

**Department of State**  
**Division of Publications**  
 312 Rosa L. Parks, 8th Floor Snodgrass/TN Tower  
 Nashville, TN 37243  
 Phone: 615.741.2650  
 Email: publications.information@tn.gov

**For Department of State Use Only**

Sequence Number: 07-25-16  
 Notice ID(s): 2550  
 File Date: 7/19/16

# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Department of Children's Services
<b>Division:</b>	Legal
<b>Contact Person:</b>	Douglas Earl Dimond
<b>Address:</b>	7 <sup>th</sup> Floor UBS Tower 315 Deaderick Street, Nashville TN
<b>Phone:</b>	615-741-7236
<b>Email:</b>	<a href="mailto:Douglas.E.Dimond@tn.gov">Douglas.E.Dimond@tn.gov</a>

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Donovan Haynes
<b>Address:</b>	315 Deaderick Street, UBS Tower, Nashville, TN 37243
<b>Phone:</b>	615-741-8422
<b>Email:</b>	<a href="mailto:Donovan.Haynes@tn.gov">Donovan.Haynes@tn.gov</a>

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Mid Cumberland Regional Department of Children's Services		
Address 2:	200 Athens Way 3 <sup>rd</sup> Floor Mary Ellen Training Room		
City:	Nashville, TN		
Zip:	37243		
Hearing Date :	09/12/2016		
Hearing Time:	9:00 am	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

Oral or written comments are invited at the hearing. In addition, written comments may be submitted prior to the hearing by U.S. Mail to: Tennessee Department of Children Services, Douglas Dimond, General Counsel, 7<sup>th</sup> Floor UBS Tower, 315 Deaderick Street, Nashville, TN 37243 or electronically to [Douglas.E.Dimond@tn.gov](mailto:Douglas.E.Dimond@tn.gov). For further information, please contact Mr. Dimond at the above address or email [Douglas.E.Dimond@tn.gov](mailto:Douglas.E.Dimond@tn.gov).

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

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

Chapter Number	Chapter Title
0250-07-15	Foster Parent Bill of Rights
Rule Number	Rule Title

0250-07-15-.01	Purpose of Chapter
0250-07-15-.02	Definitions for Purposes of this Chapter
0250-07-15-.03	Procedures for Foster Parents' Bill of Rights

(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>)

Rule 0250-7-15-.01 Paragraph 1 is deleted in its entirety and replaced as follows so as amended it shall read:

- (1) The purpose of this chapter is to provide, in compliance with T.C.A. § 37-2-415, procedures for the selection, training, and implementation of Foster Parent Advocates in conjunction with the Foster Parents' Bill of Rights. It also provides procedures for foster parents, with the assistance of the Foster Parents' Advocates, to file grievances and appeals when necessary, and when the foster parents are not in agreement with actions taken by the Department of Children's Services.

Authority: T.C.A. §§ 37-5-105, 37-2-405, and 37-2-415. Administrative History: Original rule filed October 26, 2001; effective January 9, 2002.

Rule 0250-07-15-.02 Paragraph 1 is deleted in its entirety and replaced as follows so as amended it shall read:

- (1) Advocate – An advocate is a specially trained foster parent, who is educated concerning procedures relevant to allegations of abuse/neglect and investigations by the Department of Children's Services, including the rights of accused foster parents, and trained in assisting/supporting said parents in following policy or filing grievances/appeals with DCS.

Authority: T.C.A. §36-1-102. Administrative History: Original rule filed October 26, 2001; effective January 9, 2002.

Rule 0250-07-15-.03 Procedures for Foster Parents' Bill of Rights is amended by deleting it in its entirety and substituting the following, so that as amended they shall read:

- (1) Selection of Advocates in child abuse/neglect investigation involving the foster parent(s): Advocates will be selected and approved by a representative from the recognized statewide foster parent associations, a DCS Central Office Program representative, and the Regional Administrator or designee from the region where the advocate will serve.
- (2) Qualifications of the Advocates:
  - (a) Each potential Advocate must complete an application form, and supply names of references.
  - (b) The Advocate must be a current approved foster parent or a previous parent who closed in good standing with the Tennessee Department of Children's Services.
  - (c) The Advocate must be a member in good standing of a recognized statewide foster parent association
  - (d) The Advocate must have completed the official Department of Children's Services foster parent training or equivalent training as determined by the Department of Children's Services.
  - (e) The Advocate must be able to communicate effectively as evidenced through the interview process.

- (3) The Advocacy Board for the Advocacy Program:

- (a) An advisory board for the advocacy program shall be established with representation that consists of two representatives from recognized statewide foster parent associations, two Department of Children's Services Regional Administrators, one Central Office Program representative, and two existing Advocates. Board members will serve one year terms and must either be re-appointed or replaced by their respective entities/agencies.
  - (b) All members of the Advocacy Board shall receive the Advocate's training, as set out in Part 4.
- (4) Advocates' Training:
- (a) Each Advocate selected shall receive a minimum of fifteen hours of pre-service training, consisting of, but not limited to: Office of Child Safety policy and procedures; risk-oriented case management information; the official Department of Children's Services foster parent training; foster care board payment information, an overview of case management policies/procedures, Advocate protocols, communication techniques, and record-keeping.
  - (b) The training shall be facilitated by a contract agency, in conjunction with the Department of Children's Services program staff and with oversight by a recognized statewide foster parent association representative.
  - (c) Each Advocate will receive a minimum of twenty hours in-service training per year, including program policy and procedure updates on both foster care and child protective services.
- (5) Complaints and Mediation:
- (a) Any foster parent who believes that the Department of Children's Services is in violation of the Foster Parents' Bill of Rights, T.C.A. § 37-2-415, or otherwise has a complaint should first discuss their concerns with the Case Manager assigned to the foster home and attempt to resolve the issue. This step may involve showing the foster parent the written policy and procedures relative to approval of a foster home or any ongoing casework activities.
  - (b) If the Case Manager and the foster parent cannot resolve the issue, then the foster parent shall notify the Team Leader and request assistance from the Team Leader in mediating the conflict between the Case Manager and the foster parent.
  - (c) If the Case Manager and the Team Leader cannot make correction or adjustments, the foster parent shall notify the Team Coordinator in writing of their concerns, and request a meeting with the Team Coordinator.
  - (d) A meeting with the Team Coordinator and all parties must take place within seven working days of the receipt of the foster parent complaint.
  - (e) The outcome of the meeting with the Team Coordinator shall be documented in writing within two working days of the meeting; responsibility for the documentation is with the Case Manager with the supervisory approval and signature of the Team Leader.
  - (f) The Team Coordinator must then make a recommendation in writing for any action or decision resulting from the meeting. Copies of the Team Coordinator's recommendation must be forwarded to all participants.
  - (g) Within seven working days of receiving the Team Coordinator's recommendation, the foster parents may seek review by the Regional Administrator of the Department of Children's Services.
  - (h) Upon receipt of the request for review, the Regional Administrator shall review all the information, and may either accept the recommendation of the Team Coordinator or schedule an additional interview with the foster parent(s), DCS staff, and/or other relevant parties.

- (i) Copies of the Regional Administrator's approval or modification of the Team Coordinator's recommendation must be forwarded to all participants. The Regional Administrator's decision is final.

Authority: T.C.A. §§ 37-2-405 and 37-2-415. Administrative History: Original rule filed October 26, 2001; effective January 9, 2002.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date:

7/19/2016

Signature:

[Handwritten Signature]

Name of Officer:

Douglas Earl Diamond

Title of Officer:

General Counsel



Subscribed and sworn to before me on:

July 19, 2016

Notary Public Signature:

[Handwritten Signature]

My commission expires on:

8/21/2017

**Department of State Use Only**

Filed with the Department of State on:

7/19/16

[Handwritten Signature]

Tre Hargett  
Secretary of State

RECEIVED  
2016 JUL 19 PM 2:32  
SECRETARY OF STATE  
REGISTRATIONS