



## DCS 101

Navigating policies, rules, and the agency

Sammi Maifair, General Counsel

1



## Agency Overview

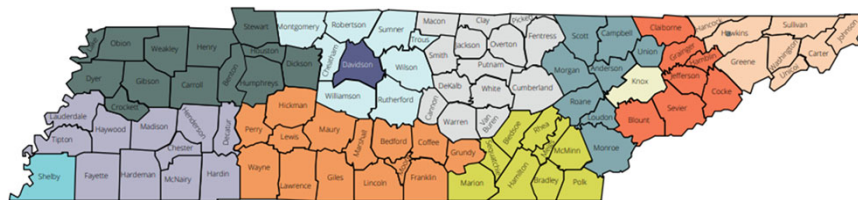
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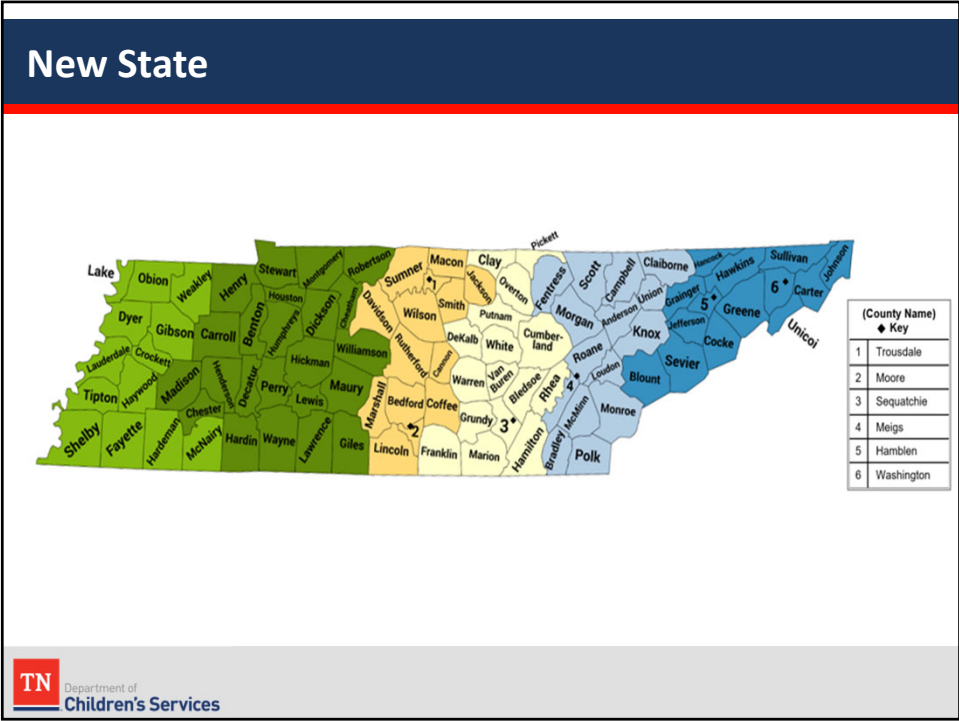
## What is DCS?

- The Tennessee Department of Children's Services is the state's public child welfare agency. Over 4,000 employees statewide serve the Department's mission to act in the best interest of Tennessee's children and youth.

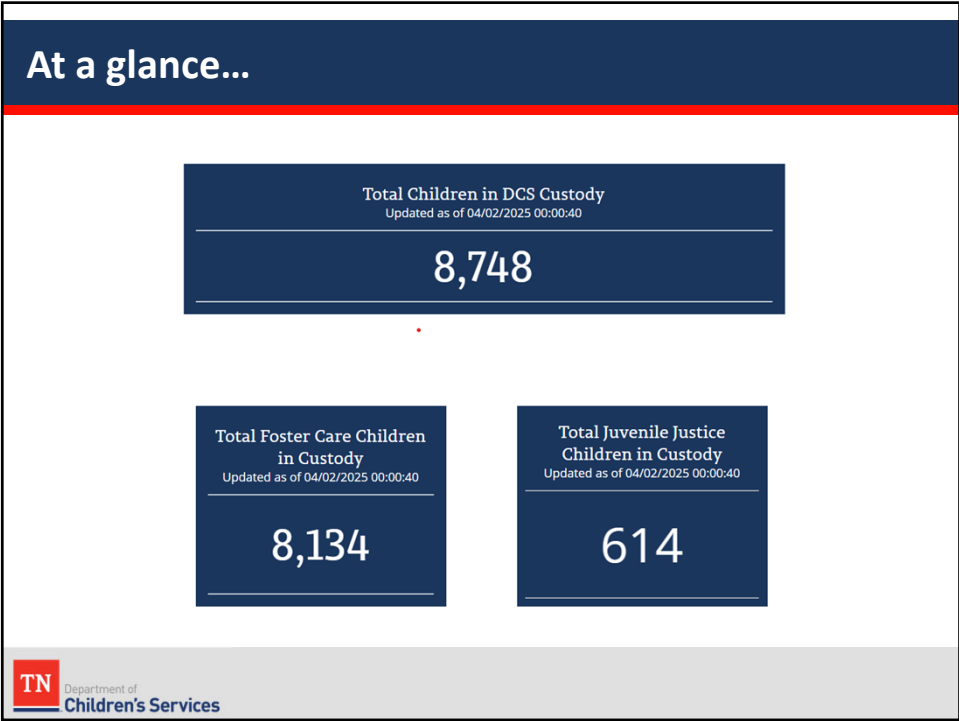


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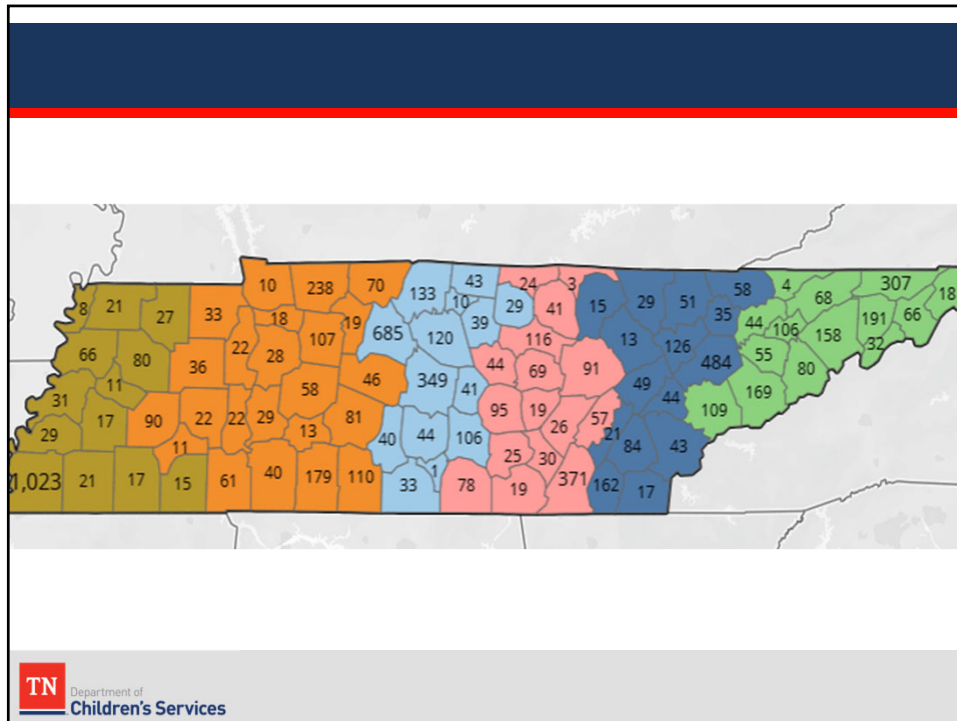




5



6



7

## Program Areas-Non-Custodial/In-Home

CPS	CPS teams work allegations of abuse and/or neglect that are reported and screened in at the CPS hotline. (The Special Investigations Unit investigates allegations of abuse and neglect in third-party settings, such as schools, day cares, or foster homes).
FSS	DCS provides Family Support Services (FSS) to families with children in need of services to reduce the risk of an out of home placement or entry into foster care, and to reduce the likelihood of abuse and/or neglect.
FCIP	All Juvenile Courts in Tennessee refer unruly children as defined by state law to DCS' FCIP prior to committing a child to state custody and the FCIP must certify to the Court any unruly child requiring additional court intervention or State custody.
Juvenile Justice (Probation/Aftercare)	The Office of Juvenile Justice provides effective prevention and intervention services for high-risk youth and rehabilitation, treatment and training for delinquent youth while preserving and promoting community safety.

8

## Program Areas-Custodial

- Foster Care
  - When children are not able to stay safely in their own homes and there isn't a relative who can care for them, they often must come into state custody.
  - The department's first goal for children is to work toward a safe return home to their families.
- Juvenile Justice (Custody)
  - The Office of Juvenile Justice provides effective prevention and intervention services for high-risk youth and rehabilitation, treatment and training for delinquent youth while preserving and promoting community safety.



9

## Chain of Command

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>• Program           <ul style="list-style-type: none"> <li>– Case Manager (CPS, JJ, SS, FSS)</li> <li>– Team Leader</li> <li>– Team Coordinator</li> <li>– Regional Director</li> <li>– Executive Director</li> <li>– Assistant Commissioner</li> <li>– Deputy Commissioner</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Legal           <ul style="list-style-type: none"> <li>– Associate Counsel</li> <li>– Senior Associate Counsel (RGC)</li> <li>– Deputy General Counsel</li> <li>– General Counsel</li> </ul> </li> </ul> |
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10

## Regional Operations

Child  
Safety

Child  
Programs

Juvenile  
Justice

11

## Statewide Services

- Prevention
  - Kinship
  - Relative Caregiver
  - Court Liaisons
  - Resource Linkage/CABS/Volunteer Coordinators
- Statewide Support Services
  - Facilitators
  - Adoption
  - Foster Care Support
  - Independent Living
  - ICPC
  - Permanency Policy
- Child Health and Education
- Specialty Teams
  - SIU
  - Human Trafficking
  - Drug Teams
  - Hotline
- Transportation

12

## Regional General Counsels

- West
  - Emily Gannon
  - Kelly Keylon
- Midwest
  - Shay Jolly
  - Jeanette Spivey
- Midstate
  - Joshua Lester
  - Stephen Marsh
- TN Valley
  - Tracy Hetzel
  - Beau Skelly
- East
  - Sean Muirgaen
  - Claudia Robinson
- Northeast
  - Dean Griffey
  - Jim Wyche

## The Relationship Between Legal and Program

- Who is the client?
- Who makes the decisions?
  - Case service decisions v. legal decisions
  - Whose case is it?
  - **Internal** disputes
  - **External** disputes

## Discovery

- Tenn. R. Juv. Pro. 305 requires first discovery attempt to be informal, to avoid undue expense and delay
  - As aligned with rules and statutes governing dependency and neglect proceedings, discovery is encouraged to be informal to aid in quick proceedings.
- Call or send an email to DCS counsel for discovery early
- Narrow request for quicker turn around (know what you're asking for)
- Reviewing evidence early will assist with settlement negotiations



15

## Records Requests

<https://www.tn.gov/dcs/about-us/contact-us/public-records-requests.html>

### Records Requests

Adoption Records Request

Child Protective Services History Check Request

Confidential Records Requests

Open/Public Records Requests



16



<https://www.tn.gov/dcs/program-areas/child-safety/alleged-perpetrators/request.html>

## Request No CPS History Letter

If you have had prior involvement with Child Protective Services and would like to request confirmation that this involvement did not result in a substantiated case of abuse and/or neglect, complete [this application](#).

**Please Note:** This request is only for those individuals who have had prior involvement with Child Protective Services and need confirmation that the involvement did not result in a substantiated case of abuse and/or neglect. After a thorough check of DCS records, and based on the information provided, a response will be sent within 10 business days.

If you would like to request DCS records, please visit the [DCS Records Management Office](#).

17



## Rules and Administrative Procedures

18

## DCS Statutory Authority

- Tenn. Code Ann. §§ 37-5-105, -106, and -112 specifically address the Department's rulemaking authority
- Other statutes also authorize the Department to promulgate rules
- Also authorizes the Department to establish policy, rule, or regulation for a variety of things

## What is a Rule?

- "Rule" means any agency regulation, standard, statement, or document of general applicability that is not a policy.....
- "Policy" means any statement, document, or guideline prepared or issued by any agency...that merely defines or explains the meaning of a statute or a rule...[or] concerning the internal management of [an agency] that does not affect private rights, privileges, or procedures available to the public
- T.C.A. § 4-5-102



## Rules

- DCS rules may be found at:  
<https://publications.tnsosfiles.com/rules/0250/0250.htm>
- 0250-05: Administrative Procedures Division
- 0250-06: Access to Public Records
- 0250-07: Social Services Division
  - Permanency Plans
  - Adoption Records
  - Due Process/Release
  - Relative Caregiver
  - Foster Parent Bill of Rights

## Other things on the Secretary of State website

- Rulemaking hearing notices
- Pending Rules
- Recently Effective Rules
- Emergency Rules
- Archived Rules

## The Uniform Administrative Procedures Act “UAPA”

- “This chapter shall not be construed as in derogation of the common law, but as remedial legislation designed to clarify and bring uniformity to the procedure of the state administrative agencies and judicial review of their determination and shall be applied accordingly.” Tenn. Code Ann. § 4-5-103(a)(1)
- “Administrative agencies shall have no inherent or common law powers, and shall only exercise the powers conferred on them by statute or by the federal or state constitutions.” Tenn. Code Ann. § 4-5-103(a)(2)
- Contested Cases: Tenn. Code Ann. § 4-5-301, *et. seq.*



23

## Types of DCS Administrative Hearings

- Substantiated Perpetrator hearings
- Foster home removal hearings (12+ months)
- Subsidy Hearings
  - Adoption Assistance
  - Subsidized Permanent Guardianship
  - Relative Caregiver



24

## What is a child abuse “substantiation”?

Defined by DCS Rule 0250-07-09-.01:

- (13) “Substantiated” means the classification assigned to an individual **determined to be a perpetrator of abuse, severe child abuse, child sexual abuse, or neglect**. (a/k/a “indicated” or “founded”)

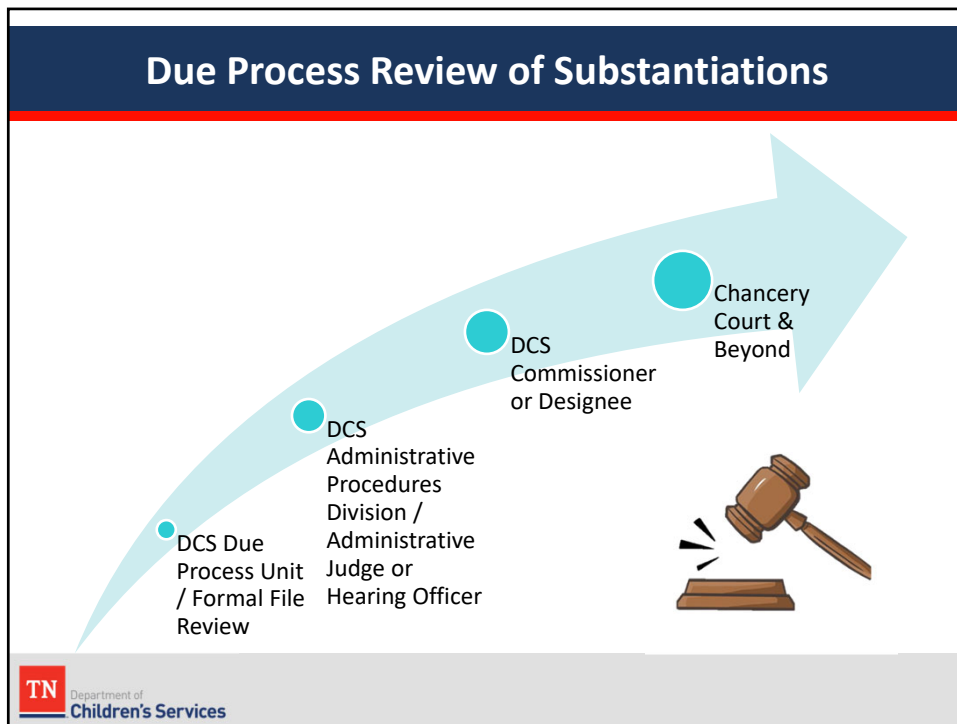
Burden of Proof – DCS Rule 0250-07-09-.06:

- A report made against an alleged perpetrator shall be classified as substantiated if the **preponderance of the evidence**, in light of the entire record, proves that the individual committed any form of abuse or neglect.

## What is the impact of a “substantiation”?

A child abuse/neglect substantiation may subject the perpetrator to adverse actions involving:

- Employment – denial or termination
- Volunteering – denial or termination
- Licensure – denial, suspension, revocation, discipline
- Foster Parenting – denial, removal, and/or home closure
- Adoption – denial



27

## Substantiation Hearings

- **"The sole issue for the administrative judge to determine is whether the preponderance of the evidence, in light of the entire record, proves that the individual committed any form of abuse or neglect." DCS Rule 0250-07-09-.11.**
- **TRIAL**
  - **Formal proceedings** (attorneys, argument, witnesses, etc.)
  - Typically held at DCS Office where appellant resides
  - Administrative Judge issues an initial order
    - within 90 days or as extended
    - Becomes a **final order** if not appealed
- **TWO ROUTES FOR APPEAL**
  - **To Commissioner/Designee for Agency Review**
    - Must be requested within 15 days of initial order
    - Decision is in a **final order**
  - **To Chancery Court for Judicial Review**
    - Petition must be filed within 60 days of final order
    - May further appeal to the TN Court of Appeals

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28

## APD – Time Frames

- 0250-5-8:
  - 45 days to hear a foster care removal case and 90 days to hear an adoption assistance or substantiated child abuse case.
  - Time limit applies to the period extending from the date the request is received by the Department until the date the initial order is entered.
  - Postponement of scheduled hearing shall not exceed thirty (30) days, and the time limit for processing the appeal shall be extended because of:
    - (a) Illness of the appellant;
    - (b) because of circumstances beyond the control of the appellant or the Department.



29

## Contested Cases – Findings & Orders

- Initial Order
  - Entered by ALJ or Hearing Officer
  - Will be reviewed by Commissioner prior to entry of Final Order
  - Becomes final if no reconsideration is requested
- Final Order (0250-05-08)
  - Entered by Commissioner or Commissioner's Designee upon consideration of the entire record
  - Binding on all parties
- Reconsideration (0250-05-09)
  - If no action has been taken on the petition within 20 days, the petition shall be deemed to have been denied.
  - The filing of a petition for reconsideration of the final order shall not supersede or delay the effective date of the final order and said order shall take effect on the date entered by the agency and shall continue in effect until such petition shall be granted or until said order shall be superseded, modified, or set aside in a manner provided by law.
  - Tenn. Code Ann. 4-5-317(e)- The sixty-day period for a party to file a petition for review of a final order shall be tolled by granting the petition and setting the matter for further proceedings, and a new sixty-day period shall start to run upon disposition of the petition for reconsideration by issuance of a final order by the agency.



30

## Contested Cases – Appeal & Reconsideration

- 0250-5-9: Petition to appeal: A petition for appeal from an initial order must be filed with the Commissioner or his/her designated representative within fifteen (15) days after entry of an initial order or disposition of the petition for reconsideration.
- If an initial order is subject to both a timely Petition for Reconsideration and appeal, the petition for reconsideration shall be disposed of first; and a new fifteen (15) day period shall start to run upon disposition of the Petition for Reconsideration.

## Judicial Reviews





- 60 days to file petition for judicial review
- 45 days for agency to transmit administrative record to chancery court
- Chancery court in the county where the appellant lives or Davidson County
- Review of the record—not a new trial
- 30 days to appeal to Court of Appeals after Chancery determination
- Tenn. Code Ann. § 4-5-322





33

## DCS Policies

-  DCS policies can be found on our website:
-  <https://www.tn.gov/dcs/program-areas/qi/policies-reports-manuals/policiesprocedures.html>
-  Make sure you're looking at the most up-to-date version of the policy; they are amended periodically
-  Information may also be contained in protocols, manuals, and work-aids

34

- Policies are broken down by Chapter
- Highlights:
  - Chapter 9: Child Records
  - Chapter 13: JJ
  - Chapter 14: CPS
  - Chapter 15: Adoption and Guardianship
  - Chapter 16A: Foster Care
  - Chapter 16B: Foster Homes
  - Chapter 19: Mental Health
  - Chapter 20: Health
  - Chapter 21: Education
  - Chapter 31: Regional field services operations

35

## DCS Policies & Procedures

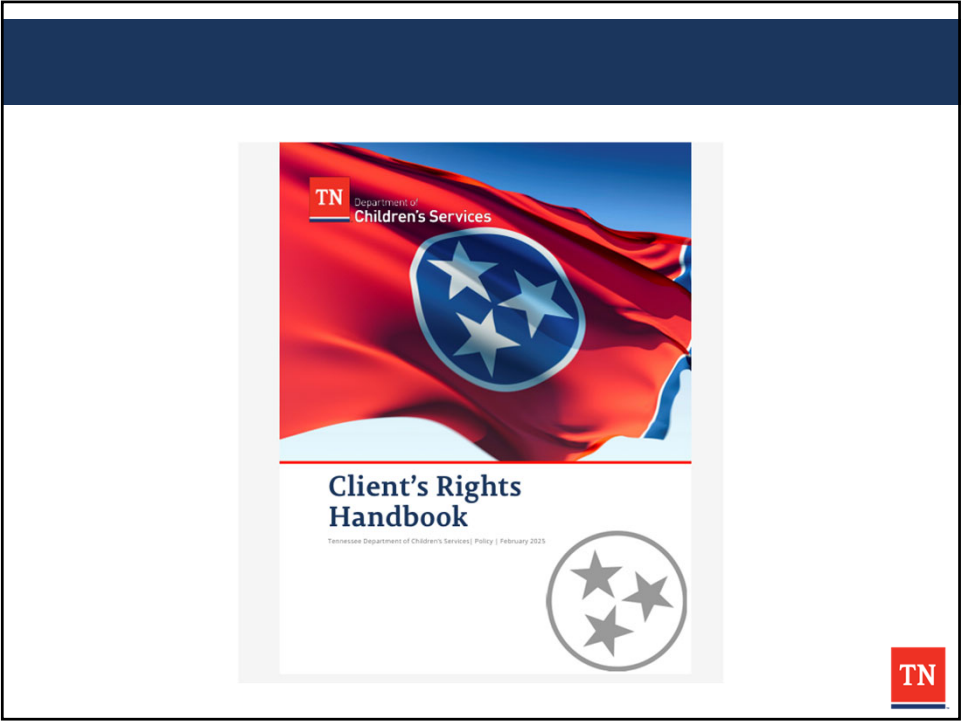
> Chapter Names

Policies on Preview

 [Having trouble view](#)

Chapter

36



37



38



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**Children's Services**

## Report Suspected Child Abuse & Neglect

### 877-237-0004

**Call 911 if there is a life-threatening emergency**

Reports also can be made online on our secure site.

- Direct link: <https://apps.tn.gov/carat/>

**TN**

39

## Mandated Reporters

By statute, **everyone** in Tennessee is a mandated reporter of child abuse

"Any person who has knowledge of or is called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition shall report such harm immediately if the harm is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or that, on the basis of available information, reasonably appears to have been caused by brutality, abuse or neglect..." Tenn. Code Ann. § 37-1-403

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40

## Mandated Reporters

- Failure to report abuse is a violation of the law and a Class A misdemeanor, carrying a sentence of up to three months imprisonment, a fine or both. Those who report and “act in good faith” are immune from any civil or criminal charges which may result. The reporter has the right to remain confidential and anonymous.
- The more information that can be provided, the better
- Mandated Reporter Training:  
<https://www.tn.gov/content/tn/dcs/program-areas/training/cw-resources/mandated-reporter-training.html>



41

## Child Abuse Hotline

Accepts all reports 24/7 of alleged child abuse or neglect by phone, web, or walk-in

Uses a Standardized Structured Tool to process reports

Screens the report to determine if the situation requires an investigation, an assessment, or a resource linkage case

Screens out cases that do not meet the definition of child abuse or child neglect

Calls are recorded for quality assurance



42

## Why are some reports not assigned?

- Information does not meet definition of abuse/neglect
- Family already has an open case and the new concerns can be addressed in the open case
- No locating information for the family
- Information has been previously reported/ investigated
- Sex abuse where ACV is over 13 and the AP is not a parent, relative, caregiver, household member (refer to LE)
- ACV does not reside in TN and will not return to TN in a timeframe that case could be investigated and concluded
- ACV is over 18
- Abuse or neglect by an AP who is not a relative or caregiver

## Applicable DCS Policies

- 14.1—Child Abuse Hotline
- Work Aid 1—CPS Categories and Definitions of Child Abuse and Neglect
- Work Aid 2—Child Abuse Hotline
- 14.2—Screening, Priority Response and Assignment of Child Protective Services Cases
- Work Aid 3—Child Abuse Hotline Tasks and Responsibilities for Referrals Concerning a Child Death and Preliminary Near Death
- Child Abuse/Neglect Intake Assessment Policy and Procedures Manual
- 14.5—Child Protective Services Multiple Response System

## Case Assignment

Referral is screened at the hotline

Referral is assigned to a 'track' and a region

Regional CPS staff (usually a team leader) receive the referral electronically through TFACTS. If it is a P1, designated regional staff are paged/called/emailed

Referral is assigned to CPS worker by the team leader

CPS worker meets response

45

## Response Times

1

**PRIORITY 1 (P1):** Allege that children may be in imminent danger. Must meet response within 24 hours, or immediately if appropriate.

2

**PRIORITY 2 (P2):** Allege injuries or risk of injuries that are not imminent, life threatening, or require immediate medical care. Must meet response within two (2) business days.

3

**PRIORITY 3 (P3):** Allege situations considered to pose a low risk of harm. Must meet response within three (3) business days.

46

- **CPS Tasks**

- Interview/Observe all Alleged Child Victims
- Convene CPIT (if appropriate)
- Conduct a Home Visit
- Interview Family, Siblings, and all Household Members
- Contact Collaterals (i.e., those with relevant information)
  - Schools/Daycares
  - Extended Family
  - Friends
  - Court
  - Law Enforcement
- Gather Records
- Take Photographs
- Consult with Supervision/Legal

## Applicable DCS Policies

- 14.6 – Child Protective Services Case Tasks and Responsibilities
- Work Aid 1—CPS Categories and Definitions of Abuse/Neglect
- Child Protective Services Tasks Manual
- 14.7—Child Protective Investigative Team (CPIT)
- Protocol for CPIT Presentation

NOTE: Chapter 14 contains more CPS-related policies





49

 A presentation slide with a dark blue header bar at the top. Below the header is a 2x2 grid of four dark red rectangular boxes, each containing white text. At the bottom of the slide is a light gray footer bar containing the Tennessee Department of Children's Services logo and name.
 

<p>If a child can remain safely at home or stay with a friend or relative temporarily, that solution is always better than removal.</p>	<p>DCS is charged with making reasonable efforts consistent with child safety to prevent or eliminate the need for removal.</p>
<p>Alternatives to removal run the gamut from informal arrangements with the child remaining in the home to agreements for the child to live temporarily outside the home, or to court interventions that impose safety conditions.</p>	<p>While child safety and other factors determine the viability of these options, each alternative is a vital tool that can greatly enhance the child's well-being.</p>

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50

## Reasonable Efforts

“...reasonable efforts **shall be made** to preserve and reunify families...

[p]rior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child's home...”

Tenn. Code Ann. § 37-1-166



51

## What are “reasonable efforts” to prevent removal?

“...[R]easonable efforts” means the exercise of reasonable care and diligence by [DCS] to provide services related to meeting the needs of the child and the family. In determining reasonable efforts to be made with respect to a child ... and in making such reasonable efforts, the child's health and safety shall be the paramount concern.”

*Tennessee Code Annotated § 37-1-166(g)(1)*

- Preventative/ongoing services
- Accurately assessing and monitoring risk
- Focus on family preservation unless child safety is compromised
- Exploring less drastic alternatives
- Exploring community resources
- CFTMs and actively engaging the family in the process
- Basically, doing everything reasonably possible to prevent removal until necessary

*Policy 14.14*



52

## Immediate Protection Agreements (IPAs)

Immediate Protection Agreements (IPA) are VOLUNTARY agreements and are for a limited amount of time, set by policy 14.13

IPAs are staffed with legal to determine next steps

To continue an IPA beyond the number of days set by policy, a Petition has to be filed—a court order supersedes an IPA

Parents can revoke IPA at any time

Parents have to be able to consent to IPA (intoxication/mental incapacity)

## Policy 14.13

- Used as an option to ensure the safety of children when the custodian lacks sufficient protective capacity to assure the child is safe from abuse or neglect
- Worker assesses risk of harm to the child prior to asking for the custodian to agree to an IPA
  - History of Abuse/Neglect
  - Child Factors
  - Parent/Caretaker Factors
  - Environmental Factors
  - Service Provision Factors
- Worker staffs case with supervisor and legal before an IPA is implemented

## Policy 14.13

- IPA Form (CS-0701):
  - AP's name; safety concerns warranting the IPA; what the custodian is agreeing to; clear requirements regarding visitation, if applicable; signatures of custodian, DCS, and individuals with responsibilities; and date through which the IPA is in effect
- A Child and Family Team Meeting (CFTM) is held prior to the implementation of the IPA, if possible, or within three business days following implementation of the IPA
- A non-custodial family permanency plan (NCFPP) is developed at the CFTM
- Additional legal consult within three business days to determine whether IPA will dissolve or a petition will be filed

## Policy 14.13

- Maximum amount of time for a valid IPA is ten (10) business days
- A Court Order supersedes the IPA
- The legal relationship between the voluntary, non-custodial placement and the child determines what specific tasks and checks are conducted prior to DCS agreeing to the placement of the child
  - Non-residential/non-offending legal parents (married or court-ordered custody)
  - Other non-residential/non-offending legal parents
  - Alleged/putative parents
  - Relatives/other individuals

## Petitions that may result from an IPA

- Petition for Dependency and Neglect
  - Custody to 3<sup>rd</sup> Party
  - *Ex Parte* Custody to 3<sup>rd</sup> Party
  - Custody to DCS
  - *Ex Parte* Custody to DCS
  - Order Controlling Conduct
  - Temporary Restraining Order
  - Court Ordered Services

## Policy 14.12 FPPNC

- Family Permanency Planning for Noncustodial cases
- DCS partners with families, their support systems, service providers, community partners, informal supports, specific interventions, and services to develop an FPPNC during a CFTM
- The plan addresses the problems that necessitated a concern for the risk and safety of the child or any other concerns that warrants the department's involvement. The plan specifies the changes required to allow the child to remain safely in their current placement or return to the care of their caregivers.

## Policy 14.12

- FPPNC developed during CFTM within 30 days of referral (if not required earlier by other policy)
- CFTMs required to revise plan goals; if the child is removed from the current placement; or for significant changes to tasks on the plan
- FPPNC establishes realistic goals; contains a statement of responsibilities; designates timeframes for completion
- Participants include: parents, family, family supports, community partners, DCS staff, GAL, CASA, children (if age appropriate)

## Policy 14.12

- FPPNC Goals:
  - Child remains with parent/caretaker without services (Non-custody)
  - Child remains with parent/caretaker with services (Non-custody)
  - Child remains with caretaker/relative with services (Non-custody)
  - Child will need change in location (Non-custody)

## Policy 14.12

- Comprehensive Addiction and Recovery Act (CARA) and Plans of Safe Care
  - CARA requires that a Plan of Safe Care be created for any DCS-involved infant that has been identified as affected by substance use, withdrawal symptoms resulting from prenatal exposure from the use of illegal drugs or the misuse of legal drugs or chemical substances, diagnosed with NAS, and/or Fetal Alcohol Syndrome
  - Plan of Safe Care must include services that ensure the safety and well-being of infants and include steps for addressing the health and substance use disorder treatment needs of the infant and affected family or caregivers
  - DCS FPPNCs constitute Plans of Safe Care in applicable cases

## IPA vs. FPP

### Immediate Protection Agreement (IPA)

Identifies safety concerns  
Sets restrictions to ensure safety  
Sets clear guidelines for contact, custody, and time

### Family Permanency Plan (FPP)

Sets tasks for parties to complete to address concerns  
"Roadmap" for success  
DOES NOT set out restrictions

### EXAMPLE:

Keep boyfriend away from children = IPA restriction.  
Complete an alcohol and drug assessment = FPP task.

## Family Crisis Intervention Program (FCIP)

- Provides immediate services to stabilize unruly juveniles and families who may be experiencing crises
- Acceptance criteria
- If child is 11 or under, FCIP referral will be denied and a CPS referral will be made
- If youth is currently on probation or in DCS custody, FCIP referral will be denied
- FCIP is a short-term, VOLUNTARY program
- FCIP is only program that can certify a youth as unruly
- Policy 14.19



63

## Probation

- Continually assesses youth and family strengths and needs to determine appropriate interventions and services
- Maintains regular contact with the youth/family
- Develops and reviews the NCFPP
- Completes referrals for services
- Must be adjudicated delinquent or VVCO to be on DCS probation; maximum of 6 months unless extended pursuant to statute
- Policy 13.12; Manual for Juvenile Justice Intensive Probation and Aftercare Program



64



## Aftercare

- After successful THV for delinquent youth
- Provides case management services and supervision to ensure community safety and youth accountability
- Maintains regular contact with youth/family
- At least 60 days
- Policy 13.11; Manual for Juvenile Justice Intensive Probation and Aftercare Program



65

## Removals



All less drastic alternatives to removal are explored, as long as the immediate safety of the child is not compromised



CPS worker contacts supervisor to discuss whether removal is appropriate



CPS worker or supervisor contacts legal to discuss whether there is a legal basis to pursue removal

66

- If there is not consensus on what action is to be taken, the decision can be elevated up the chain of command, even to the Commissioner
- If decision to remove is made, CPS worker takes possession of the child(ren) and completes an 'intake packet.' The placement division looks for a placement for the child.
- CPS worker must also complete a legal referral so a petition can be drafted by legal
- Policy 14.14: Removal: Safety and Permanency Considerations

Regional practices vary greatly for exigent removals and ex parte removals because of local practice/preferences of each court or judge

Order must be signed within 48 hours if the removal was an exigent removal (without a court order). See Tenn. R. Juv. Pro. 302

## Legal Basis for an Emergency Removal

Probable cause

Child subject to immediate threat to child's health or safety to the extent that delay for a hearing would be likely to result in severe or irreparable harm; or

Threat of removal of the child from the jurisdiction of the court.

No less drastic alternative to removal that would reasonably and adequately protect the child






71

**Reasonable and Active Efforts**

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- The law requires that DCS make reasonable efforts in all cases to:
  - prevent the removal of children from the home, AND
  - **to make it possible for children to return home or find permanency.**
- REMINDERS:
  - Reasonable efforts require the “exercise of reasonable care and diligence by the department to provide services related to meeting the needs of the child and the family.”
  - Active efforts are required for ICWA cases.



Department of  
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72

## Relevant Policies

- 16.46: Referral and Placement
- Guide to Placement Principles & Types
- Protocol for Accessing a Transitional House
- 16.31: Permanency Planning for Children in DCS custody
- Family Permanency Plan Development Guide
- 16.43: Supervised and Unsupervised Visitation Between Child/Youth, Family, and Siblings
- Visitation Guide
- Visitation Plan Work Aid
- CFTM Guide
- 31.1: Family Permanency Plans
- Family Permanency Plan Development Guide
- 31.9: Conducting Diligent Searches
- Diligent Search Manual

## Contract Provider Manual

- Outlines the responsibilities and requirements of service provision for the contract provider network.
- Divided into fourteen individual sections pertaining to specific levels of care available to children and youth through contractual relationships between DCS and contract provider agencies.
- Definitions of the service and placement types, the admission/clinical criteria, and the service components required within the per diem.

- Links to mandated DCS Policy relevant to the subject matter contained within that section.
- If conflict between CPM and policy, policy controls.

<https://www.tn.gov/dcs/for-providers/contract-provider-manual.html>

## Termination of Parental Rights

- DCS shall file if child in custody 15 of the last 22 months; within 90 days of severe child abuse finding; child in custody 6+ months and parents have not made reasonable progress toward obtaining custody; 2+ grounds for TPR exist; within 90 days if court finds substantial noncompliance by parent in a permanency hearing...
- UNLESS a compelling reason exists.
- Tenn. Code Ann. 36-1-113

## Filing TPR

- Case is identified for TPR (typically in a case review)
- Case is staffed with legal
- Case manager completes a TPR referral
- Attorney reviews the referral and accepts/denies
- If accepted, attorney has 30 days to draft/file petition



77

**THANK YOU**  
*for the lives you touch  
 we appreciate you*  
**SO MUCH**



### For information contact:

Sammi Maifair  
 General Counsel  
[Sammi.Maifair@tn.gov](mailto:Sammi.Maifair@tn.gov)

Thanks for participating today!



78