

**Department of State
Division of Publications**

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For Department of State Use Only

Sequence Number: 05-17-10
Rule ID(s): 4727
File Date: 05/25/2010
Effective Date: 10/29/2010

Proposed Rule(s) Filing Form

Proposed rules are submitted pursuant to T.C.A. §4-5-202, 4-5-207 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.

Agency/Board/Commission: Tennessee Department of Children's Services
Division:
Contact Person: Stacy L. Miller, General Counsel
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0250-07-01	Procedures for Permanency Plans
Rule Number	Rule Title
0250-07-01-.01	Purpose of the Chapter
0250-07-01-.02	Definitions for Purposes of this Chapter
0250-.07-01-03	Permanency Plan Requirements

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Rules
Of
Tennessee Department of Children's Services

Chapter 0250
Procedures for Permanency Plans

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0250-07-01-.01 Purpose of Chapter
0250-07-01-.02 Definitions for Purposes of this Chapter
0250-07-01-.03 Permanency Plan Requirements

0250-07-01-.01 Purpose of this Chapter

The purpose of these rules is to effectuate the provisions of subsection with T.C.A. § 37-2-403(a)(2)(A), particularly for defining the required elements of a permanency plan.

Authority: T.C.A. § 37-2-403; T.C.A. § 37-5-105.

Administrative History: Original rule file; effective

0250-07-01-.02 Definitions for the Purposes of this Chapter

- (1) Department or DCS means the Department of Children's Services.
- (2) Plan or Permanency Plan means a written plan for a child placed in foster care with the Department of Children's Services.

Authority: T.C.A. §37-2-403, T.C.A. § 37-5-105. Administrative History: Original rule filed; effective

0250-07-01-.03 Permanency Plan Requirements

- (1) The Plan shall be a written document, which is a discrete part of the case record, in a format determined by the Department, which is developed jointly with the parent(s) or guardian of the child in foster care;
- (2) The Plan shall be developed within a reasonable period, to be established by the Department, but in no event later than 60 days from the child's removal from the home;
- (3) The Plan shall include a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive (most family-like) setting available and in close proximity to the home of the parent(s) when the case plan goal is reunification and a discussion of how the placement is consistent with the best interests and special needs of the child;
- (4) The Plan shall include a description of the services offered and provided to prevent removal of the child from the home and to reunify the family; and
- (5) The Plan shall document the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home in accordance with sections 475(1)(E) and (5)(E) of the Social Security Act. When the case plan goal is adoption at a minimum, such documentation shall include child-specific recruitment efforts such as the use of State, regional, and national adoption exchanges.

Authority: T.C.A. § 37-2-403, T.C.A. § 37-5-105, 45 C.F.R. 1356.21(g)

Administrative History: Original rule filed; effective

* if a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the (board/commission/other authority) on 05-10-2010 (date as mm/dd/yyyy), and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of sixty (60) days of the first day of the month subsequent to the filing of the proposed rule with the Secretary of State.



Date: 5-10-10

Signature: [Handwritten Signature]

Name of Officer: Stacy L. Miller

Title of Officer: General Counsel

Subscribed and sworn to before me on: MAY 10, 2010

Notary Public Signature: [Handwritten Signature]

My commission expires on: My Commission Expires November 25, 2012

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Handwritten Signature]
 Robert E. Cooper, Jr.
 Attorney General and Reporter
5-18-10
 Date

Department of State Use Only

Filed with the Department of State on: 5/25/10

Effective on: 10/29/10

[Handwritten Signature]
 Tre Hargett
 Secretary of State

Regulatory Flexibility Addendum

Pursuant to § T.C.A. 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

Not applicable

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

This rule is being promulgated in accordance with T.C.A. § 37-2-403 (a)(2)(A) to define the required elements for a permanency plan for foster care cases.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A § 37-2-403 (a)(2)(A)

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Administrative Office of the Courts and the Juvenile Courts

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None at this time.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

Minimal

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Stacy L. Miller, General Counsel

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Stacy L. Miller, General Counsel

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None