

## GLOSSARY OF SELECTED TERMS\*

**ABUSE:** Exists when a child is suffering from, has sustained, or may be in immediate danger of suffering from or sustaining a wound, injury, disability or physical or mental condition caused by brutality, neglect or other actions or inaction of a parent, relative, guardian or caretaker. T.C.A. § 37-1-102(1).

**AACWA:** The Adoption Assistance and Child Welfare Act of 1980. Comprehensive federal legislation that outlined states' responsibilities in preventing removal of children and reunifying families through the use of reasonable efforts; required each child have a plan for achieving a permanency goal; enlarged the scope of judicial oversight in juvenile court proceedings; and provided support for families adopting special needs children. (P.L. 96-272)

**ABANDONMENT:** In juvenile court, the willful failure by a biological parent or legal guardian to visit (more than token visitation) or to provide financial support to a child for a period of more than four consecutive months. Abandonment is one of the legal grounds for termination of parental rights.

T.C.A. § 36-1-102, 113.

**ADJUDICATION/ADJUDICATORY HEARING:** In child welfare proceedings, the trial stage at which the court determines whether allegations of dependency, abuse or neglect concerning a child are sustained by clear and convincing evidence, and, if so, are legally sufficient to support state intervention on behalf of the child; provides the basis for the state intervention into a family, as opposed to the disposition hearing which concerns the nature of such intervention.

**ADOPTION:** Social and legal process of establishing by court order the legal relationship between parent and child. T.C.A. § 36-1-102(3).

**ADOPTION ASSISTANCE:** Title IV-E Adoption Assistance program designed to assist states in finding adoptive homes for eligible children with special needs. This open-ended entitlement program provides funds to states to assist in providing ongoing financial and medical assistance for adopted children with special needs. Funds also support staff training and administrative costs.

**ADOPTIVE PARENT:** The person who has been made the legal parent of a child by the entry of an order of adoption under the provisions of the laws of a state, territory or foreign country.

T.C.A. § 36-1-102(7).

**AFDC:** Aid to Families with Dependent Children. This federal funding source has been replaced by Temporary Assistance to Needy Families funding. See TANF.

**AGENCY:** A child welfare agency, regardless of whether such agency is licensed or approved, and includes the department of children's services. T.C.A. § 37-2-402.

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**APPEARANCE:** In some jurisdictions, the first hearing in a child protection case in non-emergency situations.

**ASFA:** Adoption and Safe Families Act of 1997, amended AACWA. Federal legislation aimed at improving states' response to children and families in the child welfare system. ASFA shortened the time line for achieving permanency, required reasonable efforts be made to find a permanent placement for the child when reunification is not possible, identified cases in which reasonable efforts to prevent removal and reunify the family may not be required, and dictated circumstances under which states must file petitions to terminate parental rights. The act also created incentives for states to increase adoptions. (P.L. 105-89.)

**BEST INTERESTS OF CHILD:** The guiding principle of all juvenile court proceedings, "best interests" is also a legal determination made by the juvenile court that incorporates particularized findings unique to the child who is the subject of litigation.

**BIFURCATED HEARINGS:** Proceedings in which issues are tried or heard separately. In juvenile dependency and neglect cases, the adjudication and disposition may be bifurcated.

**BIOLOGICAL PARENT:** Person, either man or woman, who physically or genetically conceived the child who is the subject of the adoption or termination proceedings.

**BRIAN A.:** Federal class action lawsuit on behalf of children in foster care in Tennessee. Refers to order of federal district court that provides for improvements in the state agency's response to dependent and unruly children in foster care. (Brian A. v. Sundquist, 149 F. Supp. 2d 941 (2000))

**CASA (COURT APPOINTED SPECIAL ADVOCATE):** A specially trained volunteer appointed by the court, who conducts an independent investigation of child abuse, neglect or other dependency matters, and submits a formal report offering advisory recommendations as to the best interests of the child.

**CHILD ABUSE:** To hurt or injure a child by maltreatment. *See* ABUSE.

**CHILD(REN):** Any person(s) under eighteen years of age. T.C.A. § 36-1-102(11). [A person 18 years or older may not be committed to or remain in the custody of the Department of Children's Services by virtue of being adjudicated dependent and neglected or unruly. T.C.A. § 37-1-102(4)(C).]

**CHILD DEPENDENCY:** A type of case filed exclusively in juvenile court, where there are allegations that a child has been harmed or that conditions in the child's home place the child at substantial risk of serious and irreparable harm. T.C.A. § 37-1-102.

**CLEAR AND CONVINCING EVIDENCE:** An evidentiary standard in which the proof as presented at the trial or hearing has a high probability of being the truth. This standard requires more proof than a "preponderance of the evidence" standard, but less than "proof beyond a reasonable doubt."

**CODIFY (CODIFIED):** The process of putting rules and regulations concerning a certain subject into statutes.

**COMMUNITY SERVICE AGENCY (CSA):** Quasi-governmental agencies which contract with the Department of Children's Services to provide needed services to families and children within the community. Each region within the Department of Children's Services is served by a different CSA.

**COURT:** Chancery, circuit, or general sessions court, including juvenile, probate and criminal court. Often the term "court" is used interchangeably with "judge" or "referee," as in the statement, "The lawyer presented evidence to the Court."

**CUSTODIAN:** Person, other than legal guardian or parents, who takes on the role of parent to the child or person to whom temporary legal custody has been given by order of the court. T.C.A. § 37-1-102(7).

**CUSTODY:** Control and actual physical care of the child; includes the right and responsibility to provide for physical, mental, moral and emotional well being of the child. Custody does not exist by virtue of mere physical possession of the child. T.C.A. § 37-1-102(8).

**DATE OF FOSTER CARE PLACEMENT:** The original date on which the child is physically placed in foster care. T.C.A. § 37-2-402.

**DCS:** Department of Children's Services. The administrative agency in Tennessee that provides care and services to children in foster care and to children who are at risk of entering foster care. DCS strives to protect children from abuse and neglect; to provide prevention, early intervention, rehabilitative and educational services; to pursue appropriate and effective behavioral and mental health treatment; and to ensure that health care needs are met. T.C.A. § 37-5-102.

**DELINQUENT CHILD:** A child who has committed an act which would be considered a crime if committed by an adult, and is in need of treatment or rehabilitation.

**DEPENDENT AND NEGLECTED CHILD:** A child subject to the jurisdiction of the court because of abuse or neglect. T.C.A. § 37-1-102(12). See Child Dependency.

**DIRECT REFERRAL:** Process by which a foster care review board identifies an urgent issue that constitutes a risk of harm to the child or is a deterrent to reaching the permanency goal and brings it to the attention of the juvenile court. T.C.A. § 37-2-406(c)(1)(B).

**DISPARATE TREATMENT:** Differential treatment based upon a person's race, color, religion, sex, national origin, or disability.

**DISPOSITION/DISPOSITIONAL HEARING:** The stage of the juvenile court process in which, after finding that a child is within the jurisdiction of the court, the court determines who shall have temporary custody of the child. Evidentiary standards are relaxed.

**DUE PROCESS:** A course of legal proceedings that enforce and protect individual rights; typically refers to adequate notice of all court proceedings, the right to be represented by an attorney and opportunity to be heard.

**EMANCIPATED:** A legal term referring to a person who turns 18 years of age, or a person under the age of 18 who is totally self-supporting, as recognized by the court.

**FLEX FUNDS:** Funds provided through the Department of Children's Services to provide support services to children and families involved with the child welfare system.

**FOSTER CARE:** Temporary placement of a child in the custody of the Department of Children's Services for care outside the home of child's parents or guardian. Foster care ceases when the child is placed with individual(s) for purposes of adoption, or when petition to adopt is filed, or when the child is returned to or placed in care of the parents or relative. T.C.A. § 37-2-402(5).

**FOSTER CARE REVIEW BOARD:** A board of citizen volunteers appointed by the juvenile court to periodically review foster care cases. It serves the quasi-judicial function of advising the court concerning the status of the permanency process of each child in foster care. Depending upon the jurisdiction, the board may review the cases of delinquents and status offenders in addition to abused and neglected children.

**FOSTER PARENT:** A person who has been trained to provide full-time temporary out-of-home care for children who cannot remain in their own home. T.C.A. § 36-1-102(21). *See* FOSTER CARE.

**GUARDIAN:** Person or entity, other than the parent of a child, appointed by a court as guardian as a result of surrender, parental consent, or termination of parental rights. The rights of a guardian of a minor child must be terminated by surrender or court action before an order of adoption can be entered. T.C.A. § 36-1-102(22)(C). Complete guardianship occurs only when all parental rights have been surrendered or terminated. T.C.A. § 36-1-102(23)(C)(I). Partial guardianship occurs pursuant to an order terminating less than all parental rights. T.C.A. § 36-1-1102(23)(D)(ii).

**GUARDIAN AD LITEM:** In juvenile court, an attorney appointed by the court to represent the best interests of a child. *See* Tenn. Sup. Ct. Rule 40.

**HOMETIES:** A 4 - 6 week intensive program of services within the home intended to preserve the family and to prevent removal of the child from the home.

**ICWA:** Indian Child Welfare Act. Federal legislation aimed at protecting the best interests of American Indian children and promoting the stability and security of American Indian tribes and families. Established minimum federal standards for the removal of American Indian children from their families and the placement of such children in foster or adoptive homes that reflect the unique values of American Indian culture, and provided for assistance to American Indian tribes in the operation of child and family service programs. (P.L. 95-608)

**INDEPENDENT LIVING ACT or FOSTER CARE INDEPENDENCE ACT:** Also referred to as the John H. Chafee Foster Care Independence Program, increases funds to states to assist youths in making the transition from foster care to independent living; recognizes the need for special help for children ages 18 to 21 who have already left foster care; offers states greater flexibility in designing programs to help foster children achieve independence; and establishes accountability for states in implementing those programs. (P.L. 106-169.)

**JUDGE:** *See* COURT.

**JURISDICTION:** The power and authority of a court to hear a case or controversy, and the power to render a decision or judgment.

**JUVENILE COURT:** Court dealing with juveniles, includes general sessions courts and some chancery courts in Tennessee except in those counties and municipalities in which special juvenile courts are provided by law.

**JUVENILE COURT REFEREE:** Person appointed by the juvenile court judge to hear certain types of cases. Orders concerning surrenders and revocations issued by the referee do not require confirmation of the juvenile judge. However, a referee's order recommending termination of parental rights does require a confirmation order by the judge. T.C.A. § 36-1-102(14)(C).

**KINSHIP FOSTER CARE PROGRAM:** Foster care placement of a child in custody of DCS with a relative who has complied with the regulations that are applicable to other foster parents. The kinship foster parent may receive foster care board payments.

**MEPA-IEP:** The Multiethnic Placement Act of 1994 and the Interethnic Placement Provisions. Together, these federal laws prohibit delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin of either the child or the foster or adoption parents. (P.L. 104-118)

**NOTICE:** In legal use, communication that is intended to apprise a person of a proceeding in which his interests are involved.

**PARENT:** The biological parent or legal guardian, except in cases when guardianship is held by an agency pursuant to a determination of abandonment or surrender of parental rights. T.C.A. § 37-2-402.

**PARENTAL RIGHTS:** Legally recognized rights and responsibilities to act as a parent, to care for, to name, and to claim custodial rights with respect to a child. T.C.A. § 36-1-102(36).

**PETITION:** A formal written request that a court consider action on a certain matter.

**PERIODIC HEARING:** *See* REVIEW HEARING.

**PERMANENCY:** While not specifically defined in the statutes, the concept of permanency stems from a belief that it is in a child's best interests to be placed as quickly as possible in a safe environment that the child has a reasonable expectation of calling "home" throughout his or her life. The process of permanency begins as soon as the child comes into custody.

**PERMANENCY HEARING:** A formal court proceeding designed to reach a decision concerning the permanent placement of a child; the time of the hearing represents a deadline within which the final direction of a case is to be determined. Permanency Hearings must be conducted by the court within twelve months of a child's placement in foster care.

**PERMANENCY PLAN:** A written plan for a child placed in foster care with the department of children's services or another agency, which lists the reasons the child is brought into custody and which identifies a permanent goal for the child. The plan specifies the responsibilities of the parties, including the parents and the department, which must be accomplished in order to achieve the stated goal. T.C.A. § 37-2-402(5).

**PLAN OF CARE:** *See* PERMANENCY PLAN. The term Plan of Care is replaced under ASFA with the term Permanency Plan.

**PLANNED PERMANENT LIVING ARRANGEMENT (PPLA):** A goal for children in foster care for whom DCS has made every reasonable effort to return the child home, to place the child with appropriate family members, or to place the child for adoption. The person to whom DCS proposes to assign permanent caregiver status has demonstrated a commitment to assume long-term responsibility for the child.

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DCS proposes to assign permanent caregiver status has demonstrated a commitment to assume long-term responsibility for the child.

**PRELIMINARY PROTECTIVE HEARING:** The first court hearing in a juvenile abuse or neglect case, referred to as emergency removal hearing; occurs either immediately before or immediately after a child is removed from the home on an emergency basis. The preliminary hearing is held within 3 days of the child's removal from the home. The judge must determine whether the Department has established probable cause to believe the allegations in the petition, that the child was in imminent danger of irreparable harm, and that removal was the least restrictive alternative available.

**QUARTERLY PROGRESS REPORT:** A report prepared by DCS that details the progress made by the department, parents, and child toward achieving the permanency goal for the child. T.C.A. § 37-2-404.

**REASONABLE EFFORTS:** The exercise of reasonable care and diligence by the department to provide services related to meeting the needs of the child and the family. T.C.A. § 37-1-166(g). The department must make reasonable efforts to prevent removal of the child, and to reunify the family if the child is removed. The court must make reasonable efforts findings at every dependency hearing.

**RELATIVE CAREGIVER PILOT PROJECTS:** Projects established in Davidson, Shelby and the Upper Cumberland counties to assist families in providing care for related children so that those children need not come into the state's foster care system.

**REPORT:** A written report by the foster care review board as provided in T.C.A. § 37-2-406 or by the department of children's services or by an agency having custody of the child. T.C.A. § 37-2-402.

**REVIEW HEARING/ 90-DAY AND 6- MONTH REVIEW/ PERIODIC HEARING:** Court proceedings which take place after disposition in which the court reviews the status of a case, examines the progress made by the parties since the dispositional hearing, provides for correction and revision of the case plan, and makes sure that cases progress and that children spend as little time as possible in temporary placement.

**SETTLEMENT CONFERENCE:** A hearing set aside prior to the adjudication in which the court convenes the parties with the goal of determining whether the case may be resolved without a contested trial.

**SIBLINGS:** Persons sharing a common biological or legal parent, including brothers, sisters, stepbrothers and stepsisters, etc.

**STATUS OFFENSES:** In juvenile law, a category of offenses which, if committed by an adult, would not be considered a violation of the law, such as truancy, unruly and curfew violations.

**SUBSTANTIAL COMPLIANCE/NONCOMPLIANCE:** In juvenile court, refers to the parent's standard of conformity with his or her responsibilities in the permanency plan. Substantial compliance is the minimum standard for parents' conformity under which a child may be returned to the home. Substantial noncompliance with the plan is a ground for termination of parental rights. T.C.A. § 36-1-113(g)(2).

**TANF:** Temporary Assistance to Needy Families is the federal financial assistance or “welfare” program. In Tennessee, it is called “Families First.”

**TENNCARE:** A system of healthcare for Tennesseans who are Medicaid eligible or who lack access to health insurance. TennCare operates as a managed health care program.

**TERMINATION OF PARENTAL RIGHTS HEARING:** A formal proceeding usually sought by a state agency at the conclusion of dependency proceedings in which severance of all legal ties between parent and child is sought against the will of one or both parents, and in which the burden of proof must be by clear and convincing evidence.

**TPR:** See TERMINATION OF PARENTAL RIGHTS.

**TRUANT:** A child who willfully and unjustifiably fails to attend school when attendance is required by law. Truancy is a punishable offense within the juvenile system in some states and, in others, it is the basis of a petition for a child in need of services.

**UNRULY CHILD:** Child in need of treatment and rehabilitation who habitually and without justification is truant; who is habitually disobedient of the reasonable and lawful commands of the child’s parent or guardian to the degree that the child’s health and safety are endangered; who commits an offense applicable only to a child; is away from the home or legal placement without consent of parents or guardians (“runaway”). T.C.A. § 36-1-102(23)(A).

**VOLUNTARY SURRENDER:** In juvenile court, a legal process by which a parent intentionally relinquishes his or her parental rights.

**YOUTH SERVICE OFFICER:** A position established by the county to assist the juvenile court. Depending upon the jurisdiction, the YSO receives and examines complaints of child dependency, delinquency and status offenses; counsels children and their families; keeps records and transmits information as required by government entities; investigates, reports and makes recommendations to the juvenile court; makes appropriate referrals to public and private agencies; and makes predisposition studies and submits reports and recommendations to the court as required. T.C.A. § 37-1-106.

**YSO:** See YOUTH SERVICE OFFICER.