PATH group a month in each region. Contract Agencies schedule PATH groups as required.</td>
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<tr>
<td>2. Although there can be no changes to the <strong>PATH Curriculum</strong>, DCS staff and/or Contract Agency staff complete and submit form <strong>CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues and CPS Substantiations</strong>, (obtain approval of a PATH Modification from the Regional Administrator or Contract Agency Executive Director and the Director of Foster Care and Adoptions may be consulted, if necessary) if any of the following</td>
</tr>
</tbody>
</table>

- c) A United States citizen or have been approved by the United States Citizen and Immigration Service as a Legal Permanent Resident;

- 2. Applicants are eligible regardless of gender, race, color, or national origin.

- 3. Approval is a mutual selection process and is based on the applicant’s ability to meet specific approval requirements and to promote DCS Standards of Professional Practice.

**Note:** Serving as a foster parent or foster family for children in Tennessee is a privilege, not a right.

- 4. DCS or a Contract Agency accepts a referral/request on an identified Tennessee resident who may be relative/kin, or non-relative and who desires to become a foster parent for a child in the custody of another state. The referral/request or application will be submitted in compliance with the Interstate Compact on the Placement of Children (ICPC) and this policy for a specific child/youth who is in the custody/guardianship/jurisdiction of another state, or who may live outside of Tennessee.

**Note:** All adult household members or significant others (Paramours, fiancés, or partners) that have regular access to the children placed in the home and provide a parental role (child care, transportation, discipline, or other support to children) must enroll and complete PATH training at initial approval or upon moving into the home. This does not include birth parents that may reside in an applicant’s home.

- 5. For foster homes wanting to be re-activated or re-classified follow the **Protocol for Re-Activation and Re-Classification of Foster Homes**. The completion of the new **POPS Tool** is only necessary if there are identified concerns.
PATH training formats are needed to better meet the needs of the family:

a) Use of PATH training with one individual, rather than in a larger, group format.

b) Substitution of other approved training and past fostering experiences accepted as PATH equivalent.

c) Condensed PATH for Relatives (16 hours)

Note: Condensed PATH Waivers for Relatives are only eligible for kin/relative families that could provide permanency through Subsidized Permanent Guardianship (DCS Policy 15.15, Subsidized Permanent Guardianship). If a family is approved under this type of waiver and later wants to provide “traditional foster care”, all adult caregivers must complete the four (4) hour course titled, Kinship to Traditional Foster Care.

3. For compliance with the ICPC, copies of any waivers documented on form CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues and CPS Substantiations, approved by the Regional Administrator or Contract Agency Executive Director, constitute part of the completed foster home study narrative used to support a decision for approval or denial. Refer to Section J of this policy for additional information.

D. Opportunities for the Consideration of Relative/Kinship Foster Home Approval

1. When seeking to approve a relative or kin as a foster parent, certain non-safety approval standards (Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893/P.L. 110-351) may be taken into consideration on a case-by-case basis during the approval process. These considerations may include, but not be limited to, the following:

   a) Income standard;

   b) Minimum number of bedrooms per inhabitant;

   c) Use of a landline telephone and/or an auxiliary cell phone to connect to local 911 emergency services (refer to form CS-0676, Home Safety Checklist);

   and

   d) Legal marital status (to finalize an adoption, all divorces will be completed).

2. Other considerations identified that are not listed above are documented in the foster home study narrative and carefully reviewed prior to the placement of children. This is in accordance with the federal law.

3. Contract Agencies may also utilize relative or kinship homes in this manner. In cases of a Contract Agency wishing to utilize a relative or kinship home after taking certain approval requirements under consideration, the provider is solely responsible for the review and waiver of otherwise mandatory requirements. Contract Agencies may only utilize relative and kinship homes once they are fully approved.
## E. Home Study Process

1. The foster home study process begins with Session One of PATH training. This involves the collection of forms **CS-0688, Foster Home Application for Parenting, CS-0668, Authorization for Release of Information to DCS, CS-0932, Foster Home Disclosure Acknowledgement** and the initial documentation distributed during the orientation meeting.

2. Once the applicant(s) enters PATH training the Region identifies the FPS staff person that manages the home and provides support to the parents.

3. The foster home study writer conducts at least three (3) planned interviews with the potential foster parents (or two (2) if a lone applicant), including one (1) home consultation and individual interview with each person residing in the home. All other interviews are conducted in the home or some other convenient place that is conducive to professional interviews using the **Profile of Parenting Study (POPS) tool**. The interview process begins immediately following PATH session three.

4. Interviews with adults (i.e., spouses, co-habitants, etc.) residing in the same home may be conducted during one visit. It is possible that the four (4) required interviews could take place in three (3) visits if each adult inhabitant is interviewed separately in one visit.

5. Documentation of contacts by the foster home study writer identifying the progress and status of the study process is entered as a case recording in TFACTS throughout the foster home study process, summarized in the foster home study narrative and documented in TFACTS.

6. Each foster parent applicant and each member of the family provides a medical report from a licensed physician, nurse practitioner or equivalent health care professional documenting the acceptable physical and emotional health of all household members. Forms **CS-0678, Foster Parent/Other Adult Medical Report** and **CS-0427, Child’s Medical Report** may be used to document the applicant’s current medical status, and other adult or child/youth household members. In cases where a child/youth as a household member has had a well-baby check or physical examination for school within the last twelve (12) months, the applicants may submit the documentation from that appointment.

7. Verifications of valid handgun carry permit, driver’s license, vehicle registration, current vehicle liability insurance, current marriage, any previous marriage annulments or divorces, births, adoptions and custody matters of children in the home including an adjudication of delinquency, if applicable, are provided by each parent or applicant. In situations where an applicant is separated from their spouse, if the applicant does not have documentation of previous marriage annulments, legal separations, or divorces, both members of the couple are considered as parties to the study process, or documentation of the separation will have to be obtained prior to final approval.

8. Potential Foster Homes with unvaccinated children
   - Children under the age of 5 years old are not placed in foster homes with unvaccinated children. Children age 5 years old and older that are up-to-date with their immunizations can be placed in foster homes with unvaccinated children.
   - Any child with a compromised immune system is not placed in a foster home with unvaccinated children.
Cases involving kinship care are decided on a case by case basis. Before placing any child in a foster home with unvaccinated children, consult with the child's PCP to make sure the child can safely be placed with the family.

9. Copies of valid Tennessee driver's license and (if applicable), vehicle registration, current vehicle liability insurance, and proof of county vehicle inspection is obtained for any household member who might transport a child.

10. References are obtained from three (3) individuals not related to the applicants, as well as one (1) relative reference from each of the applicants. The individuals providing references may not reside in the home of the applicants.

11. A decision on approval or denial regarding the foster home study is made within ninety (90) days of the applicant's completion of PATH and any additional required pre-service training for applicants to Contract Agencies.

12. Any foster home that is anticipated to be approved outside of the 90-day time frame requires an approved extension explaining the circumstances and the expected date for approval. All time frame extensions are required to be documented on form CS-1018, Foster Home Extension Request and submitted to the Director of Foster Care/Designee for approval. Contract Agencies do not require Central Office approval in such instances, but are required to document the reason for the delay in approval or denial or any extension on form CS-1018.

13. In accordance with the Safe and Timely Interstate Placement of Children in Foster Care Act of 2006, an ICPC foster home study, with a decision to approve or deny the foster home, is issued within sixty (60) calendar days of the date of the ICPC referral in TFACTS.

14. If completion of the study or issuance of a decision regarding the ICPC foster home cannot meet the sixty (60) calendar day time line, the DCS foster home study writer or Contract Agency personnel documents the reasons for the delay. They will also address action steps to be taken, including a proposed date of completion, in TFACTS. Follow-up documentation is included every thirty (30) days until a decision is issued. Notice of the documentation is forwarded to the DCS ICPC Office.

15. The foster home study approval date and the foster home approval date in TFACTS are the same date. The decision regarding the foster home study is not valid until signed by the DCS Team Coordinator and Team Leader.

16. When approved, DCS or Contract Agency staff:

a) Notify the applicants in writing using form CS-0702, Foster Home Approval;

b) Enter the new foster home into TFACTS, including ICPC foster homes; and

c) The foster home study writer assists any potential foster family who is interested in adopting to register with AdoptUSKids.org. Interested families are given form CS-0950, ADOPTUSKIDS Information Acknowledgement and a signed copy of the form is placed in the foster home case file.
Subject: Foster Home Selection and Approval

17. DCS/Contract Agency staff do not approve any applications or referrals that do not meet the standards outlined in this policy and DCS Policy 16.3, Desired Characteristics of Foster Parents.

18. If a foster family is denied, the procedures outlined in DCS Policy 16.16, Denial or Closure of Foster Homes are followed.

### F. Mandatory Pre-Service Training

1. PATH is co-led by a DCS or Contract Agency staff person along with a trained DCS or Contract Agency foster parent. Youth co-leaders are also included in PATH Training Sessions as identified and relevant to their expertise.

2. All foster parent applicants and/or any adults living in the household who have a parenting role complete PATH training.

   **NOTE:** Birth parents that are residing in an applicant's home are not required to take PATH.

3. A waiver request is not necessary for adults living in the foster home who have no parenting role. Clear documentation in the foster home record is completed to explain why the individuals are exempt from the orientation session and PATH training and to justify the PATH waiver date recorded in TFACTS.

4. Older birth or adopted children who are living in the home of the foster parents that turn eighteen (18) years old after the parents are approved, do not have to complete PATH, unless they have a parenting role.

5. Foster homes that have been closed for less than two (2) years and were in good standing at the time of closure are not required to re-take initial PATH training. Foster homes closed in good standing for a period in excess of two (2) years re-take initial PATH training or a Department-approved equivalent.

6. If a home has completed PATH training, but has remained in pending status for more than one year, the assigned (FPS) Staff must evaluate whether the foster parents are required to re-take PATH or a Department-approved equivalent. If it is decided the family does not need to re-enroll in PATH, the rationale is documented in the foster home study.

7. The Protocol for Re-Activation or Re-Classification of Foster Homes is utilized to re-activate a foster home that is closed regardless of the closure status.

8. FPS Staff and Contract Agencies consult to exchange/share training and certification information.

9. In addition to the completion of PATH training, an applicant completes:
   - a) CPR/First Aid (4 hours) non-certification class (medical professionals such as doctors or nurses who are certified due to employment can present their current/CPR/First Aid certification to the PATH trainer or home study writer instead of taking the course); and
   - b) Medication Administration (4 hours).

### G. General Areas of Assessment

During the foster home study process, the foster home study writer assess at least the following areas with the applicants:

1. All areas outlined in DCS Policy 16.3, Desired Characteristics of Foster
Parents;

2. Understanding of core components of PATH; If the Home Study writer is different than the PATH Trainer, a summary of form, **CS-1038 PATH Participant Assessment**, is documented in the PATH Training Experience section of the home study narrative.

3. Parenting strengths and abilities (refer to form **CS-0895, Foster Family Strengths/Needs Checklist**);

4. Foster home capacity (refer to DCS Policy **16.46, Child/Youth Referral and Placement**); and

5. The home’s environment for safety and risk, documenting whether the prospective residence meets acceptable sanitary requirements, utilizing form **CS-0676, Home Safety Checklist**. Although this list is not designed to be comprehensive, all items must be complied with and the following areas are assessed and confirmed:

   a) Physical facilities meet the needs of children based on age, gender, sibling group status and any other special needs;

   b) The residence is free of hazards.

   c) The residence has an adequate water supply:

      ♦ Applicants who rely on well water provide documentation of its safety;

   d) The residence has working toilet and bathroom facilities;

   e) The residence has a working landline telephone and/or an auxiliary cell phone to connect to local 911 emergency services (refer to form **CS-0676, Home Safety Checklist**).

   f) The residence has adequate sewage disposal;

   g) The residence has adequate sleeping space:

      ♦ Unfinished attics, basements, hallways or other outbuildings may not be used as sleeping rooms;

      ♦ Children have their own bed that includes a mattress, box springs (unless they are bunk beds) and bed frame;

      ♦ No more than two (2) children share a sleeping room. Exceptions may be granted, in writing, by the Team Leader or Contract Agency supervisory staff, if it becomes necessary for more than two (2) children to share a sleeping room;

      ♦ Children three (3) years of age or older may not share the bedroom of the foster parent(s) except for brief periods of illness or emotional distress.

      ♦ Children of the opposite sex will not be allowed to share sleeping rooms, except in the case siblings where all siblings are age four (4) years old or under;

   h) The residence has adequate storage space:

      ♦ Individual space is provided for each child/youth’s personal
possessions.

6. All family pets are vaccinated as required by law. Documentation is required to verify that the vaccination is current.

7. The exterior of the residence is inspected for hazards.

8. Foster parents who are gun owners adhere to the following:
   a) Foster Parents in possession of a Hand Gun Carry Permit, as per TCA 39-17-1315, provide DCS/Contract Agency staff with a photo copy of the permit for the Foster Home Case File:
      ◆ Each permit carrier is responsible for the renewal of the permit every four (4) years;
      ◆ The permit holder provide DCS/Contract Agency staff with a copy of the gun permit at time of renewal;
      ◆ Foster Parents who possess a handgun permit and choose to carry a weapon in the presence of the children in their care exercise extreme caution at all times.

   Note: Refer to form CS-0670, Foster Parent Oath to Abide.
   
   b) All firearms, bows and arrows, hunting knives and weapons of any variety are housed and locked in a secure gun cabinet or other secure storage facility. Gun cabinets with glass enclosures or glass doors are not appropriate, unless specifically designed for the purpose of weapons display. Keys to the gun cabinet are secured in a separate location. Trigger locks are utilized on all firearms. Ammunition is stored and locked separately.

9. Swimming pools are secured in accordance with city and/or county safety ordinances. If city or county ordinances do not require fencing for swimming pools, a pool alarm system is installed and the pool also meets home owners insurance requirements. Above ground pool ladders are removed when the pool is not in use.
   ◆ A safety plan is addressed within the home study or in an addendum for already approved foster homes regarding pools or any other water hazards on the property.

10. Specific non-safety issues may be waived by the region during the approval process of the foster home. Any considerations for waiver is documented on form CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues CPS Substantiations and Education Requirements, and clearly identified as a “non-safety issue”. The waiver is reviewed and approved by the Regional Administrator or the Contract Agency Executive Director or his/her designee. Information contained in CS-0921 is maintained as part of the foster home study narrative.

H. Fire Safety

1. Foster homes contain the following:
   a) UL-approved, operational smoke and carbon monoxide detectors on every level of the home:
      ◆ Smoke detectors and carbon monoxide detectors where children sleep
are located in the child/youth’s bedroom, or in the hallway adjacent to the child/youth’s bedroom.

b) A functioning fire extinguisher for each floor of the residence.

2. Applicants prepare a floor plan of their home, which identifies the location of all smoke detectors, carbon monoxide detectors and fire extinguishers and illustrates evacuation routes in case there is a fire in the home. This plan is posted in a prominent location once the home is approved and a copy placed within the region’s Foster Home case file.

3. The foster home study writer may provide assistance in creating the floor plan. The foster home study writer discusses a fire drill plan with the applicants during the foster home study process. Fire drill plan discussion include:
   a) How fire drills might be conducted in the family home;
   b) How each family member would be made aware of the plan;
   c) The location where all families members would meet after the home is evacuated;
   d) Emergency phone numbers; and
   e) How family members with special needs will be assisted.

I. Assessment of Relationships

1. The foster home study writer assesses the quality of an applicant’s current and past relationships. The foster home study narrative includes an assessment of the potential foster parent’s ability to build and maintain trusting and stable relationships with persons including their own children, family members, friends and others significant to the applicant. This assessment includes the following:
   a) Reading the Foster Family Home Study (CS-0961) or Foster Family History Questionnaire (CS-0962);
   b) PATH training;
   c) Face to face interviews; and
   d) Contacting the references (CS-0963 Foster Family Reference Letter and Questionnaire).

2. Significant relationships are assessed based on duration as well as the number of relationships over time.
   a) A conversation is held with each member of the household to assess their attitude about sharing their home with children from the child welfare system.
   b) A summary of these conversations is included in the foster home study narrative.

J. Background and Criminal Records Clearance

1. All adult household members complete form CS-0668 Authorization for Release of Information to DCS by the conclusion of the first PATH session. Criminal background checks begin immediately following Session One of PATH.

2. A criminal history check includes local criminal records check from local law enforcement records or county court records for all adult household members.
within the immediate six (6) months preceding application for each applicant. These checks are also conducted for any other adult member of the household taking into account current, maiden, and any other previous legal names. All criminal charges listed in the local criminal history check for which there is no final disposition (misdemeanor or felony) identified is clarified by obtaining additional official documentation from the local court with jurisdiction.

- Each criminal history records check is to be completed in accordance with policy to ensure timely assessment of foster homes. However, to allow for human error, it is permissible to rectify errors (i.e. incorrect name spelling, DOB, SSN) on such checks. Newly conducted checks that show no results are considered compliant. Checks that show convictions or substantiations of abuse or neglect within the findings that would exclude the applicant from becoming an approved foster home or approved household member as outlined below are deemed non-compliant.

**Note:** Contract Agencies that utilize on-line services, e.g., Kroll, Intellacorp, Mycertifphi, etc., may continue to use such services to obtain criminal records checks.

3. All findings identified as a result of the criminal history check are documented on form **CS-0687, Background Check History and IV-E Eligibility Checklist**, with results attached along with form **CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues, CPS Substantiations and Education Requirements**, when applicable. Such results are reported in the foster home study and maintained in the Foster Home Case file.

**Note:** For waivers and approvals on misdemeanor and felony charges, refer to the **Waiver Tip Sheet**.

4. A TBI/FBI fingerprint check is completed on potential foster parents and other adults residing in the home.

5. An Internet Records Clearance is completed by the FPS Staff for potential foster parents and other adults residing in the home. This search is conducted taking into account current, maiden, and any other legal names. This documentation includes the following:

   - A **National Sexual Offender Registry Clearance**
   - A **Tennessee Department of Health Abuse Registry Clearance**

**Note:** Any Contract Agency using an internet service to complete the required background checks for potential foster parents and/or other adult household members is responsible for assuring that such provider accesses the internet searches listed above. Doing so precludes the need for the provider to complete each individual internet search.

Failure to verify that the chosen internet service use the exact sites listed above for each check results in that check being considered invalid. This may cause a home to be identified as noncompliant and result in monetary penalties.

- A **DCS Records Check** includes a check of CPS records in TFACTS and a **Social Service Management System (SSMS)** check and is completed on...
potential foster parents and other adults residing in the home (refer to *Conducting SSMS Checks in TFACTS for more information*). The FPS staff member completes the records check using form **CS-0741, Database Search Results**. Contract Agencies submit their DCS Records Check request on form **CS-0741, Database Search Results** and send to email box: EI-DCS-Provider.Backgroundcheck@tn.gov. If the adult has resided in another state within the past five (5) years, the FPS/contract agency staff person or designee will request a check from each state’s public child welfare agency’s child abuse and neglect registry. See the **Adam Walsh State Contacts for Child Abuse Registries** for out of state contact information.

b) No applicant is approved as a foster parent who has been determined to be a substantiated perpetrator of child abuse or neglect unless a waiver is granted as outlined in DCS Policy **14.24, Child Protective Services Background Checks**.

c) Specific information related to CPS findings and records involving an applicant is maintained in the foster parent file and addressed in the foster home study narrative.

d) This waiver may only be approved by the Executive Director of the Office of Child Safety or his or her designee and documented on form **CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues and CPS Substantiations**.

6. Internet Records Clearance, CPS checks, and local background checks are attempted for all adults living on the foster parent’s property having the same mailing address. This includes those living in other dwellings (i.e., over-the-road trucks, buildings, campers, mobile trailers, etc.). If any causes for concern are noted, fingerprinting is completed on the individual(s) that prompted the concern. Failure to comply with the requested background checks result in the closure of the foster home.

7. A driving record check/moving violation record check is completed for each foster parent that provides transportation for DCS children. Documentation of all returned information from background and driving record/moving violation record checks re discussed in the foster home study narrative, and any concerns are resolved prior to approval.

8. Potential DCS/Contract Agency Foster Parents, as well as any other adult residing in the home, must report any new arrest, indictment, or criminal conviction (either misdemeanor or felony).

**K. Documentation and Foster Home Study Requirements**

1. The entire foster home study record, including the application, autobiography, all PATH forms, foster homes study narrative and all supporting documentation (medical statements, criminal background checks/clearances, references, etc.) constitute a completed foster home study. This collection of information becomes part of the foster home case file (refer to DCS Policy **16.23, Foster Home Case Files**) along with the foster home study writer’s recommendation as documented in the foster homes study narrative. Upon completion of the foster home study, the foster home study writer submits the file to his or her supervisor and team coordinator. The entire foster home study record is reviewed for approval or denial. Contract Agency’s home studies also have two.
levels of supervisory review/approval upon submission.

2. All completed home study narratives include a recommendation statement that clearly defines the age range, number, and gender of children for which the family is approved to parent. The recommendation statement also includes information regarding the type of physical, emotional, behavioral, and personality traits of children the family will be most successful in parenting. In cases where the study was initially intended for a kinship care placement, a statement regarding the family’s capability to meet that specific child/youth’s needs are also included.

3. The foster home record documents that the discipline policy has been explained and that the applicants agree to the discipline policy guidelines by signing form CS-0553, Discipline Policy.

4. Foster home study approval information is entered into TFACTS. Any documentation related to the approval of the home is uploaded into TFACTS at this time. Any changes that affect the status of the home’s continued approval is recorded in a timely manner both in the foster home record and the child’s record in TFACTS.

5. All applicants read and sign form CS-0670, Foster Parent Oath to Abide, prior to approval.

   Note: The foster home record contains form CS-0702, Foster Home Approval, which indicates the number and type of children for whom the home is approved as well as the approval date.

6. A Tennessee DCS foster home studied in response to a request for the placement of a child/youth from another state pursuant to compliance with the ICPC includes three (3) levels of decision making:

   a) The foster home study narrative approves or denies the foster home as meeting DCS requirements as a foster home eligible for children with characteristics as identified in item 2 above;

   b) The foster home study narrative approves or denies the placement of the specific child or children or youth identified on form CS-0525, Interstate Compact Placement Request (100A) into the specific DCS foster/adoptive home; and,

   c) The foster home study narrative identifies whether the foster home is certified eligible under DCS standards for federal IV-E financial assistance, including identifying the period of eligibility.

7. All foster homes have form CS-0871, Foster Home Disaster Plan completed as a part of the home study.

L. Home Study Maintenance

1. Once an applicant is approved as a foster family, the foster home study record is maintained in accordance with DCS Policy 16.23, Foster Home Case Files.

2. In order to remain approved, the foster family maintains compliance with DCS Policy 16.8, Responsibilities of Approved Foster Homes and all other applicable DCS policies.

3. Upon written request from an eligible party, along with a signed release of information from the DCS foster home who remains in good standing,
Tennessee DCS Regional FPS staff may release an unsigned copy of the current foster home narrative to another state for that state’s consideration in a selection process for a potential placement of a child who is in the custody/guardianship of that state. Under no circumstances is the Tennessee DCS foster home narrative to be construed or used as a substitute for the request of a child-specific relative/kin or non-relative study as required under the ICPC nor the basis for any provisional or conditional decision for placement under the ICPC until and unless all requirements of ICPC Article III are met.

4. Neither the DCS foster home study process nor a DCS home study is valid for determination of placement of a child or youth in a private or independent adoptive placement arrangement between individuals or private licensed agencies unless the proposed individual or family is determined to be indigent as defined under the Federal Poverty Guidelines.

M. Types of Foster Homes Defined

1. Once all the above requirements are met and the DCS or the Contract Agency has issued an approval letter, the applicant is considered an approved foster family and is eligible to be considered for placements for kinship care, foster care, or adoption. All Title IV-E documentation regarding the home is submitted to the DCS Central Office according to the Protocol for Resource Eligibility Team (RET) for review.

2. An approved foster family may also be considered to parent children who are adjudicated delinquent, provided they complete the specialized training requirements outlined in DCS Policy 16.8, Responsibilities of Approved Foster Homes.

3. An approved foster family may also be considered to serve as respite, mentoring, transportation, visitation, or other foster services deemed necessary by DCS.

4. Anyone who wishes to provide therapeutic care or care for medically fragile children applies to a Contract Agency, unless an arrangement can be made in compliance with DCS Policy 16.11, Shared Foster Homes.

5. Pursuant to the ICPC, a home study on Tennessee kin or relatives or other non-related foster parents being considered as a placement foster for a medically fragile child or special needs child who is in the custody or guardianship of another state’s public agency is conducted by a private Tennessee licensed child-placing agency through an agreed upon contract with the sending state agency. The private Tennessee licensed child-placing agency documents their ability to provide training and other therapeutic or clinical support to the foster family as appropriate to meet the child’s needs, if placement and supervision of the foster home is approved. The foster parents meet all of the standards/requirements of this policy.

N. Case Transfer

During the course of application, home study or tenure of a DCS foster home, any change of circumstance which triggers a move of that home to another agency, county or region, DCS Policy, 31.3, Case Transfer Guidelines Between Regions, Agencies, and Facilities is followed.

O. Resource Eligibility Teams (RET)

In order to ensure that federal IV-E safety requirements are met for funding purposes, the Resource Eligibility Team (RET) reviews the documentation used to
support the foster home approval decision. The DCS Child Placement and Contract Agency Unit (CPCA) in DCS Central Office manage RET. Safety documents for Contract Agencies and DCS foster homes are entered in TFACTS and attached to the foster home’s current assessment. (Refer to the Protocol for Resource Eligibility Team (RET).)

**Forms:**

- **CS-0431, Monthly Family Income and Expenditures**
- **CS-0427, Child's Medical Record** (for all children in the home)
- **CS-0544, Foster Home Placement Checklist**
- **CS-0553, Discipline Policy**
- **CS-0668, Authorization for Release of Information** (for all adults in the home)
- **CS-0670, Foster Parent Oath To Abide**
- **CS-0675, Foster Home Cover Sheet**
- **CS-0676, Home Safety Checklist**
- **CS-0678, Foster Parent/Other Adult Medical Report**
- **CS-0741, Database Search Results**
- **CS-0782, Family Eco Map**
- **CS-0871, Foster Home Disaster Plan**
- **CS-0688, Foster Home Application for Parenting**
- **CS-0687, Background Check History and IV-E Eligibility Checklist**
- **CS-0691, Fingerprint Card Information** (for all adults in the home)
- **CS-0950, ADOPTUSKIDS Information Acknowledgement**
- **CS-0702, Foster Home Approval**
- **CS-0709, Foster Home Monthly Recording**
- **CS-0895, Foster Parent Strengths /Needs Checklist**
- **CS-0932, Foster Home Disclosure Acknowledgement**
- **CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues CPS Substantiations and Education Requirements**
- **CS-0961 Foster Family Home Study**
- **CS-0962 Foster Family History Questionnaire**
- **CS-0963 Foster Family Reference Letter and Questionnaire**
- **CS-1018, Foster Home Extension Request**
- **CS-1038, PATH Participant Assessment**

Note: Contract Agencies may use equivalent forms, provided the content of the forms capture the content of the forms listed above.
### Collateral documents:

- 911 Landline Protocol
- Adam Walsh State Contacts for Child Abuse Registries
- Conducting SSMS Checks in TFACTS
- Protocol for Re-activation or Re-Classification of Foster Homes
- Protocol for Resource Eligibility Team (RET)
- Profile of Parenting Study (POPS) Tool
- Profile of Parenting Study (POPS) Tool Manual
- Steps in the Foster Family Home Study Process
- The Interstate Compact on the Placement of Children Practice and Procedure Manual
- Proof of all Reported Income
- Results from Police Records Checks
- Waiver Tip Sheet

### Glossary:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving Record Check/Moving Violation Record:</td>
<td>Each region has designated specific FPS staff who are able to access the Moving Violation Records through an understanding with the Tennessee Department of Safety. This access provides DCS with driving records for each foster parent/individual that provides transportation for DCS children. The report will show speeding and DUI charges and other moving violations. In an attempt to keep DCS children safe while in foster care, these reports will be completed during annual re-assessments of foster homes and will also be completed prior to approval of a new foster home.</td>
</tr>
<tr>
<td>Family in “good standing”:</td>
<td>Any fully-approved family that is currently taking foster home placements and complied with the all on-going training requirements. Or, a family that has decided to close their foster home and discontinue their fostering experience and the system reflects the positive closure reason of “closed in good standing”.</td>
</tr>
<tr>
<td>Fully-Approved Family:</td>
<td>Applicant(s) that have successfully completed PATH training, the background check process, and has a completed, signed/approved home study.</td>
</tr>
<tr>
<td>Household Member or Significant Others:</td>
<td>A relative or anyone that has an important connection to the applicant via blood or relation. This would include anyone living in the home and involved in the day-to-day affairs or has access to children placed in the home.</td>
</tr>
<tr>
<td>Parenting Role:</td>
<td>The assumption of the primary responsibility for promoting and supporting the physical, emotional, social and intellectual development of a child from infancy to adulthood by an adult member/members of a household. Parenting refers to the activity of raising a child and is not specific to a biological connection. The nurturing parent can be an stepparent, adoptive parent or guardian.</td>
</tr>
<tr>
<td>Traffic Violations:</td>
<td>These include: speeding, running red lights, seatbelt violation and lack of car registration and/or insurance.</td>
</tr>
</tbody>
</table>
Administrative Policies and Procedures: 15.15

<table>
<thead>
<tr>
<th>Subject:</th>
<th>Subsidized Permanent Guardianship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authority:</td>
<td>TCA 37-5-105 (3); TCA 37-5-106; 37-1-801 et seq., Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L. 110-351), Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), TCA 37-2-417, TCS 37-4-201, Interstate Compact on the Placement of Children.</td>
</tr>
<tr>
<td>Application:</td>
<td>All Department of Children’s Services Family Service Workers, Permanency Specialists and Supervisory Staff</td>
</tr>
</tbody>
</table>

Policy Statement:

The Subsidized Permanent Guardianship (SPG) program implements provisions of the Fostering Connections to Success and Increasing Adoptions Act 2008 (P.L 110-351). The act allows the State to enter into guardianship agreements to provide assistance payments to grandparents and other relatives who have assumed the legal guardianship of children for whom they have cared as a licensed or approved resource parent and for whom they have committed to care on a permanent basis. This policy also applies to children in out-of-state placement pursuant to the Interstate Compact on the Placement of Children.

Purpose:

To inform staff and guardians of the basic eligibility criteria, the process of applying for SPG and requirements for maintaining the SPG payments.

Procedures:

A. Eligibility Criteria for Subsidized Permanent Guardianship

1. The child has been removed from his or her home pursuant to a Voluntary Placement Agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare and best interest of the child.

2. The child has resided with a licensed or approved kinship resource parent for at least six (6) consecutive months. Refer to DCS Policy 16.4, Resource Home Approval, for more information.

3. The child should have a goal of Permanent Guardianship where reunification and adoption have been deemed inappropriate.

4. The child demonstrates a strong attachment to the prospective relative guardian and the prospective relative guardian demonstrates a strong commitment to caring for the child on a permanent basis.
### B. Determining Funding Source

1. A child’s SPG funding source will be determined by the completion of form CS-0917, Certification of Eligibility for Subsidized Permanent Guardianship or within the TFACTS system.

2. In order for a child to be determined eligible for Title IV-E Subsidized Permanent Guardianship, the child is determined to be eligible for Title IV-E foster care maintenance payments (DCS Policy 16.36, Title IV-E Foster Care Funds) for at least a six (6) consecutive months during which the child resided in the home of the prospective relative guardian that was licensed or approved as meeting all requirements as a resource family home.

3. If a child is eligible for Title IV-E funded guardianship assistance but has a sibling who is not eligible, the child and any of the child’s siblings may be placed in the same relative guardianship arrangement if DCS and the relative agree that the arrangement is appropriate for the sibling, and Title IV-E funded relative guardianship assistance may be paid on behalf of each sibling.

   **NOTE:** These siblings must exit within the same fiscal year.

4. A child who was not eligible for Title IV-E foster care maintenance payments, who was placed with a guardian, related or unrelated, and who met the eligibility criteria described in Section A, could be eligible for state-funded guardianship assistance.

### C. Subsidized Permanent Guardianship Request Process

1. Prospective guardians who wish to apply for any of the services available under the SPG program will complete form CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2).

2. To determine whether the child is eligible for SPG, the Permanency Specialist completes a SPG request in TFACTS, three weeks prior to the child/youth’s exiting custody to Permanent Guardianship. Permanency Specialists refer to Protocol for Court Exit of a Child to Permanent Guardianship for more information.

3. During the initial SPG negotiation, the following information will be explained:

   - A “strong attachment” is defined as a relationship that existed between the potential guardian and the child or family prior to DCS custody.
   - A child, twelve (12) years of age or older, must be consulted regarding the SPG arrangement.
   - A child does not meet all the SPG criteria listed above but the child’s IV-E funded sibling meets all the SPG criteria and the child resides in the same potential relative guardian’s approved foster home with that sibling.
   - Children are eligible for the SPG program until they reach eighteen (18) years of age. Children may receive guardianship assistance payments until they are twenty-one (21) years of age if specific conditions are met.
   - See [Work Aid-Subsidized Permanent Guardianship](#) for further information.
to the prospective guardian(s):

a) All known medical, psychological or psychiatric needs of the child;

b) If the guardian elects not to cover the child under an available group family plan, TennCare will be the only available payment option for medically necessary expenses;

c) Title IV-E eligible children who subsequently transition into the SPG (SPG) Program are categorically eligible for the state sponsored insurance plan (i.e., TennCare); (Refer to Criteria for Authorizing TennCare for more information.)

d) Children that are not Title IV-E eligible may qualify for TennCare according to the current Medicaid eligibility rules; and

e) SPG will not pay medical, psychological, psychiatric, dental, hospitalization, residential treatment services or for medical equipment for a child who is eligible for private insurance or TennCare/Medicaid. In cases where such services are paid, the amount will be based on the TennCare rate for that service.

f) In the event that the Guardian dies or becomes incapacitated, the SPG subsidy can be transferred to the Successor Guardian named in the subsidy agreement after they have been vetted by background checks and a home study in accordance to DCS Policy 16.20, Expedited Home Study and obtained a court order identifying them as the child’s legal guardian.

4. The Permanency Specialist and the resource family will complete form CS-0719, Intent to Obtain Subsidized Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2). Review and discussion of the supporting documentation to determine the child’s eligibility for SPG will:

a) Solidify the resource family’s intention to provide permanence through permanent guardianship for the child;

b) Allow the resource family to request a subsidy; and

c) Inform the resource family of the proposed SPG benefits prior to the transfer of guardianship.

5. In cases where a child’s needs are beyond the scope of a regular rate, form CS-0674, Special or Extraordinary Board Rates Request will also be presented with form CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part2). If a Special or Extraordinary Rate is requested, the Permanency Specialist, along with the Family Service Worker (FSW) or the Contract Provider representative, gathers their initial supporting documentation from the licensed professional who diagnosed or is treating the child. The documentation is used to complete form CS-0674, Special/Extraordinary Rate Request.
D. Subsidized Permanent Guardianship Agreement

1. DCS negotiates and enters into a written, binding SPG Agreement with the prospective relative guardian and provide the prospective relative guardian with a copy of the agreement.

2. The initial form **CS-0721, Subsidized Permanent Guardianship Agreement**, is completed, reviewed, approved, and signed by the Supervisor of the Permanency Specialist. DCS provides the prospective relative guardian with a copy of the agreement.

3. The SPG Agreement specifies the following:
   a) The amount of and manner in which the SPG assistance payment will be provided to the prospective relative guardian;
   b) The manner in which the payment may be periodically adjusted based on the circumstances of the relative guardian and the needs of the child. The information on form **CS-0721, Subsidized Permanent Guardianship Agreement**, includes rates to be paid for the conditions discussed during the negotiation period and approved on form **CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2)**.
   c) The additional services and assistance for which the child or relative guardian is eligible under the agreement (related to a diagnosis documented prior to transfer of guardianship) is included in the initial agreement with a notation under cost as “TennCare or a successor plan rate”;
   d) The procedure by which the relative guardian may apply for additional services; and
   e) The name of the Successor Guardian. If one has not been named by the caretaker at the time the original agreement is entered into with the agency, the agreement may be amended to name a Successor Guardian to ensure continuation of the SPG payment to the Successor.

4. The SPG Agreement provides that the agreement remains in effect without regard to the state residency of the relative guardian, as long as guardianship remains in effect or has not been terminated for another reason; and

5. The SPG Agreement specifies that the agency pays the total cost of non-recurring expenses associated with obtaining legal guardianship of the child to the extent the total cost does not exceed $2,000.

6. All SPG Agreements are completed prior to the transfer of guardianship. The Permanency Specialist reviews form **CS-0721, Subsidized Permanent Guardianship Agreement**, with the guardian(s) and secures their signature prior to transfer of guardianship. SPG payments begin following the transfer of guardianship and cannot be made prior to that time. The family will receive foster care board payments until the transfer of guardianship occurs.

7. SPG applications or Subsidized Guardianship Agreements must be signed by the appropriate DCS staff to be valid.

8. When the prospective guardian has given the Permanency Specialist a
completed application, form **CS-CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1)** and **Application for Subsidized Permanent Guardianship (Part 2)**, which requests specific subsidy services, the Permanency Specialist will prepare form **CS-0721, Subsidized Permanent Guardianship Agreement**. The agreement is reviewed by the family’s attorney, if one has been retained, prior to sign-off by all parties. The agreement may include any or all of the subsidy services outlined in form **CS-0721, Subsidized Permanent Guardianship Agreement**.

### E. Requirements for Payment and Services

1. Payments and/or services included in the SPG agreement are based on the conditions supported by the accompanying documentation.
2. A statement from the treatment professional is obtained documenting that treatment is medically necessary when requesting a Special or Extraordinary rate.
3. When the child is ineligible for private insurance and TennCare (Medicaid), the state ensures the maximum TennCare payment rate.
4. If the state does not have a contract with the provider, the maximum payment for the service is the TennCare (Medicaid) rate for that service.

### F. Payments and Services Not Included in Subsidized Permanent Guardianship

The following items or services cannot be considered in determining the SPG rate if a Special or Extraordinary rate is being requested:

- a) School Tuition and/or tutoring;
- b) Summer Camp or Day Care;
- c) Riding Therapy, Dance or Gymnastics;
- d) Computers and/or Computer Software;
  ♦ (Exceptions may be made for severely handicapped children by the Director of Foster Care and Adoptions).
- e) Dentistry or Orthodontia;
  ♦ (Exceptions may be made for documented cases of medical necessity by the Director of Foster Care and Adoptions).
- f) Vehicles to transport children;
- g) Major Home Renovations (*i.e.*, fences, pools, extra rooms, or accessibility modifications); or
- h) Routine medical expenses (*i.e.*, over the counter medications, doctor visits, or hospitalizations unrelated to the child’s documented special needs).

### G. Subsidized Permanent Guardianship Rates

1. SPG payments are made monthly based on a daily subsidy amount for the previous month’s care.
2. SPG assistance payments made on behalf of a child will not exceed the foster care maintenance payment that would have been paid on behalf of the child if the child had remained in a resource family home.
3. In cases where siblings are placed in the guardianship of the same family, subsidy payments may be paid on behalf of each sibling so placed.

4. The SPG Rates are categorized in three levels:
   a) **The Regular Subsidized Permanent Guardianship Rate** - Check the following web link for the most current SPG daily rate; [http://www.tn.gov/youth/fostercare/BoardRates.pdf](http://www.tn.gov/youth/fostercare/BoardRates.pdf).
   b) **The Special Circumstance Subsidized Permanent Guardianship Rate** - Check the following web link for the most current SPG daily rate; and [http://www.tn.gov/youth/fostercare/BoardRates.pdf](http://www.tn.gov/youth/fostercare/BoardRates.pdf).
   c) **The Extraordinary Subsidized Permanent Guardianship Rates** are determined on a case-by-case basis, but do not exceed $60.00 per day.

5. Each rate is negotiated based on the age of the child and a review of the child’s documented level of need, and is not linked to the means of the resource family. The SPG rate may not exceed the amount of a child’s final or most recent resource home board rate payment.
   a) The DCS resource home rates must have been in place at least 90 days prior to signing Guardianship agreements. If this requirement presents a barrier or delays permanency for any child, a waiver can be obtained from the Director of Foster Care, Adoptions/Designee.
   b) When negotiating Guardianship rates for those children who are in Contract Provider homes, the DCS rate structure should be used.

6. Any approved SPG rate will be paid according to the terms outlined in form **CS-0721, Subsidized Permanent Guardianship Agreement**. Payment is subject to funding availability and may be modified at the periodic renewal/renegotiation based on changes in policy or significant changes in the child’s circumstances.

7. SPG Agreements/renewals are subject to review at any time for correction of error or oversight.

### H. Regular Rates

1. The regular rate is available to any child who meets the criteria outlined in Section A of the procedural portion of this policy.

2. If there are significant changes in the child’s circumstances, and the family wishes to request a different rate, the steps outlined for applying for the Special or Extraordinary rates will be completed (Section M of this policy).

### I. Special Circumstance Subsidized Permanent Guardianship Rates

1. **Special Circumstance Rates** are designed for children:
   a) With unique needs due to a diagnosed medical or mental health condition that substantially limits one or more of the following major life activities: walking, speaking, breathing, working, learning performance of manual tasks, vision and self-care; and
   b) Who require a level of supervision exceeding that of his/her peers; and
   c) Who require extra care due to physical, emotional, or mental disability.

2. Permanency Specialists will complete Section A of form **CS-0674, Special or Extraordinary Board Rates Request**, and submit it to the Central Office.
3. If the child is residing in a Contract Provider resource home and the family requests approval of the special circumstance rate, the Contract Provider representative, in collaboration with the Permanency Specialist, will complete form CS-0674, Special or Extraordinary Rate Request and submit it, along with supporting documentation from the licensed treating professional who diagnosed/treated/is treating the child. A completed form CS-0934, Special or Extraordinary Rate Justification will be included in the treating professional’s supporting documentation. The request will include proof of the rate the Contract Provider pays the resource parent.

Note: For those children/families participating in Applied Behavioral Analysis (ABA) Therapy, practitioners in the State of Tennessee are not licensed but considered to be Board Certified. For the purpose of documentation of eligibility of a special/extraordinary rate, Board Certification for ABA is acceptable in the absence of a Licensure.

♦ When negotiating rates for those children who are in Contract Provider homes, the DCS rate structure should be used.

4. The Central Office Subsidy Unit Supervisor responds in writing to the request within five (5) working days from the receipt of the request. If the request is approved, a copy of the approval, along with the supporting documentation is filed in the child’s SPG case file. If the request is denied, refer to Section P of this policy for more information.

J. Extraordinary Subsidized Permanent Guardianship Rates

1. Extraordinary Subsidized Permanent Guardianship rates are reserved for children whose needs are so unique and extensive that they cannot be met at the regular or special circumstance rate. The Permanency Specialist submits a request to the Central Office Subsidy Unit Supervisor for an approval of an extraordinary rate. The Central Office Subsidy Unit Supervisor works with the Regional Health Units regarding children who may meet criteria, as outlined in the scope of services, for medically fragile.

2. The request is made in writing to Central Office Subsidy Unit Supervisor, utilizing form CS-0674, Special or Extraordinary Board Rates Request and includes documentation from the licensed, treating provider of medical or psychological care (to include a completed form CS-0934, Special or Extraordinary Rate Justification), as well as any additional material needed to adequately describe the child’s condition.

Note: For those children/families participating in Applied Behavioral Analysis (ABA) Therapy, practitioners in the State of Tennessee are not licensed but considered to be Board Certified. For the purpose of documentation of eligibility of a special/extraordinary rate, Board Certification for ABA is acceptable in the absence of a Licensure.

3. If the child is residing in a Contract Provider resource home, the Contract Provider representative, in collaboration with the Permanency Specialist, will submit the request using form CS-0674, Special or Extraordinary Rate Request and supporting documentation to the Central Office Subsidy Unit responsible for approving SPG. The request will include proof of the rate the Contract Provider pays the resource parent.
4. The Central Office Subsidy Unit Supervisor reviews the request for an Extraordinary rate within five (5) working days from the receipt of the request. If the request is approved, a copy of the approval, along with the supporting documentation, is filed in the child’s SPG file.

5. An approval of an Extraordinary Resource Home Board Rate does not guarantee approval of an Extraordinary SPG rate. Only after a review of the current documentation presented with form **CS-0674, Special or Extraordinary Rate Request** will it be possible to determine the appropriate SPG rate.

6. A permanent guardian may request re-negotiation of the SPG rate at any point after the initial approval, if the child’s needs have changed. When the guardian requests an increase in the SPG rate, he/she will be informed that current documentation from a licensed professional is required.

7. The documentation is reviewed by the Central Office Subsidy Unit Supervisor to determine whether the current level of assistance is still appropriate or if an increase in the SPG rate is warranted.

**K. Non-Recurring Subsidized Permanent Guardianship Assistance**

1. Non-recurring expenses are one-time expenses related to subsidy reviews that are directly related to the transfer of guardianship of a child, subject to the maximum total of $2,000.00 per child. Funding for non-recurring expenses related to obtaining legal guardianship is available to any child who meets the eligibility criteria outlined in Section A of the procedural portion of this policy.

2. Once the documentation of the non-recurring costs is received, the Permanency Specialist verifies the expenses and enters them onto **Part 2** of form **CS-0719, Intent to Obtain Permanent Guardianship Placement Agreement (Part 1)** and **Application for Subsidized Permanent Guardianship (Part 2)**.

**L. Eligibility for Voluntary Post-Custody Services as Provided by DCS**

For information on eligibility for Voluntary Post Custody Services, refer to DCS Policy **16.53, Eligibility for Independent Living Services**.

**M. Subsidized Permanent Guardianship Revisions or Renewal/Renegotiations**

Guardians who receive SPG subsidies have an obligation to inform DCS of circumstances, which might impact changes in their subsidy payments.

1. Renewal/renegotiation of SPG is required periodically for state funded agreements to confirm that the guardian continues to provide any support to the child for SPG payments to continue. The guardian will return a completed form **CS-0459, Subsidized Permanent Guardianship Subsidy Renewal Affidavit** within the periods outlined on form **CS-0721, Subsidized Permanent Guardianship Agreement**.

2. Guardian parents may request revisions at any time that there is a significant change in the child’s circumstance. The permanent guardian will provide the required/requested documentation to support their request.

3. For all children who are approved for a Special or Extraordinary SPG rate, the
guardian will request the licensed service provider responsible for the child’s
treatment and care to complete form **CS-0934, Special or Extraordinary
Rate Justification**, as well as any documentation received from the licensed,
treating service provider, in addition to form **CS-0674, Special or
Extraordinary Rate Request**. This documentation will verify the following:

a) Current diagnosis, prognosis, and summary of treatment services for the
previous year; and

b) An estimated summary of services, which will be necessary to meet the
continued special or exceptionally uncommon needs of the child.

4. At the time of renewal (for state-funded agreements), if the supporting
documentation shows that the child’s condition has improved, the state will
work with the guardian to renegotiate the subsidy agreement to the age
appropriate SPG rate.

5. Documentation of continued eligibility is required periodically for children who
receive state-funded SPG at any rate. The SPG payments granted at the
time of renewal will reflect the child’s current, documented level of need.

6. Documentation of continued eligibility is required for all children who receive
SPG at any rate. An eligibility determination is completed in TFACTS, for all
youth turning 18, 19, or 20 years old to determine if this child will continue to
remain eligible for the SPG subsidy past age 18.

7. Title IV-E children who are the subject matter of a SPG agreement at age 16
or older on or after October 1, 2010, are eligible for guardianship assistance
payments until the child is age 21 under the following conditions:

a) If he/she is a full time high school student; or

b) In an approved secondary program leading to an equivalent credential;

c) Is expected to graduate by their 21st birthday;

d) Is enrolled in an institution which provides post-secondary or vocational
education; or

e) Is determined incapable of employment/attending school due to a
documented medical condition.

8. Title IV-E children, who were the subject of a SPG Agreement entered into
on or after December 1, 2006, can remain eligible until the child is age 21 if
the child has a documented mental or physical disability, which warrants
continuation as determined through the Review of Eligibility in TFACTS.

9. State funded children, who were age 16 years of age or older when their
SPG Agreement went into effect on or after October 1, 2010, will remain
eligible beyond the age of 18 up until the child graduates from high school or
turns 19 years old, whichever comes first

10. State funded children, who were the subject of a SPG Agreement between
December 1, 2006, and September 30, 2010, will remain eligible beyond
the age of 18 up until the child graduates from high school or turns 19 years
old, which ever occurs first.
11. State funded children, who were under the age 16 years when their SPG Agreement went into effect on or after October 1, 2010, are no longer eligible for the SPG payment once they reach the age of 18.

12. Verification of school attendance or medical incapacities will have to be provided annually by the educational institution or a medical professional.

13. Each time negotiations are completed, form **CS-0721, Subsidized Permanent Guardianship Agreement**, will be completed, and signed by the guardian and the Central Office Subsidy Unit.

### N. Transfer of SPG Subsidy Payments to a Successor Guardian

1. The SPG subsidy payment can transfer to the Successor Guardian identified in the **CS-0721, Subsidized Permanent Guardianship Agreement** and can occur if the caretaker becomes incapacitated or dies, without a new determination of eligibility.

2. The Successor Guardian will need to provide legal evidence to the Department that the child is now in the caretakers’ guardianship.

3. After making the Department aware of their legal responsibility of the child, the Department will complete background checks and a home study on the Successor Guardian caregivers identified in the Guardianship Order, in accordance with DCS Policy **16.20 Expedited Custodial Placements**.

4. If the results of the background checks and home study are determined to be satisfactory and do not present safety concerns for the child, the Successor Guardian will be entitled to all pending and future subsidy payments for eligible children in their care, after completing a new **CS-0721, Subsidized Permanent Guardianship Agreement**. The new Successor Guardian will be responsible for any future renewals, reports of changes in circumstances and requests for revisions to the SPG Agreement as outlined in this policy.

5. In the instances where a Successor Guardian is not identified in the Initial SPG Agreement, the caretaker can add a Successor in an amended revision or renewal agreement.

### O. Termination or Modification of Subsidized Permanent Guardianship Agreements

An approved SPG subsidy will terminate if any one of the following circumstances occur:

a) Upon the permanent guardian(s) request;

b) DCS determines that the permanent guardian(s)' legal responsibility to the child ended;

c) DCS determines that the child is no longer receiving financial support from the permanent guardian(s);

**Note:** If a child receives SPG and enters state custody, the agreement is suspended until such time that the child is reunified with the permanent guardian (Refer to Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed in Out of Home Care).

d) Upon the conclusion of the terms of the SPG Agreement;

e) DCS determines that the family fails to complete the renewal re-
negotiation process within; the time frames outlined in the SPG Agreement (for state funded agreements only);
f) If the guardian becomes incapacitated or dies;

**Note:** The effective date for termination of the SPG agreement will be the first day of the following month in which the Guardian died.

g) If the child marries;
h) If the child enlists active military service
i) If the child dies;

**Note:** The effective date for termination of the SPG agreement will be the first day of the following month in which the child died.

j) If a child who was the subject of a SPG Agreement prior to October 1, 2010, graduates from high school or turns 19, whichever comes first.

k) If a Title IV-E funded child, who was the subject of a SPG Agreement, entered into on or after December 1, 2006, no longer has a documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in TFACTS, or turns 21, whichever comes first

l) If a Title IV-E funded child, was 16 years of age or older when their SPG Agreement went into effect on or after October 1, 2010, and if one of the following has been determined:
   - The child completes high school or an approved secondary educational program or turns 21, whichever comes first; or
   - The child graduates from an institution which provides post-secondary or vocational education or turns age 21, whichever comes first; or
   - The child’s health improves and no longer prevents the child from participating in employment or attending school or turns age 21, whichever comes first;

m) If a State funded child, who was under the age of 16 when their SPG Agreement went into effect on or after October 1, 2010, turns 18 years of age.

n) If a State funded child, who was age 16 years of age or older when their SPG Agreement went into effect on or after October 1, 2010, graduates from high school or turns 19, whichever comes first.

### P. Appeals

Permanent Guardian(s) may appeal the Department’s decision to deny, terminate, or change their child’s SPG in accordance with rules and procedures of the State’s fair hearing and appeal process. Permanent Guardian(s) will appeal an adverse decision within ten (10) business days of written notice of adverse action. SPG may continue pending the determination of an appeal, but payments will be suspended for appeals filed for circumstances identified in...
Section O above. Families who receive a favorable ruling in their hearing would be entitled to assistance that had been suspended. If adverse action is upheld during an appeal, payments continued during the appeal period will be considered an overpayment and will be subject to recovery. The following are the steps of the appeals process:

1. If DCS determines that SPG will be denied, terminated, or changed, the Permanency or Subsidy Specialist notifies the resource family immediately, in writing, utilizing form CS-0720, Notice of Denial Termination, or Change in Subsidized Permanent Guardianship. Form CS-0403, Appeal for Fair Hearing, is given to the guardian(s) at the same time form CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship, is given.

2. Form, CS-0720, Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship, is dated with the same date it is mailed or, if hand delivered, the date it is hand delivered to the family.

3. The Administrative Procedures Division is also sent a copy of all notification documents that were provided to the family.

4. The family is informed about the timeframe in which they have to file an appeal. They are provided with the fax number and the mailing address to send form CS-0403, Appeal for Fair Hearing.

5. The Administrative Procedures Division notifies the appropriate Central Office Subsidy Staff if an appeal of SPG is received. Once notified by the Administrative Procedures Division, the Central Office Subsidy Unit ensures the due process protocol is followed.

6. The Central Office Subsidy Unit completes an appeal summary as directed by the Administrative Procedures Division.

7. Additional information may be accessed by contacting the TN DCS Administrative Procedures Division at:

   Plaza Tower – Metro Center
   200 Athens Way, 2nd Floor, Suite B
   Nashville, TN 37243
   Phone: 615-741-1110
   FAX: 615-741-4518

Q. Records Management
Complete information about a child’s/youth’s eligibility for, including requests, agreements, revisions, renewals and closures will be maintained in a SPG case file. Case file documentation will be uniform for all active SPG cases. Refer to DCS Policy 15.16, Subsidized Permanent Guardianship Case File Contents.

R. Notification of Change
Subsidized Guardians will notify the Central Office Subsidy Unit of any changes in circumstances as soon as possible. Changes in circumstances may include the following:

   a) The child is no longer the legal responsibility of the guardian;
   b) The guardian no longer financially supports the child;
   c) There is a change of residential address or mailing address of the
<table>
<thead>
<tr>
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<th>guardian or the child;</th>
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<tr>
<td></td>
<td>d) The child marries;</td>
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<td>e) The custodial status of the child changes (Refer to Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed in Out of Home Care);</td>
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<td>f) The child dies;</td>
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<td>g) The child becomes an emancipated minor;</td>
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<td>h) The child enlists in the military;</td>
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<td>i) The guardians are made payees of SSA or VA benefits on behalf of the child as well as any changes in benefits.</td>
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<td>j) There is a change in the child’s treatment needs that would warrant an increase or decrease to the SPG payment.</td>
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<td>k) When a child/youth who exited to the SPG program prior to October 1, 2010 graduates from high school up to the youth’s 19th birthday, whichever occurs first.</td>
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<td>l) When a Title IV-E funded child/youth, who is the subject of a SPG Agreement entered into on or after December 1, 2006, turns age 21 or if the child ceases to have documented mental or physical disability, which warrants continuation as determined through the Review of Eligibility in TFACTS.</td>
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<td>m) When a Title IV-E child/youth that was age 16 or older when their SPG Agreement on or after October 1, 2010:</td>
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<td>♦ Completes high school or an approved secondary educational program, or turns age 21, whichever comes first; or</td>
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<td>♦ Graduates from an institution which provides post-secondary or vocational education or turns age 21, whichever comes first ; or</td>
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<td>♦ Becomes capable of employment or attending school that has previously been identified as incapable by a medical professional.</td>
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<td>n) When a State funded child/youth, who was under the age of 16 when their SPG Agreement went into effect on or after October 1, 2010, reaches the age of 18.</td>
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<tr>
<td></td>
<td>o) When a state-funded child/youth that was age 16 or older when their SPG Agreement went into effect on or after October 1, 2010, graduates from high school, their equivalent secondary educational program ends or the child/youth turns age 19, whichever comes first.</td>
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### Forms:

<table>
<thead>
<tr>
<th>Form Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>CS-0403</td>
<td>Appeal for Fair Hearing</td>
</tr>
<tr>
<td>CS-0459</td>
<td>Subsidized Permanent Guardianship Subsidy Renewal Affidavit</td>
</tr>
<tr>
<td>CS-0674</td>
<td>Special or Extraordinary Rate Request</td>
</tr>
<tr>
<td>CS-0719</td>
<td>Intent to Obtain Subsidized Permanent Guardianship Placement Agreement (Part 1) and Application for Subsidized Permanent Guardianship (Part 2)</td>
</tr>
<tr>
<td>CS-0720</td>
<td>Notice of Denial, Termination, or Change in Subsidized Permanent Guardianship</td>
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<tr>
<td>CS-0721</td>
<td>Subsidized Permanent Guardianship Agreement</td>
</tr>
<tr>
<td>CS-0917</td>
<td>Certification of Eligibility for Subsidized Permanent Guardianship</td>
</tr>
<tr>
<td>FA-0825</td>
<td>ACH Automated Clearing House Credits</td>
</tr>
<tr>
<td>CS-0934</td>
<td>Special or Extraordinary Rate Justification</td>
</tr>
<tr>
<td>CS-0949</td>
<td>Review of Eligibility for Subsidized Permanent Guardianship for Child Turning 18</td>
</tr>
</tbody>
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### Collateral Documents:

Documentation to support the Subsidized Permanent Guardianship Agreement

<table>
<thead>
<tr>
<th>Document Description</th>
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<tbody>
<tr>
<td>Protocol for Adoption Assistance/Subsidized Permanent Guardianship When Children Re-enter State Custody or Placed in Out of Home Care</td>
</tr>
<tr>
<td>Protocol for Subsidized Permanent Guardianship Case File Contents</td>
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<tr>
<td>Criteria for Authorizing TennCare</td>
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<tr>
<td>Protocol for Subsidized Permanent Guardianship Case Planning</td>
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<tr>
<td>The Interstate Compact on the Placement of Children Procedures Manual</td>
</tr>
<tr>
<td>Protocol for Court Exit of Child to Permanent Guardianship</td>
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<tr>
<td>Adoption Assistance/Subsidized Permanent Guardianship Manual</td>
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<tr>
<td>Work Aid-Subsidized Permanent Guardianship</td>
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<tr>
<td><strong>Glossary:</strong></td>
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<tr>
<td><strong>Guardian:</strong></td>
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<tr>
<td><strong>Permanency Specialist:</strong></td>
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<tr>
<td><strong>Strong Attachment:</strong></td>
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<tr>
<td><strong>Successor Guardian</strong></td>
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<tr>
<td><strong>TennCare (or successor plan) Rate:</strong></td>
</tr>
</tbody>
</table>
Subject: Removal: Safety and Permanency Considerations

Authority: TCA 37-1-166; 37-1-401 et seq; 37-1-601 et seq; 37-1-607; 37-5-105 (3); 37-5-106; 37-5-107


Application: All Department of Children’s Services caseworkers, supervisors of caseworkers, and the Office of General Counsel.

Policy Statement:

The Department of Children’s Services (DCS) explores all home-based services and options in the effort to alleviate immediate safety issues and address the underlying needs before removing a child/youth from their home.

Purpose:

Provides guidelines and procedures for placing children into the State’s custody.

Procedures:

A. Reasonable efforts to prevent removal

The DCS caseworker documents thorough reasonable efforts to secure culturally sensitive, appropriate and available services to meet the needs of the family and child/youth in order to prevent removal. Reasonable efforts never take precedence above the immediate safety of the child/youth. The DCS caseworker assesses the immediate safety of the child/youth, using the Safety Assessment from the FAST 2.0.

1. The parent/caregiver is involved, to the greatest extent possible, in the decisions regarding reasonable efforts. These efforts include but are not limited to:

   a) Intervention or direct services by DCS caseworker as part of an Immediate Protection Agreement (IPA);

   b) Use of family, neighbors, or other individuals in the community as a safety placement or resource;

   c) Holding a Child and Family Team Meeting (CFTM); or

   d) Arranging for services to increase safety/reduce risk.

2. Efforts to reduce risk and avoid removal are documented on the appropriate screens in TFACTS and DCS form CS-0797, Affidavit of Reasonable Efforts, if applicable.
### B. Legal procedures for removal

1. **The DCS caseworker:**
   
   a) Consults with the supervisor, and Regional General Counsel (RGC), or designee, regarding authorization to file a petition and to physically remove the child/youth from the home of the present caregiver;
   
   b) Consults with the RGC, or designee, whether or not the petition alleges severe abuse;
   
   c) Consults with the Master of Social Work to discuss aspects of the transition as it relates to minimizing trauma as a result of removing the child from the home; and
   
   d) Prepares for and testifies in all court proceedings pertaining to the removal;

2. **The RGC, or designee,** drafts and files the petition according to local procedures established by the Juvenile Court.

3. Native American children/youth are placed according to the placement preferences specified in the Indian Child Welfare Act of 1978 (ICWA). If a child/youth is being removed and it is confirmed that the child/youth is of Native American heritage and protected under the jurisdiction of the ICWA, the Tribe/Nation is notified as outlined in DCS Policy 16.24, *Children of Native American Heritage*.

4. The decision to file an emergency petition is made after conferring with the Supervisor and the RGC, or designee.

5. If a child/youth is removed without a court order, the DCS case worker files a petition and requests an order as soon as possible but no later than 48 hours of DCS taking physical custody.

6. When petitions for emergency removals are filed, a Court hearing is held within seventy-two (72) hours of removal to determine if there was probable cause to conduct the emergency removal.

7. If the court upholds the emergency removal, a future court date is set to consider the Department’s petition and to make decisions on the adjudication and disposition of the case.

### C. Emergency removals and emergency ex-parte orders

1. **Exigent circumstances** exist for an emergency custodial removal to take place. The following circumstances may lead to an emergency custodial removal:
   
   a) **Exigent circumstances** exist when, based on the totality of the circumstances, there is reasonable cause to believe that the child/youth is in **imminent danger** of serious bodily injury and that custodial removal is reasonably necessary to avert that specific injury. A DCS case manager may remove a child/youth that has been abandoned without a court order even if there are not exigent circumstances.

   b) **Imminent danger** means there is an **immediate threat** to the child/youth’s health or safety and there is reasonable cause to believe that the child/youth is likely to experience **specific**, serious, or irreparable physical harm in the time that would be required to obtain and enforce a court order.

   c) **Specific threat of harm** there is a particular injury or condition endangering the child/youth. The DCS caseworker is able to articulate the specific danger...
and general concerns about the child/youth’s welfare do not constitute a specific threat of harm.

d) The threat of harm is serious in situations including, but not limited to, conditions constituting severe child abuse as defined at Tenn. Code Ann. § 37-1-102(b)(23). This includes:

- Abuse or neglect that is likely to cause serious bodily injury or death;
- Abuse or neglect resulting in serious bodily injury, including but not limited to, second- or third-degree burns, a fracture of any bone, a concussion, subdural or subarachnoid bleeding, retinal hemorrhage, cerebral edema, brain contusion, injuries to the skin that involve severe bruising or the likelihood of permanent or protracted disfigurement, including those sustained by whipping a child/youth with objects;
- Rape or sexual battery of a child/youth; or
- Knowingly allowing a child/youth to be present within a structure where the act of creating methamphetamine is occurring.

e) Immediate threat of harm exists when there is not enough time to get a court order before (further) injury to the child/youth is likely to occur. The DCS caseworker should take into account whether the alleged perpetrator (AP) has access to the child/youth during the time required to get a court order. The DCS caseworker should also explore whether there are possible measures to ensure the child/youth’s safety during the time required to get a court order.

2. Other considerations:

a) The DCS caseworker considers whether there are objective indications that the parent will flee with the child/youth, such as; a threat made by the parent to that effect; prior Child Protection Services (CPS) history of the parent fleeing; or a parent who is visiting the state but does not live in Tennessee.

b) When there is more than one child/youth residing in the home, a separate assessment is completed for each child/youth to determine the need for removal.

Note: A delay in responding to the referral regarding a child/youth believed to be in imminent danger may negate a finding that exigent circumstances existed unless additional information discovered at the scene independently establishes exigent circumstances. This does not prevent the filing of a petition for the non-exigent removal of a child.

3. If exigent circumstances do not exist, a court order is required before removing the child/youth from the home. If there is reasonable cause to believe that delay for a hearing would result in severe or irreparable harm, an emergency ex parte order may be requested before physical removal of the child/youth from the home.

4. A CFTM is held prior to an emergency removal, if possible, but it must be held prior to the seventy-two (72) hour court hearing to consider placement options for the child/youth with input from the family.
### D. Non-Emergency removals

A non-emergency removal is a legal proceeding in which DCS petitions to remove a child/youth from the home but does not ask for the child/youth to be removed immediately. This type of action is appropriate when the immediate safety of the child/youth is preserved due to Immediate Harm Factors being addressed through an IPA, form CS-0701 (refer to DCS Policy 14.9, Child Protective Services Immediate Protection Agreements) or other measures.

1. The decision to file a non-emergency petition is made after conferring with the supervisor, the RGC or designee.
2. The voluntary time limited plan makes it possible for the child/youth to safely remain in the current setting until all parties can appear in court.
3. Prior to filing a non-emergency petition, a CFTM occurs with the decision from the team recommending the procedure. The CPSI consults with the Master of Social Work (MSW) to discuss aspects of the transition as it relates to minimizing trauma as a result of removal of the child from the home.

### E. Petitioning for an adjudication and disposition with relatives

1. If the child/youth cannot safely remain in the home, the DCS case worker seeks family members or other possible caregivers that are known to the child/youth.
2. If such parties are located the DCS case worker determines if the person(s) can provide care and protection for the child/youth. If an appropriate caregiver is located, the DCS case worker confers with the supervisor and the RGC, or designee regarding the filing of a petition for adjudication and a disposition for legal and physical custody with relatives to obtain custody of the child/youth (refer to form CS-1005, Non-Custodial Expedited Placement Assessment Summary).
3. DCS will not advise potential caregivers to file their own petitions if the change of custody is due to safety concerns, unless advised by the RGC, or designee, to do so, and approved by a CPS Supervisor at the Team Coordinator or Investigations Coordinator level or above.

### F. Petitioning solely for adjudication

In some cases, it may be desirable to petition the Juvenile Court for adjudication even though placement into state custody is not necessary. The DCS case worker and supervisor consider this option solely for the purpose of seeking an adjudication of a child/youth as a victim of abuse or neglect and the naming of the responsible party. Obtaining an adjudication can provide legal protection for the child/youth and may be beneficial in future efforts to achieve safety and permanency.

### G. Voluntary Placement Agreements

A parent/custodian may agree to a temporary situation in which he or she voluntarily agrees to give up custody of his or her child/youth for a short period of time and DCS agrees to accept responsibility for the child/youth. This type of voluntary placement agreement (VPA) should be clearly documented on DCS form CS-0428, Voluntary Placement Agreement. This arrangement is completely voluntary, can be revoked at will by the parent and/or DCS. This agreement is reserved almost exclusively for
circumstances in which a teenage mother wishes to bring her child into foster care with her or when a child/youth’s behavior jeopardized the safety of a parent, sibling, or other family member. A VPA should never be considered in any CPS case where abuse or neglect exists.

1. The caseworker must evaluate if there is any evidence of abuse or neglect.
2. If there is no abuse or neglect present, a Child and Family Team Meeting must be held prior to the agreement if possible to determine if there are any less restrictive alternatives to DCS custody.
3. The caseworker must staff this case with a Supervisor and with the RGC.
4. The caseworker completes the Custodial Intake Packet.
5. The caseworker completes form **CS-0428, Voluntary Placement Agreement**.

**H. Physical Removal of a child/youth**

The caseworker ensures that children/youth are separated from their families and removed from their homes in a manner to reduce trauma to the children/youth and their families. The caseworker:

1. Obtains proper legal authority from the RGC, or designee and/or the court to enact the removal and adheres to local protocols established;
2. Involves law enforcement, when necessary, to ensure the safety of the child/youth, the caseworker and any other individuals involved;
3. Notifies the parent/caregiver when the child has been placed into the state’s custody;
4. Acquires or makes plans to acquire items necessary for the child's well-being that includes, but is not limited to; medication, clothing and toys;

**Note:** Any items (clothes, toys etc.) contaminated from methamphetamine exposure may pose further risk. If possible, the child/youth is decontaminated (defined as, at a minimum, bathing the child/youth and changing their clothes) before being transported in the caseworker’s car. If a child/youth is to be transported before decontamination, police assistance is to be obtained. See **Work Aid-4, Protocol for CPS Investigations Involving Methamphetamine** for additional information.

5. The caseworker asks the parents about any medical conditions or behaviors of the child/youth and shares all known information with the new caregivers and the case worker.
6. The designated caseworker ensures that the child/youth arrives at the placement, which may be a foster home, licensed childcare facility, or relative placement. The caseworker shares all known medical and behavioral history with the new caregivers.
7. Before the removal or as soon as possible thereafter, the caseworker discusses service planning with the child and family. Children/youth age six (6) or older are included in service planning unless there is a clinical justification (such as an intellectual or developmental disability) for not doing so.

The discussion should include, if appropriate:

a) Why the child/youth is leaving the home (This is done in language that is not accusatory or degrading of the parents);
b) Communicating to the child/youth that the removal is not their fault, but is due to the lack of safety in their current home environment;
c) Where the child/youth is going and what to expect in that setting;
d) Under what conditions he/she may visit/contact the parent(s) or guardian(s);
e) The court process including court hearings and permanency planning;
f) Ensuring that any additional clothing, toys, special items or special equipment for the medically fragile child/youth, or medications are retrieved from the home for the child/youth;
g) The child/youth’s feelings about the removal and any other issues he/she wishes to discuss; and
h) The names of other relatives the child/youth would want to contact or who might be resources for the child/youth.

8. Refer to the *A Case Worker's Guide to Opening and Transitioning Cases* that outlines the time frames, documentation and pertinent information required to be met by the caseworker or applicable staff serving the family.

### Forms:

- CS-0206, Informed Consent to Routine Health Services for Minors
- CS-0428, Voluntary Placement Agreement
- CS-0475, Child Welfare Benefits Application
- CS-0543, Well Being Information and History
- CS-0544, Foster Home Placement Checklist
- CS-0627, Informed Consent Psychotropic Medications
- CS-0657, Education Passport-School Enrollment Letter
- CS-0660, Relative Caregiver Disclosure
- CS-0668, Authorization for Release of Information to DCS
- CS-0682, Expedited Placement Summary
- CS-0691, Fingerprint Card Information
- CS-0701, Immediate Protection Agreement
- CS-0708, EPSD&T Physical Examination
- CS-0727, Initial Intake, Placement Referral and Checklist
- CS-0747, Child and Family Team Meeting Summary
- CS-0797, Affidavit of Reasonable Efforts
- CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues CPS Indications and Education Requirements
- CS-1005, Non-Custodial Expedited Placement Assessment Summary
Collateral Documents:

- A Case Workers Guide to Opening and Transitioning Cases
- Becoming A Family Caregiver For A Child in Your Family Brochure
- Conducting Social Services Management System Checks in TFACTS
- Waiver Tip Sheet
- Work Aid-4, Protocol for CPS Investigations Involving Methamphetamine

Glossary:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Removal</td>
<td>Placement of a child into the Department's custody after legal custody is divested from a parent or caregiver.</td>
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<tr>
<td>Constructive Removal</td>
<td>This occurs at the time of a judicial order removing custody even temporarily from a custodian or on the date that a Voluntary Placement Agreement is signed and dated by all relevant parties. Refer to DCS Policy 16.36 Title IV-E Funds.</td>
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