

**RULES
OF
THE TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
SOCIAL SERVICES DIVISION**

**CHAPTER 0250-4-2
STANDARDS FOR GROUP CARE HOMES AND FAMILY BOARDING HOMES**

TABLE OF CONTENTS

0250-4-2-.01	Legal Basis for Licensing	0250-4-2-.07	Care of the Children
0250-4-2-.02	General Requirements	0250-4-2-.08	Parental Involvement in Care
0250-4-2-.03	Organization and Administration	0250-4-2-.09	Physical Facilities
0250-4-2-.04	Personnel Policies	0250-4-2-.10	Records and Reports
0250-4-2-.05	Staff	0250-4-2-.11	Requirements for Emergency Shelter Care
0250-4-2-.06	Service Provision	0250-4-2-.12	Appendices

0250-4-2-.01 LEGAL BASIS FOR LICENSING.

- (1) GENERAL: The legal basis for licensing is contained in T.C.A. §§71-3-501 et seq.
- (2) DEFINITIONS:
 - (a) *Child*- a person under 17 years of age.
 - (b) *Commissioner*- The Commissioner of the Tennessee Department of Children's Services.
 - (c) *Department*- The Tennessee Department of Children's Services.
 - (d) *Emergency Shelter Care*-Care available on a 24 hour basis. Its purpose is to provide care for children in emergency cases. The length of care should not extend beyond 30 days. In rare instances where longer care is required, the reason should be documented in the case record.
 - (e) *Law*- Tennessee Code Annotated §§71-3-501 et seq.
 - (f) *License*- A yearly permit issued to a Group Care or Family Boarding Home giving care to children. Licensing is based on meeting required standards developed and published by the Department.
 - (g) *Group Care Home*- The home operated by any person, agency, corporation or institution or any group which receives seven or more children under 17 years of age for full-time care outside their own homes in facilities owned or rented and operated by the organization.
 - (h) *Family Boarding Home*- A home operated by any person society, agency, or facility, whether incorporated or not, which provides full-time care for two or more children under 17 years of age who are not related to such person and whose parents and guardians are not residents of the same house for supervision, care, lodging and maintenance with or without transfer of legal custody.
 - (i) *Staff*- Full-time and part-time employees.
- (3) BASIS FOR APPROVAL FOR LICENSE: All child welfare agencies as defined in T.C.A. §71-3-501 shall be licensed annually by the Department, said license to be based on standards developed and published for each child welfare agency in accordance with the following six (6) points of excellence:
 - (a) The present need for the proposed child welfare agency;
 - (b) The good character and intention of the applicant;
 - (c) The adequate financing of the organization;
 - (d) The capability, training, and experience of the workers employed;
 - (e) The facilities for and the methods of care provided, and the consideration of the best interest of the child and the welfare of society in any placements of children to be made; and

(Rule 0250-4-2-.01, continued)

- (f) The probability of permanence of the child welfare agency.
- (4) LICENSING PROCEDURE:
- (a) Application for license shall be made to the Department upon blanks furnished by it together with a processing fee of \$10. Upon receipt of the application for a license, the Department shall issue such child welfare agency a conditional license which shall be valid for a period of ninety (90) days from the date of issuance; provided, that the staff and facility do not present any apparent hazards to any children that may be in care and that the facility has received fire safety and environmental sanitation approval. At the end of the ninety (90) day period, upon evidence provided by the applicant/licensee that such child welfare agency is suitable and property managed as such, the Department shall issue such agency a license which shall be valid for a period of one (1) year; provided, however, such license may at any time be revoked by the Department upon ninety (90) day notice being given to the licensee, or such license may be immediately suspended by the Department, as provided by law, if the public health, safety, or welfare imperatively so requires.
 - (b) When an application for a license has been denied or a license has been revoked on one (1) occasion, the agency may not reapply for a period of sixty (60) days from the date of the denial or revocation. If such license has been denied or revoked on two (2) occasions, the agency may not reapply for a period of six (6) months from the date of denial or revocation. If such license has been denied or revoked on three (3) or more occasions, the agency may not reapply for a period of twelve (12) months from the date of denial or revocation. The Department may waive the time restrictions herein upon a showing that the agency corrected the deficiencies which led to the denial or revocation. For purposes of this chapter, the "date of denial or revocation", in cases where an appeal has been filed, shall mean the date on which any final administrative or judicial order has been entered finally determining the appeal.
 - (c) Upon written notice to the applicant that a request for a license has been denied, such applicant may request a hearing before the Board of Review. Such request must be made in writing and must be filed within ten (10) days of the mailing date of the notice of denial. Such hearing must be granted at the next regular meeting of said Board of Review provided, however, that no longer than sixty (60) days shall elapse after such request and before such hearing.
 - (d) If a license is issued, revocation can be had at any time before expiration date upon ninety (90) days notice by the Commissioner of the Department, such notice to contain a statement of causes for revocation. The licensee may, upon a written request filed within 10 days of the mailing of the notice of revocation, receive a hearing before the Board of Review; provided that such review shall be within the ninety (90) day period set out in the notice of revocation. Provided, however, that any conduct or conditions which might jeopardize, the safety of children shall be grounds or cause for immediate suspension of the license pending the outcome of revocation procedures.
 - (e) Any child welfare agency, as defined in *T.C.A.* §71-3-501, operating without being so licensed by the Department shall be guilty of a misdemeanor and shall be imprisoned not more than six (6) months and fined not more than five hundred (\$500) dollars, or both. Each day of operation without a license shall constitute a separate offense.
 - (f) It shall be the duty of the Department, through its duly authorized agents, to inspect at regular intervals without previous notice, all child welfare agencies as defined in *T.C.A.* §71-3-501, within the State. It is given right of entrance, privilege of inspection, access to accounts and records, information regarding the whereabouts of children under care for the purpose of ascertaining the kind and quality of work done to obtain a proper basis for its decisions and recommendations. Any violation of the rights given in this section shall be a misdemeanor.
 - (g) Notwithstanding the provisions of *T.C.A.* §71-3-527, the Department shall have the following authority and responsibilities in any case in which the Department receives a report of harm in accordance with Part 4. or Part 6. of Chapter I of Title 37 of *T.C.A.*

(Rule 0250-4-2-.01, continued)

1. The Department shall have the authority and responsibility to fully investigate, in accordance with the provisions of Part 4. or Part 6. of Chapter 1, Title 37 of *T.C.A.* any allegation of abuse, neglect, or sexual abuse which it receives regarding any child or children in the care of any agency or person whether or not such agency or person is subject to licensure hereunder. In the conduct of such investigation, the Department shall be granted access to the records of a children in the care of the person or agency and personnel files of the director and all employees of the person or agency, shall be allowed to inspect all premises in which children are kept or cared for, and shall be allowed to interview any and all children in the care of such person or agency if the Department determines such interviews are necessary.
 2. If the Department determines that abuse, neglect, or sexual abuse has occurred and the person or agency fails to take appropriate action to prevent future abuse, neglect, or sexual abuse the Department shall take such action as may be necessary to revoke, suspend, or deny the agency's license, If the person or agency is not licensed or not subject to licensure, the Department may proceed to bring an action in the Chancery Court of the county of the defendant's residence or the county in which the abuse, neglect, or sexual abuse occurred to enjoin the person or agency or any individual found by the Department to have been responsible for the abuse, neglect, or sexual abuse from continuing to provide care for children on a full-time or part-time basis.
- (5) PUBLIC AGENCIES: Any child welfare agency, as defined by *T.C.A.* 71-3-501, which is under management of an administrative department of the state, a county or municipality, or any combination of these three, shall not be subject to license but shall meet the minimum standards of program and care as required of such child welfare agencies. The Commissioner of the Department, through his authorized agent, shall make periodic inspections of such public administrative child welfare agencies. The report of such inspections and recommendations shall be made privately to the executive head of the public administrative child welfare agency, the Board of Directors, if any, and/or the Division of the State, County, or Municipal Government which has the duty under the law to operate such agency. It shall be the duty of the Department to cooperate with the public administrative agencies herein referred to, to the end that such recommended changes in program and policies can be adopted. If within a reasonable time, such standards and recommendations are not met, it shall be the duty of the Commissioner of the Department to make public in the community in which this agency is located, the report of the above-mentioned inspection. If any serious abuses, dereliction, or deficiencies are found and are not corrected within a reasonable time, the same shall be reported in writing to the next session of the legislature.
- (6) PLACEMENT IN TEMPORARY HOMES OR FOR ADOPTION: Private individuals including midwives, physicians, nurses, hospital officials, lawyers, and the officials of any non-chartered and/or non-licensed child caring institution, child placing agency, or maternity home, are forbidden to engage in placing children for temporary care or for adoption. Violation of this restriction shall be punishable by imprisonment for eleven (11) months, twenty-nine (29) days or a fine not to exceed twenty-five hundred (\$2,500) dollars, or both.
- (7) AMENDED ADOPTION LAW: No person, corporation, or agency except the Department of Children's Services or an agency licensed by the Department as a child-placing agency shall engage in placing children for adoption; provided, however, this section shall not be construed to prohibit any person from advising a natural or prospective adoptive parents of the availability of adoption or from acting as an agent for the natural or prospective adoptive parents in making necessary arrangements for adoption so long as no fees are charged for such service other than the usual and customary legal and medical fees in connection with the birth of the child and the legal proceedings relative to adoption. Any court of competent jurisdiction, upon the filing of a verified bill for injunction by the State of Tennessee, on behalf of the State Department of Children's Services or by an agency, or by any person aggrieved, may temporarily enjoin or restrain any person, corporation, or agency, from engaging or attempting to engage in placing children for adoption in violation or threatened violation, Part I., Chapter 1, of Title 36 of the *T.C.A.* relative to adoption, and upon final

(Rule 0250-4-2-.01, continued)

hearing, if the court determines that there has been a violation, or threatened violation, thereof, the injunction shall be made permanent.

Authority: T.C.A. §§4-5-226(b)(2); 4-5-320; 36-1-134; 37-1-401 et seq., 37-1-601 et seq., 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27, 1978; effective September 11, 1978. Amendment and new rule filed March 17, 1980; effective June 29, 1980. Repeal and new rule filed January 20, 1984, effective February 19, 1984. Amendment filed November 2, 1984, effective February 12, 1985. Repeal and new rule filed February 26, 1991; effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.01 filed and effective March 25, 1999.

0250-4-2-.02 GENERAL REQUIREMENTS.

- (1) The issuance and continuation of a license shall depend upon adherence to these standards.
- (2) Agencies conducting independent living programs which serve children under the age of 17 in a communitybased or off-campus setting shall be licensed as a child-placing agency.
- (3) Family boarding homes and group care homes shall maintain confidentiality in accord with the ethics of the social work profession and the provisions of T.C.A.. §37-2-408. The agency shall act in the best interest of the client insofar as this does not violate the social responsibility of the agency for the protection of the community. All records must be maintained in a fire-resistant, locked file.
- (4) All family board homes and group care homes must have written policies and procedures for reporting incidents of abuse or neglect of children in accordance with Tennessee State Law. These policies should clearly set forth the roles and responsibilities of all parties involved in both the reporting and investigative process.
- (5) All family boarding homes and group care homes shall keep accurate statistical records which give the complete scope of the work of the agency.
- (6) Reports shall be made to the Department as follows:
 - (a) Monthly and annual statistical reports shall be completed on forms provided by the Department.
 - (b) Change in the-facility's location shall be reported-at or prior to time of change.
 - (c) Death, or life-threatening illness or injury to any child in care of the agency shall be reported immediately to the legal guardian 'and the Department's licensing division.
 - (d) Any known or suspected incidents related to brutality, abuse, neglect, or child sexual abuse shall be reported to the local office of the Department of Children's Services and the Department's licensing division.
 - (e) All major emergency situations must be reported as soon as possible.
 - (f) Chapter 1, Report on School Age Children (5 to 17, inclusive) in Foster Family Care, Supported by Public Funds.
- (7) The annual application for licensure must be submitted to the Department and signed by the Chairman of the Board and/or the Executive Director of the Child Welfare Agency. The annual application for approval of a public agency must be submitted to the Department and signed by the Executive head of the agency,

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27,1978; effective September 11, 1978. Amendment and new rule filed January 20, 1984; effective February 19,1984. Amendment filed November 2, 1984; effective February 12, 1985. Repeal and new rule filed February 26, 1991; effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.02 filed and effective March 25, 1999.

0250-4-2-.03 ORGANIZATION AND ADMINISTRATION.

- (1) LEGAL RESPONSIBILITY:
 - (a) The organization of every agency must be such that legal and administrative responsibility is clearly defined.
 - (b) In a non-profit incorporated agency, the administrative responsibility must be placed with the Board of Directors.
- (2) CONSTITUTION AND BY-LAWS OF NON-PROFIT CORPORATIONS: The constitution and by-laws should be written in a manner which would encourage and facilitate progress and change to keep the function and philosophy of the organization in line with the best current theory and practice in child care.
 - (a) The incorporated agency must develop written by-laws which define policies and procedures pertaining to its organization and structure.
 - (b) The by-laws of the incorporated agency must include the following subjects:
 1. Name;
 2. Purpose, with a description of scope of operation;
 3. Membership;
 4. Powers and duties of Board of Directors;
 5. Size of Board of Directors;
 6. Method of selection, tenure, and rotation of Board members;
 7. Method of election of officers of the Board;
 8. Organization of Board and its committees, enumerating their respective responsibilities;
 9. Method of calling Board meeting and annual meetings;
 10. Frequency of meetings, quorum requirements, rules of order;
 11. Fiscal year;
 12. Responsibilities of the administrator as specified in Rule 0250-4-2-.05(2)(a), and his/her relationship to the Board; and
 13. Method of amending the by-laws.
- (3) COMPOSITION OF THE BOARDS OF NON-PROFIT CORPORATIONS:
 - (a) Every agency operating as a non-profit corporation must have a Board of Directors which operates as the governing body of the agency. The board should be broadly representative of the community. Employees may not serve as voting members of the board.
 - (b) Officers must be elected annually.
 - (c) There must be a minimum of quarterly meetings. In special circumstances, a meeting of the Executive Committee may substitute for a full board meeting.
- (4) GENERAL RESPONSIBILITIES OF THE GOVERNING BODY OF A NON-PROFIT INCORPORATED AGENCY:
 - (a) The board must set up the corporate or legal existence of the agency and give it continuity.
 - (b) The Board must select and appoint the executive director, and delegate responsibility to the executive for administering the agency. It must perform a written evaluation of the executive director on an annual basis. This evaluation must be included in the executive director's personnel file.
 - (c) The Board must assure that adequate funds are available for financing the agency's operations, including adequate staff, proper working conditions, salaries, and facilities.

(Rule 0250-4-2-.03, continued)

- (d) The Board must govern the agency by policies and plans that it develops and approves, and that are formulated with the executive and staff.
 - (e) The Board must account for the service of the agency and the expenditure of funds. To be accountable, it must make provisions for proper bookkeeping including an annual audit and an annual budget. The Board must set the budget, study reports, ask questions, and stay informed regarding the agency's financial activities and fields of service.
 - (f) The Board must not be involved in individual cases unless the Board member is a staff person whose job description authorizes such involvement.
 - (g) The Board must keep minutes of each meeting which shall be available to the Department's licensing division.
 - (h) The Board must be organized and must function according to its constitution, by-laws, and charter.
 - (i) There shall be a plan for rotation of the governing board. Members shall serve no more than nine consecutive years.
 - (i) There shall be a plan for orientation of board members to the philosophy and operation of the agency.
- (5) COMPOSITION AND GENERAL RESPONSIBILITIES OF THE GOVERNING BODY OF A FORPROFIT INCORPORATED AGENCY:
- (a) Every agency operating as a for-profit corporation must have a Board of Directors which operates as the governing body of the agency. The board must set up the corporate or legal existence of the agency and give it continuity.
 - (b) The Board must select and appoint the executive director or delegate responsibility to the executive for administering the agency.
 - (c) The Board must assure that adequate funds are available for financing the agency's operations, including adequate staff, proper working conditions, salaries, and facilities.
 - (d) The Board must govern the agency by policies and plans that it develops and approves, and that are formulated with the executive staff.
 - (e) The Board must account for the services of the agency and stay informed regarding the agency's field of service.
 - (f) The Board must be organized and must function according to its constitution, by-laws, and charter.
 - (g) The Board must keep minutes of each meeting.
 - (h) There shall be a plan for orientation of Board members and Advisory Board members to the philosophy and operation of the agency.
- (6) GENERAL RESPONSIBILITIES OF THE ADVISORY BOARD:
- (a) Every public agency, for-profit organization, and non-incorporated agency must have an Advisory Board.
 - (b) There shall be a plan for rotation of the Advisory Board. Members shall serve no more than nine (9) consecutive years.
 - (c) The Advisory Board of a facility shall keep written records clearly setting forth:
 - 1. Name of agency;
 - 2. Purpose of agency;
 - 3. Membership;
 - 4. Powers and duties of the advisory board;

(Rule 0250-4-2-.03, continued)

5. Size;
 6. Method of selection, tenure, and rotation of members;
 7. Method of election of officers;
 8. Organization of the Advisory Board and its committees, enumerating their respective responsibilities;
 9. Responsibilities of the administrator and his/her relationship to the Advisory Board;
 10. Method of calling meetings and annual meetings;
 11. Frequency of meetings, quorum requirement, and rules of order;
 12. Fiscal year dates; and
 13. Method of amending the by-laws.
- (d) *Duties of the Advisory Board.* The Advisory Board of a facility shall:
1. Provide advice to the governing body;
 2. Keep informed of the operational policies and practices of the facility and request continued orientation to the functions of the agency;
 3. Periodically review aspects of the operation of the facility;
 4. Meet as often as necessary, but not less than quarterly; and
 5. Maintain records of attendance and minutes of meetings. These records and minutes shall be available to the Department.
- (e) In public agencies and for-profit organizations, in the event of serious disagreement between the agency and Advisory Board, the Advisory Board shall report to the head of the governing unit legally responsible for the agency; clearly outlining the nature of the disagreement and its recommendations.
- (7) FINANCING:
- (a) *Solicitation of Funds:* Agencies which engage in the solicitation of funds for charitable purposes must comply with the Solicitation of Charitable Funds Act, T.C.A. §§ 48-3-501 et seq.
- (b) *Funds:*
1. Income must be adequate and stable to ensure efficient and effective operation of the program to which the agency commits itself.
 2. A statement must be submitted annually showing financial resources which will provide an adequate standard of service.
- (c) *Audit and Control:*
1. Accounts of non-profit and public agencies must be audited annually by a certified public accountant or licensed public accountant consistent with accepted accounting principles. A copy of the audit is to be provided to the Department and must contain an opinion. Qualification to the opinion must be reviewed by the Board and this review must be recorded in the minutes
 2. The administrator and others handling the agency's funds must be bonded. Premiums for the bonds must be paid by the organization unless otherwise provided by law or ordinance.
- (d) If the Agency does not maintain liability insurance covering the premises and the operations, the parent(s) or other legal custodian of all children in care must be advised of the fact, in writing, either at the time of enrollment of the child, at the time an effective policy ceases to be effective, or on the effective date of these rules, whichever comes first. If, on the basis of such

(Rule 0250-4-2-.03, continued)

notification, the legal custodian desires to remove the child(ren) from the Agency, he/she must be allowed to do so, notwithstanding any prior agreement to the contrary. Any prepaid charges must be refunded on a prorated basis.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27, 1978; effective September 11, 1978. Repeal and new rule filed January 20, 1984; effective February 19, 1984. Repeal and new rule filed February 26, 1991; effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.03 filed and effective March 25, 1999.

0250-4-2-.04 PERSONNEL POLICIES.

- (1) The Board of Directors or the governing body in cooperation with the administrator, shall establish written personnel policies. These policies shall include:
 - (a) A job description for each position in the agency covering the position's responsibilities, academic qualifications, and required level of experience;
 - (b) Annual salaries and performance review requirements;
 - (c) Physical examination policy, which must include a required physical examination and tuberculin test for all employees having regular contact with children, and the examination must be no older than six months prior to hire date;
 - (d) Raining activity requirements and method of documentation that employees have met these requirements;
 - (e) A defined work week and hours to be worked per week;
 - (f) Vacation policy that clearly defines amount of time allowed and payment plan;
 - (g) Sick leave policy;
 - (h) Policies regarding Social Security, insurance, retirement plans, and other fringe benefits;
 - (i) Agency grievance procedure;
 - (j) Grounds for dismissal; and
 - (k) Leisure time provision.
 1. Each staff member must have a minimum of six (6) days off a month or its equivalent.
 2. Leisure time provision must include a plan for continuity of supervision when other staff are on leisure time.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27, 1978; effective September 11, 1978. Repeal and new rule filed January 20, 1984; effective February 19, 1984. Repeal and new rule filed February 26, 1991; effective April 12, 1991. . Rule assigned new control number, removed and renumbered from 1240-4-2-.04 filed and effective March 25, 1999.

0250-4-2-.05 STAFF

- (1) GENERAL QUALIFICATIONS.
 - (a) Agency employees shall be persons of good character. They shall possess the health, emotional stability, and ability necessary to carry our their assigned duties.
 - (b) An agency shall obtain references attesting to the character, integrity, and ability to perform tasks required for the position.
 - (c) A report of a physical examination completed within no more than six (6) months prior to hire date -shall be on file for all employees in regular contact with residents. The resident children of staff shall also have on file an initial medical statement of good health or physical exam.

(Rule 0250-4-2-.05, continued)

- (d) The tuberculin skin test is recommended for initial screening and should be done within ninety (90) days prior to employment. Prospective employees who are known to have a positive tuberculin test shall receive a chest x-ray and, if necessary, other tests within ninety (90) days of employment. If infectious tuberculosis is ruled out, no future certification is required during their employment unless persistent pulmonary symptoms develop or there is contact to tuberculosis.
 - (e) Screening; exclusions for certain crimes.
 - 1. Reserved.
 - 2. Any person (1) associated in providing care or ancillary services in any manner within a child welfare program, (2) who is a family member or other person residing in the agency, or (3) is a person with unrestricted access to children in the agency as determined by the Department of Children's Services, who is identified to the agency based on an investigation of child abuse or child sexual abuse by the Department of Children's Services as a validated or indicated perpetrator of such abuse of a child or who is currently charged with, has been convicted of, or pled guilty in any manner to a crime involving a child or who has pled guilty to any lesser offense derived from an original offense involving a child, shall not be employed or work as a caregiver or have access to or contact with children within the program operated by a child welfare agency. An employee or volunteer who has been identified by the Department as having neglected a child based on an investigation conducted by the Department pursuant to a report of harm, and who has not been criminally charged or convicted or pled guilty as stated above, shall be supervised by another adult while providing care for children.
 - 3. A person who is currently charged with, has been convicted, or has pled guilty in any manner to a crime of violence against another person or has pled guilty to any lesser offense derived from a crime of violence against another person, or any offense involving the manufacture, sale, distribution, or possession of any drug shall not work as a caregiver or have any contact or access to children within the program operated by a child welfare agency.
 - (f) Within two (2) weeks of being on the job, each employee must receive orientation and instructions related specifically to child abuse detection, reporting, and prevention. This training must be documented in the employees personnel file.
- (2) SPECIFIC QUALIFICATIONS FOR STAFF:
- (a) The Administrator:
 - 1. The administrator must be selected by the Governing Body and be accountable to the Governing Body for satisfactory performance of duties.
 - 2. The administrator must be a graduate of an accredited four (4) year college or university preferably from the field of education, medicine, nursing, social work, religious service, or some allied profession, or must have a minimum of five (5) years administrative experience.
 - 3. Any administrator who does not meet this requirement holding this position prior to the effective date of these standards, is permitted to remain in this position. An administrator employed following the effective date of these standards must meet these requirements.
 - 4. The administrator must be responsible for, either directly or through delegation:
 - (i) Attending Board meetings and participating in all planning for the Agency;
 - (ii) Assuring that the agency keeps accurate statistical reports that give the complete scope of the work of the Agency;

(Rule 0250-4-2-.05, continued)

- (iii) Assuring that monthly and annual reports on forms furnished by the Tennessee Department of Children's Services are submitted, as well as any special reports that may be required from time-to-time;
 - (iv) Preparing the agency's budget in cooperation with the Board and operating the agency within the budget approved by the Board;
 - (v) Selecting, employing, training, and discharging (when necessary), all staff and supervising the daily management of the agency;
 - (vi) Communicating to and orienting the Board concerning information on the operation of the agency, unmet needs, and modern methods regarding child care services;
 - (vii) Implementing the policies of the Board and bringing to the Board's attention areas which require modification or change, and interpreting the agency's program to the community and giving professional leadership to the Board in doing this job;
 - (viii) Maintaining adequate records on the administrative and fiscal operating of the agency; and
 - (ix) The administrator must hold staff meetings at regular intervals and discuss plans and policies with his/her staff.
- (b) *The Caseworker.*
- 1. The agency is required to have a qualified case worker as a member of its staff or casework services can be provided by entering into written agreements and/or contracts with qualified individuals, and/or public or private agencies qualified to provide such services;
 - 2. The caseworker must be a graduate of an accredited four (4) year college or university with a major in social work or a related field;
 - 3. The administrator may serve as a caseworker providing that he/she meets the same qualifications as caseworker; and
 - 4. It is the responsibility of the caseworker to carry out the responsibilities set forth in the Casework Services section.
- (c) *Child Care Staff:*
- 1. All child-care staff must be responsible persons possessing the skills necessary to cope with problems and live amicably as a family group. The capacity of child-care staff to provide care must be evaluated on an annual basis. All persons living in the residence are to be evaluated annually.
 - 2. Child-care staff must have the character and personality suited to provide care to children. They must be able to accept and respect each child as an individual, demonstrate care and concern, provide a stable family-like atmosphere, have knowledge and understanding of child care, and have the ability to learn and grow on the job.
 - 3. Child-care staff must be at least eighteen (18) years of age, They must hold a high school degree or its equivalent. Any child-care worker who does not meet this requirement prior to the effective date of these standards is permitted to remain in this position. Any child-care worker hired following the effective date of these standards must meet this requirement or have a specific plan of action to meet it.
- (d) Non-employed adult residents of the agency must meet the requirements for volunteers.
- (e) *Volunteers:*

(Rule 0250-4-2-.05, continued)

1. For purposes of these standards, a volunteer shall be considered to be any person providing assistance to the agency without remittance, who has direct and ongoing contact with the residents.
 2. If any volunteers are used, a process of application and screening shall be established in the agency to ensure that volunteers are of such character and competence as to meet the agency's needs.
 3. All requirements of 0250-4-2-.05(1)(c) are applicable to volunteers.
 4. A program of ongoing training and orientation to the philosophies and practice of the agency shall be provided each volunteer within the agency. Within two (2) weeks of being admitted to the agency's program as a volunteer, the new volunteer must receive orientation and instructions related specifically to child abuse detection, reporting, and prevention. This training must be documented in the individual's file.
 5. Adequate supervision of volunteers shall be provided by paid staff.
 6. An individual file including the application to participate as a volunteer, the results of the screening process, and letters of reference shall be maintained by the agency on each volunteer.
- (3) STAFF DEVELOPMENT:
- (a) Agencies must provide new staff with an orientation program that thoroughly acquaints the new employee with agency philosophy, policies, and procedures specifically including confidentiality procedures. This program must be under the supervision of qualified staff and appropriate to the position being assumed by the new employee.
 - (b) A program of related training must be developed which requires of all child-care staff a minimum of twelve (12) hours training annually. Attendance at conferences and workshops may be included as part of the twelve (12) hours minimum requirement.
- (4) STAFF RECORDS:
- (a) Records on all staff members and information on applicants for jobs must be kept in a locked file at the agency. They must include: an application, transcript of required college degree, proof of completion of high school, reports from three (3) references, one of whom must be a former employer, a physical examination, when required, including tuberculin test, a record of participation in orientation and training activities, a record of positions held by the person during employment at the agency, record of leave, date and reason for termination.
 - (b) In addition to the above, copies of an annual evaluation of the quality of work done by the person while in the agency must be kept in his personnel record. These evaluations must be prepared by the administrator, assistant to the administrator, or the person directly responsible for the supervision of the employee. If not conducted by the administrator, it must be approved by the administrator or administrative staff.
 - (c) Staff shall have access to their personnel records as afforded to them by law.

Authority: T.C.A. §§4-5-226(b)(2); 37-1-401 et seq., 37-1-601 et seq., 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27, 1978; effective September 11, 1978. Repeal and new rule filed January 20, 1984; effective February 19, 1984. Repeal and new rule filed February 26, 1991; effective April 12, 1991. Amendment filed July 1, 1993; effective September 14, 1993. Rule assigned new control number, removed and renumbered from 1240-4-2-.05 filed and effective March 25, 1999.

0250-4-2-.06 SERVICE PROVISION.

- (1) METHOD OF PROVIDING SERVICE:
 - (a) Children must not be accepted into group care before it is clearly established that their own families, with help, cannot meet their needs.
 - (b) The facility must not admit any children in excess of its licensed capacity. (Refer to 0250-4-2-.11 Emergency Shelter Care, for exception.)
- (2) ADMISSION AND DISCHARGE POLICIES AND PROCEDURES: The agency must have written policy and procedures for admission and discharge which must be available to all appropriate parties involved with the child.
 - (a) *Admission.* Admission criteria must include the following:
 1. A description of the population served, defined needs of this population, and a description of agency services related to these needs;
 2. A positional statement, when appropriate, that surrender for adoption is not a criteria for admission;
 3. A defined preadmission summary which must require a written evaluation addressing the appropriateness of resident needs to agency services; and
 - (4) A description of agreed upon preplacement procedures which must include preplacement visits when feasible.
 - (b) *Discharge.* Discharge policy must set forth the legal requirement that a custody transfer may only be made through court action after proper investigation by a designated agency. Discharge criteria must include:
 1. A description of conditions under which a resident may be discharged;
 2. A description of procedures for preparing a child for discharge to include designated time frames;
 3. A documented discharge plan which addresses the resident's continuing needs and planned services to meet these needs; and (Refer to 0250-4-2-.11 Emergency Shelter Care For Exception.)
 4. Provision for a written agreement assuming responsibility for the child to be signed by the resident's legal custodian.
- (3) CASEWORK SERVICES:
 - (a) There must be at least one (1) hour per week of casework services for each child in care.
 - (b) Casework services must be provided by a graduate of an accredited four (4) year college or university with a major in social work or a related degree,
 - (c) Casework services must include, but are not limited to:
 1. A written intake/preevaluation study focused on determining whether group care is appropriate for a particular child. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
 2. Preparation of the child and his family or prior placing agency for admission to include preplacement visits when feasible. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
 3. An individual plan of care setting forth the agency services to be provided each resident, the rationale for this service, and documentation of the service as it is provided. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)

(Rule 0250-4-2-.06, continued)

4. Periodic evaluation of the child's family situation and their ability and willingness to make a home for the child according to the time tables set forth in the foster care review law. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
 5. Serving as liaison and communicator between family, custodian, and agency.
 6. Working with appropriate staff toward evaluating the needs of the child and obtaining resources to meet those needs.
 7. Assuring that all provisions of the Foster Care Review law are met. (Refer to Appendix E. Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
- (4) **RESTRICTION TO ONE TYPE OF CARE:** Agencies providing full-time care must not provide part-time care to children except with the prior knowledge and consent of the Department.
- (5) **PROVISION OF CONTINUOUS SUPERVISION:** A responsible adult must supervise the program for children in care at all times. Teenagers may be left unattended for brief periods of time if they have met the requirements of the agency's program and have demonstrated their ability to responsibly handle freedom. A written plan must be developed to obtain additional help for times of emergency. Regardless of age, emergency shelter care requires the presence of a responsible adult at all times. Residents of contiguous independent living programs will have individual program plans regarding the amount of supervision they require. For community-based non-contiguous independent living programs refer to *Licensing Standards for Child-Placing Agencies*.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27, 1978; effective September 11, 1978. Repeal and new rule filed January 20, 1984; effective February 19, 1984. Repeal and new rule filed February 26, 1991; effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.06 filed and effective March 25, 1999.

0250-4-2-.07 CARE OF THE CHILDREN.

- (1) **STAFF-CHILD RATIO:**
- (a) In determining the ratio of staff to children, the professional, relief, auxiliary, and clerical staff may be included while on the premises.
 - (b) There must be no more than twelve (12) children in a group care home who are not related to the provider.
 - (c) A group care home caring for nine (9) or more children, including the providers own children, must have at least two (2) child-care workers on duty when children are present and awake. If any child is under three (3), or severely handicapped, and nine (9) or more children are present, an additional child-care worker is required.
 - (d) With three (3) infants under two (2) years of age in care and other children present, there must be an additional adult on duty.
 - (e) If group care home enrollment drops to six (6) children or below, the family boarding home ratio must be met.
- (2) **NUMBER AND AGES OF CHILDREN IN CARE (FAMILY BOARDING HOMES ONLY):**
- (a) With three infants (under two years of age) in care, there must not be other children in the home unless a second adult is on duty when children are present and awake.
 - (b) There must be no more than six (6) children in a family boarding home who are not related to the provider.
 - (c) If more than nine (9) children are in the home, including the child-care provider's own children, a second adult must be present.
- (3) **DISCIPLINE:** Agencies shall develop general Discipline Policy which identifies the type of children served, describes the anticipated behavioral problems of this population, sets forth acceptable methods

(Rule 0250-4-2-.07, continued)

- of dealing with these behaviors, and details-the required qualifications and training of staff working with the residents. All consequences of undesirable behavior shall be reasonable and consistent with the service plan for the resident.
- (a) All discipline must be reasonable and responsibly related to the child's understanding, need, and level of behavior. All discipline shall be limited to the least restrictive appropriate method and administered by appropriately trained staff.
 - (b) Encouragement and praise of good behavior is often more effective than punishment, and is a must in disciplining a child. The child's acceptance of discipline and his/her ability to profit by it depends largely upon his/her feeling that he/she is liked, accepted, and respected.
 - (c) Any discipline must be determined on an Individual basis and be related to the undesirable behavior. Requiring children to accept the natural consequences of their acts may be a desirable experience provided consequences am not too drastic.
 - (d) The facility shall have written policies and procedures prohibiting
 - (e) punishment which may adversely affect a child's health, physical, or psychological well being. A copy must be given to residents, families. staff, and placing agencies. The following forms of punishment must not be used;
 - 1. Cruel and unusual punishment;
 - 2. Assignment of excessive or inappropriate work;
 - 3. Denial of meals, daily needs, and program provided by the individual service plan;
 - 4. Verbal abuse, ridicule, or humiliation;
 - 5. Permitting a child to punish another child;
 - 6. Chemical or mechanical restraints;
 - 7. Denial of planned visits, telephone calls, or mail contacts with family; or
 - 8. Corporal punishment.
- (4) PHYSICAL CONTROL AND ISOLATION:
- (a) All agencies using physical control techniques must have written policies defining the method of control, identifying persons used in implementing these methods. and establishing the training required for such persons. These policies must require:
 - 1. Use of two (2) fully qualified staff-
 - 2. Immediate notice to supervisor;
 - 3. A written report to the administrator; and
 - 4. A review process for use of the facility's Executive Committee which must also be available to licensing staff.
 - (b) If isolation from others in a time-out room is used as a control measure, written policies must set forth the parameters of this measure. The facility must keep a record of each incident, provide for direct supervision every fifteen (15) minutes, and limit the time to a maximum of thirty (30) minutes for children seven (7) to eleven (11) years of age and a maximum of one (1) hour for children over twelve (12) years of age. Any additional times required shall be approved by the executive director, but in no event shall it exceed two (2) hours. Time-out rooms must not be locked.
- (5) ABUSE OF CHILDREN.
- (a) All public and private agencies must have written policy which establishes internal controls for the prevention and detection of abuse or neglect of children.

(Rule 0250-4-2-.07, continued)

- (b) The Agency must have an instructional program in child sexual abuse prevention for all residents. The curriculum must include information on such pertinent subjects as: personal ownership of the child's body, inappropriate touching, and how to report abuse within the agency. Appropriate treatment must be provided for those who have been victims of sexual abuse. Such treatment must be provided either by the qualified person within the Agency, or by a person outside the Agency qualified to provide such treatment.
 - (c) All public and private agencies must have Department approved written policies and procedures for reporting incidents of abuse or neglect of children. These policies should clearly set forth the roles and responsibilities of all parties involved in both the reporting and investigative process.
- (6) REPORTING OF BRUTALITY, ABUSE, NEGLECT, OR CHILD SEXUAL ABUSE:
- (a) Any person, including but not limited to any:
 - 1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;
 - 2. Health or mental health professional other than one listed in subdivision (a)(1);
 - 3. Practitioner who relies solely on spiritual means for healing;
 - 4. School teacher or other school official or personnel;
 - 5. Judges of all courts of the state;
 - 6. Social worker, day care center worker, or other professional child care, foster care, residential, or institutional worker;
 - 7. Law enforcement officer; or
 - 8. Neighbor, relative, friend, or any other person who knows or has reasonable cause to suspect, that a child has been sexually abused or having knowledge of or called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability, or physical or mental condition which is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect, or which on the basis of available information reasonably appears to have been caused by brutality, abuse or neglect, shall report such harm immediately by telephone or otherwise to the judge having juvenile jurisdiction or to the county office of the Department of Children's Services, or to the office of the sheriff or the chief law enforcement official of the municipality where the child resides. Any person, including judges of all courts of this state, who knows or has reasonable cause to suspect that a child has been sexually abused shall report such information in accordance with Public Acts of 1985, Chapter 478, relative to the sexual abuse of children, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse.
 - (b) If a hospital, clinic, school, or any other organization responsible for the care of children has a specific procedure approved by the director of the county office of the Department, for the protection of children who are victims of brutality, abuse, or neglect, any members of its staff whose duty to report under the preceding sentence arises from the performance of his services as a member of the staff of the organization may, at his option, fulfill that duty by reporting instead to the person in charge of the organization or his designee who shall make the report in accordance with the preceding sentence.
 - (c) The report shall include, to the extent known by the reporter, the name, address, and age of the child, the name and address of the person responsible for the care of the child, and the facts requiring the report. The report may include any other pertinent information.
 - (d) If a law enforcement official or judge becomes aware of known or suspected child abuse through personal knowledge, receipt of a report or otherwise, such information shall be reported to the Department immediately, and where appropriate, the child protective team shall

(Rule 0250-4-2-.07, continued)

be notified to investigate the report for the protection of the child in accordance with the provisions of this part. Further criminal investigation by such official shall be appropriately conducted in coordination with the team or Department to the maximum extent possible.

- (e) Any person required to report or investigate cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report his suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and shall report his findings, in writing, to the local law enforcement agency, the appropriate district attorney, and the Department Autopsy reports maintained by the medical examiner shall not be subject to the confidentiality requirements provided for in *T.C.A. §37-1-409*.
 - (f) Reports involving known or suspected institutional child sexual abuse shall be made and received in the same manner as all other reports made pursuant to the Public Acts of 1985, Chapter 478 relative to the sexual abuse of children. Investigations of institutional child sexual abuse shall be conducted in accordance with the provisions of *T.C.A. §37-1-606*.
 - (g) Every physician or other person who makes a diagnosis of, or treats, or prescribes for any venereal disease set out in *T.C.A. §68-10-101*, or venereal herpes and chlamydia, in children thirteen (13) years or younger, and every superintendent or manager of a clinic, dispensary, charitable, or penal institution, in which there is a case of any of the diseases, as set out in this subsection, in children thirteen (13) years of age or younger shall report the case immediately, in writing on a form supplied by the Department of Health and Environment to that Department. If the reported cases are confirmed and if sexual abuse is suspected, the Department of Health and Environment will report the case to the Department of Children's Services. The Department of Children's Services will be responsible for any necessary follow-up.
- (7) VIOLATIONS PENALTIES:
- (a) Any person required to report known or suspected child sexual abuse who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor.
 - (b) Any person who knowingly and willfully makes public or discloses any confidential information contained in the abuse registry or in the records of any child sexual abuse case, except as provided in the "Public Acts of 1985", Chapter 478, Section 16, is guilty of a misdemeanor.
 - (c) Failure to make the reports concerning child abuse as required shall, standing alone, be grounds for denial or revocation of the agency's license.
- (8) EXPLOITATION: An agency shall not engage in practices which exploit the rights of residents. Residents shall not be identified in connection with fund raising activities for the agency. Residents shall not be identified in connection with publicity for the agency unless a positive value accrues for the child.
- (9) HEALTH:
- (a) An agency shall provide a complete health program for the children including:
 - 1. *Screening for Admission:*
 - (i) The agency shall obtain a report of a physical examination for each child. The examination shall be completed no more than six (6) months prior to placement and no later than two (2) weeks after placement.
 - (ii) The following immunizations (unless there is a medical reason to the contrary, certified by the child's physician) shall be begun before admission and must be completed within six (6) months; Diphtheria, Whooping Cough (for children under seven (7) years of age), Tetanus, Polio, Measles, Rubella, Mumps, and others recommended by the physician.

(Rule 0250-4-2-.07, continued)

- (iii) The home must have a written record of the above information. (Refer to Emergency Shelter Care for Exception.)
 - 2. *Ongoing Medical Care*
 - (i) Every child over three (3) years of age shall have a dental examination every year and treatment as indicated.
 - (ii) Children in an agency's care shall be given physical examinations at the following intervals.
 - (I) Birth to six (6) months every six (6) weeks;
 - (II) Six (6) months to one (1) year every three (3) months;
 - (III) One (1) year to six (6) years every twelve (12) months; and
 - (IV) Six (6) years and above every three (3) years.
 - (iii) Children shall receive treatment from a physician when the need is indicated; and
 - (iv) Children shall receive psychiatric or psychological services when a need is indicated.
 - 3. *Illness.*
 - (i) Doctor's orders must be observed during the course of an illness; and
 - (ii) Regulation of visits, sanitation of dishes and utensils, and good personal hygiene must be observed as the nature of the illness warrants.
 - 4. *Medications:*
 - (i) All medications, including over the counter drugs, attitude manipulators, tranquilizers, legend pain killers, barbiturates, or amphetamines must be safeguarded by a double-entry medication system whereby each medication is recorded as it comes into the agency. Administration of all medications must be documented.
 - (ii) Medications must be double-locked within the agency. Any refrigerated medication should be kept in a single locked leak proof box.
 - (iii) The agency must not have psychotropic drugs as stock items. Such drugs must be individually prescribed and kept in the original containers with the name of the patient, drug, dosage, frequency of administration and prescription number unless filled directly by the physician.
 - (iv) Other prescribed medication may not be administered without a specific order or standing order from a licensed physician.
 - 5. First aid supplies must be kept on-hand but secured out of reach of children.
- (10) EDUCATION AND RELIGION:
- (a) All children in residence must be in compliance with Tennessee State law on compulsory school attendance
 - (b) Certain handicapped children may require specialized training suitable to their needs. If so, this must be provided.
 - (c) If it is not possible or a part of the agency's program for the children to attend public school, the school within the institution must conform both as to program and physical set-up with standards set by the Tennessee Department of Education. This also applies to special education classes or remedial work provided by the home.

(Rule 0250-4-2-.07, continued)

- (d) The atmosphere prevailing in the home must be such as to foster the spiritual growth of the child in his daily living.
- (11) NUTRITION:
- (a) Food of adequate quality and quantity must be served and meet the child's daily dietary allowances as recommended by USDA.
 - (b) Three (3) meals and snacks must be provided daily with no more than a fourteen (14) hour span between a substantial evening meal and breakfast of the following day.
 - (c) All special diets must be prepared as prescribed by the physician or recommended by a dietician.
 - (d) Denial of a nutritionally adequate diet must not be used as punishment.
 - (e) Menus:
 - 1. Menus for the week must be prepared in advance. These menus must be followed and must be varied from week-to-week. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
 - 2. Menus must be kept on file for a period of one (1) month. (Refer to 0250-4-2 11 Emergency Shelter Care for Exception.)
 - (f) Agencies not monitored by USDA must seek annual consultation with a licensed nutritionist.
- (12) RECREATION: Regular opportunities for recreation must be provided.
- (a) Outdoor activity areas must be safe
 - (b) Appropriate recreational materials and supplies must be provided.

Authority: T.C.A. §§4-5-226(b)(2); 37-1-401 et seq., 37-1-601 et seq., 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27, 1978; effective September 11, 1978. Repeal and new rule filed January 20, 1984; effective February 19, 1984. Repeal and new rule filed February 26, 1991, effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.07 filed and effective March 25, 1999.

0250-4-2-.08 PARENTAL INVOLVEMENT IN CARE

- (1) UNDERSTANDING THE PARENTS:
- (a) Children's feelings for their own family must be respected regardless of their heritage or the unsuitability of the surroundings in which they may have lived.
 - (b) Staff must try to strengthen the child's ties with his/her family when appropriate, recognizing that it is very difficult for the child to be away from his/her parents and for parents to be separated from their child.
 - (c) Discussion and planning sessions must include children, parents, and other appropriate parties when it is feasible
- (2) THE ROLE OF THE PARENT IN PREPARATION:
- (a) When placement plans are being made for a child's arrangements must, when possible, be worked out so the child is brought to the child-care facility once or twice to become acquainted before he/she is left for the first time. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
 - (b) A legal transfer of custody can only be made through court action after proper investigation by a designated agency.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27, 1978; effective September 11, 1978. Repeal and new rule filed January 20, 1984; effective February 19, 1984.

(Rule 0250-4-2-.08, continued)

Amendment filed November 2, 1984; effective February 12, 1985. Repeal and new rule filed February 26, 1991; effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.08 filed and effective March 25, 1999.

0250-4-2-.09 PHYSICAL FACILITIES.

- (1) All group care facilities shall be constructed according to standards approved by the Tennessee Department of Health and Environment and the Fire Safety Division of the Tennessee Department of Commerce and Insurance, including provisions of the current Life Safety Code applicable to the homes regulated hereunder.
- (2) All group care homes shall be inspected and approved annually by the designated Fire Safety Authority and by representatives from the Tennessee Department of Health and Environment. (Refer to Appendices A and B.) The Agency must be in compliance with the applicable regulations and standards of these authorities including the current Life Safety Code applicable to the homes regulated hereunder in order to obtain or retain a license.
- (3) All family boarding homes shall meet the standards set forth in Appendix A, C, and D.
- (4) The licensing consultant shall inspect the Family Boarding Homes using Appendix A, C and D.
- (5) There must be a family-type setting and living arrangements which enhance family living.
 - (a) *Living Room:* There must be a living room or den for each group of children.
 - (b) *Sleeping Provisions:*
 1. Each child must have a separate bed of suitable size;
 2. Children of opposite sex over the age of five (5) must not sleep in the same room;
 3. Children must not sleep in the same room with adults. Exceptions may be desirable on infrequent occasions and for short periods of time in case of illness or temporary emotional upset.
 4. Sixty-five (65) square feet of floor space in the sleeping area must be available for the first child and 50 square feet must be available for each additional child; and
 5. There shall be no more than four children per sleeping room.
 - (c) *Kitchen:*
 1. The kitchen must be equipped to ensure sanitary conditions;
 2. There must be a satisfactory method of refrigeration;
 3. There must be enough dishes and silverware to serve the household, suitable to a child's use and similar to an adults;
 4. Cooking and eating utensils must be kept in storage space which is protected from dust, insects, and other pests;
 5. Space that is secure and well out of the reach of children must be provided for storage of all bleaches, corrosives, poisons, or any chemicals that have a manufacturer's warning; and
 6. There must be enough tables and chairs to provide accommodations without crowding and they must be kept clean.
 - (d) *Sanitary Facilities:*
 1. One flush toilet, one handwashing facility, and one shower or tub for every four children must be provided in the home;
 2. There must be adequate and sanitary sewage disposal;

(Rule 0250-4-2-.09, continued)

3. The water supply must be obtained from a source or system approved by the Tennessee Department of Health and Environment;
4. All garbage must be placed in a tightly covered container and disposed of in a sanitary manner;
5. Individual towels and washcloths must be provided for each child and provision must be made to keep all toilet articles separate; and
6. All children's equipment must be kept clean.

(6) SAFETY REQUIREMENTS:

- (a) Measures must be taken to remove hazards and to prevent accidents.
- (b) Children with physical and emotional handicaps must be protected through appropriate and specific measures.
- (c) There must be adequate smoke detectors and fire extinguishers to ensure fire safety.
- (d) Each home must have posted, in a visible and accessible location, a written plan for evacuation.
- (e) Children must be trained in emergency evacuation procedures.
- (f) Emergency telephone numbers must be immediately accessible to the telephone.

Authority: T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed July 27, 1978; effective September 11, 1978. Repeal and new rule filed January 20, 1984; February 19, 1984. Repeal and new rule filed February 26, 1991; effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.09 filed and effective March 25, 1999.

0250-4-2-.10 RECORDS AND REPORTS.

- (1) RECORDS: For the protection of the agency staff and the children under care, the following records must be kept, and should be revised frequently to keep them up-to-date. Although another agency may have complete records on the children, information must be kept on file for emergency purposes. Only agency authorized persons may have access to case records. Case records must include:
 - (a) Identifying Information (Refer to 0250-4-2-.11 Shelter Care for Exception.):
 1. Name of each child, date, and place of birth;
 2. Full name, home address(es), telephone number(s), work address(es), and work telephone number(s) of parents;
 3. Name, address, and telephone number of a competent adult who can assist in an emergency, e.g., next of kin, other relative, DHS, etc.; and
 4. Name, address, and telephone number of a physician to use in case of an emergency.
 - (b) Intake/Preadmission Study (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
 - (c) Health Information must include: (Refer to 0250-4-2-.11 Emergency Shelter Care for Exceptions.)
 1. A report of each child's initial physical examination, current immunization record, and record of ongoing care received while in the home;
 2. Written permission for the agency staff to obtain emergency medical care must be signed by the person legally responsible for the child; and
 3. Information regarding coverage for medical expenses, e.g., insurance, Medicaid, etc.

(Rule 0250-4-2-.10, continued)

- (d) Foster Care Plan and Foster Care Review Records: There must be a written plan for each child in care and records of appropriate foster care reports and administrative and judicial reviews as mandated by *T.C.A. §37-2-401 et seq.* (Refer to Appendix E and 0250-4-2-.11 Emergency Shelter Care for Exception). All out-of-state children are subject to the planning and review requirement of the law. The court of jurisdiction will be the court of the county in which the child is placed. Confidentiality of all foster care records shall be maintained and release of records shall be only to those persons with a legitimate purpose related to provision of services to the child.
 - (e) Length of Stay: There must be information about the length of a child's stay in the group home and his/her release from care.
 - (f) School Records: There must be documentation of school involvement for the time the child is in the care of the agency. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
 - (g) Narrative recording, dated and signed by the appropriate worker, indicating significant activity on the case.
 - (h) Relevant legal documents and correspondence.
 - (i) Individual plan of care setting forth the agency services to be provided each resident, the rationale for this service, and documentation of the service as it is provided. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
 - (j) Documentation of provision of child sexual abuse education to the child.
 - (k) Documented discharge plan and discharge statement. (Refer to 0250-4-2-.11 Emergency Shelter Care for Exception.)
- (2) AVAILABILITY OF RECORDS:
- (a) All required records must be available upon request to any authorized agency of the Department.
 - (b) The records must be stored in a locked, fire-resistant file and must be handled confidentially.
- (3) RETENTION OF RECORDS:
- (a) Agencies must keep resident records for a minimum of five (5) years after the discharge date.
 - (b) Certain basic identifying information must be kept indefinitely.
 - (c) The agency shall make arrangements for each child to accumulate appropriate meaningful materials such as photographs, clippings, artwork, and/or school work which provide the child with tangible evidence of his/her foster care experience. This material shall be made available to the resident at the time of his/her release.
- (4) POSTING OF LICENSE: A license to operate a group care or family boarding home must be posted. No child-care facility may give care at any one time to more children than the number specified on the license, except in emergency situations, as provided in Rule 0250-4-2-11(1).

Authority: *T.C.A. §§4-5-226(b)(2); 37-1-401 et seq., 37-1-601 et seq., 37-2-401 et seq., 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq.* **Administrative History:** *Original rule filed January 20, 1984; effective February 19, 1984. Repeal and new rule filed February 26, 1991, effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.10 filed and effective March 25, 1999.*

0250-4-2-.11 REQUIREMENTS FOR EMERGENCY SHELTER CARE.

The general requirements which pertain to the care of children prescribed under the other sections of these standards shall be met with the following exceptions:

- (1) *0250-4-2-.06(i)(b)*. It is allowable for an emergency shelter to exceed its licensed capacity in an emergency situation when a resident seeks admission during those hours when traditional social agencies are not in operation and the agency can provide sanctuary while plans are made to reduce the number of children within the agency maximum. In these cases, the emergency provision shall

(Rule 0250-4-2-.11, continued)

- not allow for exceeding the maximum capacity of the agency by greater than 25% of its licensed capacity for no more than seven days of the month. It is essential in all cases that adequate sleeping facilities be provided for all children in the agency.
- (2) 0250-4-2-.06(2)(b)3. A documented discharge plan is not required for residents of emergency shelters.
 - (3) 0250-4-2-.06(3)(c)L A written intake/preevaluation study focused on determining whether group care is appropriate for a particular child is not required for children admitted to emergency shelter care.
 - (4) 0250-4-2-.06(3)(c)2. Preparation of the child and family or prior placing agency for admission to include preplacement visits is not required for children admitted to emergency shelter care.
 - (5) 0250-4-2-.06(3)(c)3. An individual plan of care setting forth the agency services to be provided each resident, the rationale for this service, and documentation of the service as it is provided is not required for children in emergency shelter care.
 - (6) 0250-4-2-.06(3)(c)4. Periodic evaluation of the family situation is not required of families of children in emergency shelter care.
 - (7) 0250-4-2-.06(3)(c)7. Roles and responsibilities of all involved parties are not required to be set forth nor is an explanation of procedures for termination of parental rights required upon emergency placement; however, if placement exceeds 30 days, provisions of the Foster Care Review Law *T.C.A. §37-2-401 et seq.* must be met. (Refer to Appendix E.)
 - (8) 0250-4-2-.07(7)(I)(ii). Immunization records are not required to be on file for children in emergency shelter care.
 - (9) 0250-4-2-.07(9)(e). Menus are not required to be prepared in advance or kept on file for one month in emergency shelters.
 - (10) 0250-4-2-.10(a). Identifying information must be obtained as soon as possible if a child is admitted on an emergency basis.
 - (11) 0250-4-2-.10(c)J, 2, and 3. Immunization record, written permission for staff to obtain emergency medical care, and information regarding coverage for medical expenses may be waived for emergency shelters.
 - (12) 0250-4-2-.10(f). Documentation of school records may be waived in emergency shelter care.

Authority: *T.C.A. §§4-5-226(b)(2); 37-2-401 et seq., 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 et seq.* **Administrative History:** *Original rule filed January 20, 1984; effective February 19, 1984. Repeal and new rule filed February 26, 1991, effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.11 filed and effective March 25, 1999.*

0250-4-2-.12 APPENDICES.

**APPENDIX A
FIRE AND LIFE SAFETY REQUIREMENTS**

Group Care Homes

AND

Family Boarding Homes

Group care homes, which can serve up to twelve (12) children, require the annual inspection and approval of the State Fire Marshal's office. A representative of his office will inspect group homes at the request of the Tennessee Department of Children's Services Licensing Unit.

The State Fire Marshal's office has representatives that serve all areas of the state. His office has also delegated specific local fire departments as qualified to make these inspections. The licensing unit is kept aware of the approved list, and will also request the inspections from these approved local fire departments.

Family boarding homes, which serve up to six (6) children, do not require an annual inspection from the State Fire Marshal's office, or from an approved local fire department inspector. A check list has been developed by the Fire Marshal's office that is used annually by the licensing consultants in determining the fire safety of these small facilities.

Group care homes will be inspected under the current Life Safety Code 101, Chapter 21, Residential Board and Care Occupancies, and Chapter 20, Lodging or Rooming Houses, or as it may be amended for facilities housing groups capable of prompt evacuation as indicated in 21-2.2.2.1.

APPENDIX B

ENVIRONMENTAL STANDARDS FOR CHILD CARE HOMES

(1) **FOOD SANITATION.**

Food Service under a child-caring facility shall be considered a single food service operation whether operated as a central dining facility or in multiple units of that facility.

Facilities shall comply with state and local food service codes or regulations where applicable; otherwise the following standards shall be met for food sanitation:

- (a) All food shall be from sources approved or considered satisfactory by the health authority. The use of hermetically sealed containers (home canned food) is prohibited.
- (b) All milk and fluid milk products including dry milk and dry milk products shall be from a Grade A pasteurized source.
- (c) Raw fruits and vegetables shall be washed before being cooked or served.
- (d) Poultry, poultry stuffings, stuffed meats, and stuffings containing meat shall be cooked to heat all parts of the food to at least 165 Fahrenheit with no interruption of the cooking process. Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 Fahrenheit.
- (e) If a family style feeding process is used at a facility, all left-over food from the eating table shall be discarded. Milk and food used in family style feeding shall not be placed on the dining table longer than 15 minutes prior to beginning of the meal. Food intended for family style feeding that has not been placed on the dining table and maintained at acceptable temperatures may be used at another meal, provided it is covered, refrigerated properly, reheated properly, and used promptly.
- (f) Potentially hazardous foods requiring cold storage shall be maintained at 45 Fahrenheit or above. Frozen foods shall be maintained at a temperature of 10' Fahrenheit or below. Thermometers are required in all freezers and all other cold storage equipment.
- (g) Milk and other potentially hazardous foods shall be kept in the proper temperature ranges, and be protected properly, except during necessary periods of preparation.
- (h) All foods, including dry foods, shall be stored in a manner to prevent possible contamination, and permit easy clearing of the storage area. Containers of food shall be stored a minimum of six (6) inches above the floor or on movable dollies.
- (i) All food shall be protected from contamination during storage, preparation, transportation, and serving.
- (j) No poisonous or toxic materials except those required to maintain sanitary conditions and for sanitization purposes may be used in the food service operation. Poisonous and toxic materials shall be identified, stored, and used only in such manner and under such conditions as will not contaminate food or constitute a hazard to population of a facility.
- (k) All equipment and utensils shall be so designed and constructed of such material and workmanship as to be smooth, easily cleanable, and durable. Equipment and utensils shall be in good repair.
- (l) The food-contact surfaces of equipment and utensils shall be easily accessible for cleaning and be of non-toxic, corrosion resistant, and non-absorbent materials.
- (m) All equipment shall be installed and maintained to facilitate the cleaning thereof and of all adjacent areas.

(Rule 0250-4-2-.12, Appendix B, continued)

- (n) All eating and drinking utensils shall be thoroughly cleaned and sanitized after each use with the exception of single service utensils which shall be discarded following use.
- (o) Single-service articles shall be made from non-toxic materials and shall be stored, handled, and dispensed in a sanitary manner.
- (p) All kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment, used in the preparation or serving of food or drink, and all food-storage utensils, shall be thoroughly cleaned and sanitized after each use.
- (q) Cooking surfaces of equipment shall be cleaned at least once a day.
- (r) All utensils and food-contact surfaces of equipment used in the preparation, transportation, service, display, or storage of potentially hazardous food shall be thoroughly cleaned and sanitized after each use.
- (s) Surfaces of equipment not intended for contact with food, but which are exposed to splash or food debris or which otherwise require frequent cleaning, shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and readily accessible for cleaning, and shall be of material and in such repair as to be easily maintained in a clean and sanitary condition.
- (t) All food-contact surfaces of equipment and utensils shall be stored and handled by methods that protect them from contamination by splash, dust, and other means.
- (u) In facilities defined by the Department of Children's Services as existing, a two-compartment sink can be used for washing and rinsing utensils, provided an additional container or sink be used for sanitization of the utensils. For facilities defined by the Department of Children's Services as new, a three-compartment sink is required when manual dishwashing procedures are utilized for washing, rinsing, and sanitization of utensils.

Domestic type dishwashing machines are acceptable provided the temperature at the utensil surface be 160° Fahrenheit after the end of one complete cycle. If Fahrenheit is not obtained at the end of one complete cycle, an additional rinse of utensils shall be provided in a separate container or sink.

Facilities which do not have adequate and effective facilities for cleaning and sanitizing utensils shall use single-service articles.

(2) WATER SUPPLY.

- (a) The drinking water supply serving child-care facilities shall be from a source approved by the health authority having jurisdiction.
- (b) There shall be sufficient hot and cold water under pressure to supply the daily needs of a child-care facility.
- (c) An approved drinking fountain or individual single service paper cups shall be provided in rooms or adjacent to rooms regularly occupied by the residents.
- (d) All equipment shall be clean and in good repair.

(3) SEWAGE DISPOSAL AND PLUMBING.

- (a) A private sewage disposal system at a facility shall be operating satisfactorily.
- (b) When the private sewage disposal system at an existing facility fails and where a public sewage system is available, the facility shall be connected.
- (c) All plumbing shall be installed to prevent the possibility of cross-connection, back siphonage, or sewage leaks.

(4) SOLID WASTE.

(Rule 0250-4-2-.12, Appendix B, continued)

- (a) An adequate number of suitable storage containers approved by local health authorities shall be provided and shall be kept clean and in good repair.
 - (b) Garbage and refuse storage areas shall be kept clean.
 - (c) Storage containers, other than bulk, shall be secured properly to prevent spillage.
 - (d) Garbage deposited in outside bulk storage shall be in fly-tight containers (example, plastic bags).
 - (e) All garbage shall be removed from the building daily.
 - (f) Garbage and rubbish shall be collected from the premises at least twice weekly.
 - (g) At facilities where twice weekly collection is not provided, all garbage and rubbish shall be disposed of in a manner acceptable to the health authority having jurisdiction (supplement collection by individuals hauling, acceptable burying, etc.).
 - (h) Combustible rubbish may be burned, provided such burning meets all local and state laws and regulation relative to incinerators, incineration, and air pollution.
- (5) TOILETS, HANDWASHING AND BATHING.
- (a) One flush toilet, one handwashing facility, and one tub or shower for every four children shall be provided.
 - (b) All facilities shall be approved, in good repair, and clean.
 - (c) A tightly covered container with plastic liner shall be used for diaper disposal and stored inaccessible to children. This container shall be emptied a minimum of twice daily by closing the liner and disposing of it into an outside garbage receptacle
 - (d) There shall be soap, hot and cold water under pressure, and individual towels provided wherever a handwashing lavatory is located.
 - (e) Personnel shall exercise good handwashing practices following diaper changes, the assistance of children in toilet use and personal toileting.
 - (f) Proper adult supervision shall be exercised for use of toilet and handwashing facilities.
 - (g) Toilet tissue shall be provided on tissue holder at each commode.
 - (h) Handwashing and bathing water for children shall be provided under pressure at a temperature of at least 90° Fahrenheit and not greater than 120° Fahrenheit without manual adjustment of the faucets.
- (6) BUILDINGS.
- (a) *Structure.*
 - 1. The building foundation, roof, walls, and window frames shall be free of visible cracks and unsealed openings to prevent entrance of insects and rodents.
 - 2. Buildings shall be kept clean, in good repair, and painted when necessary.
 - 3. Gutters and down spouts shall be kept clean and in good repair.
 - (b) *Materials:* Facilities having any presence of friable asbestos shall have a written plan approved by the Department of Health and Environment for providing an acceptable measure of control. The plan is to include a time frame not to exceed five years. This plan is to be on file with the Department of Health and Environment.
 - (c) *Floors.* Floors shall be clean and in good repair.
 - (d) *Walls and Ceilings:* Walls and ceilings shall be kept clean and in good repair.
 - (e) *Doors and Windows:*

(Rule 0250-4-2-.12, Appendix B, continued)

1. All doors and windows shall be kept clean and in good repair (this includes screens when used).
 2. Windows shall be operable unless the room is air-conditioned.
 3. All windows used for ventilations shall be screened unless building is air-conditioned.
- (f) *Bedding.*
1. Where provisions are made for staying at a facility overnight, each occupant shall be provided an individual bed with acceptable mattress and waterproof cover, springs, clean linen, and clean cover.
 2. Where children are kept at least six (6) hours, but not overnight, individual cots or other approved bedding with minimum two-inch (2") thickness shall be provided and kept clean and in good repair. Clean covers are also necessary.
 3. Clean individual floor mats for napping may be used instead of cots. Spacing shall be adequate to promote freedom of movement (approximately two feet (2') between cots and mats.)
- (g) *Lighting.*
1. Natural and/or artificial lighting shall be distributed throughout the child care facility at the following ratio:
 - (i) Classroom and playroom 25 foot candles;
 - (ii) Food preparation surfaces, food service equipment or utensil-washing work levels, food service utensils and equipment, storage areas and in lavatory and toilet areas 20 foot candles; and
 - (iii) Walk-in refrigeration units, dry food storage areas, other storage areas, and halls 10 foot candles.
- (h) *Heating and Ventilation.*
1. All rooms used by children shall be heated by a system capable of maintaining a temperature of 68° Fahrenheit.
 2. When the outside temperature is 65° Fahrenheit or below, the temperature at child height the facility shall be no lower than 65° Fahrenheit nor higher than 75° Fahrenheit.
 3. Stoves, hot radiators, steam and hot water pipes, or other heated objects and electric in rooms used by children shall be adequately protected by screens, guards, insulation, suitable means that will protect children from coming into direct contact with them
 4. Heat and ventilation units shall be clean and in good repair.
- (7) INSECT AND RODENT CONTROL.
- (a) The facility shall be reasonably free from flies, other insects, and breeding sites.
 - (b) Screens which are approved and in good repair shall be provided for all doors and windows used for ventilation purposes.
 - (c) When air conditioning is used, doors and windows shall be, kept closed.
 - (d) The facility shall be free of rodents.
 - (e) There shall be no rodent harborage areas.
 - (f) Proper supervision and caution shall be exercised according to label directions when applying approved insecticides and rodenticides.
- (8) SAFETY.

(Rule 0250-4-2-.12, Appendix B, continued)

- (a) Pesticides, medicines, polishes, disinfectants, and cleaning compounds shall be stored in a manner approved by the local health authority.
- (b) Sturdy safety rails shall be provided for ramps and steps where there are three or more risers.
- (c) Bathtubs, if used, shall be provided with safety strips or mats.
- (d) Glass in hazardous locations in the facility shall be shielded when safety glass is not used. Broken glass objects shall not be permitted in any part of the building or on grounds.
- (e) All furniture shall be of durable construction, free of sharp projecting corners or surfaces and in good repair.
- (f) Grounds shall be free of hazards that are likely to cause falls.
- (g) Buildings and grounds shall be free of any unprotected, abandoned well, cistern, refrigerator, or similar hazards.
- (h) Fencing, or other acceptable barriers, shall be provided for hazardous drainage ditches, cliffs, bluffs, or other similar hazards.
- (i) Grounds shall have adequate drainage.
- (j) Adequate barriers, such as fencing, shall be provided and supervision exercised to prevent children from running on driveways, streets, or highways where a traffic hazard exists.
- (k) All play equipment shall be safe and in good repair.

(9) SWIMMING POOL.

- (a) Facilities located in municipalities or counties that have an adopted swimming pool ordinance or regulations shall comply with said ordinance or regulation, where applicable.
- (b) Facilities located in municipalities or counties that do not have an adopted swimming pool ordinance or regulation shall comply with the Hotel, Food Service Establishment, and Public Swimming Pool Inspection Act of 1985, where applicable.
- (c) Facilities utilizing a swimming pool on-site or at another location shall be assured of an approved lifeguard, or the number of guards required, on duty.

(10) CONTROL OF ANIMALS.

- (a) If live animals or birds are kept in classrooms as pets, they shall be caged; cages shall be kept clean. (Turtles shall not be kept as pets because (a) a proper environment is elaborate and difficult to achieve and (b) they are carriers of salmonella.)
- (b) In all cases, animals and birds shall not be allowed in areas of food storage, preparation, or service
- (c) Pets requiring vaccination against rabies shall be currently protected, evidence of which shall be on file,

APPENDIX C
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
FIRE SAFETY INSPECTION REPORT
FOR

FACILITIES LICENSED/APPROVED BY THE DEPARTMENT OF CHILDREN'S SERVICES

Name of facility _____

Street address _____ Telephone
number _____

City _____ State _____ Zip
Code _____

Age range of children

If this facility was in operation before July 1, 1973, and does not meet the State Building Code Requirements for a new building, all of the following questions must be answered "yes".

- (1) Is wood frame construction restricted to two stories in height?.....Yes No
- (2) Are children housed only on the *first floor level*?.....Yes No
- (3) Does each building used for child care purposes have access to two outside exits?.....Yes No
- (4) Access from the room door to the two outside exits must not have a dead end distance of more than 20 feet measured from the room door used by the children to the point at which two separate outside exits can be reached. Does facility comply with this requirement?.....Yes No
- (5) If this building is used for purposes *not under the control of the operator*, are all rooms and spaces used for child care purposes separated from the rest of the rooms by one-hour fire-rated walls and *solid core doors*?Yes No
- (6) Does this facility have at least one unannounced fire drill monthly?.....Yes No
- (7) Are all employees informed of their duties during a fire drill?.....Yes No
- (8) Does the facility have one UL smoke detector for every 900 square feet?.....Yes No
- (9) Does the facility have an approved A-B-C rated extinguisher near the kitchen?.....Yes No
- (10) Do electrical outlets within children's reach have protective coverings?.....Yes No
- (11) Are all approaches to exits kept continuously free of all obstruction?.....Yes No
- (12) Is the building free of all unvented fuel-burning heater?.....Yes No
- (13) Are all fuel-burning heaters, fireplaces, wall heaters, and portable space heaters provided with a protective screen attached securely to substantial supports?.....Yes No
- (14) Are all stairways, hallways, and other means of exit kept adequately lighted at all times when the building is occupied?.....Yes No
- (15) Does the space used for child care purposes have at least one window in each room which will raise up or swing out for emergency exit?.....Yes No
- (16) If space is partially below grade on all four sides, is there an exit with a maximum of three steps or less leading directly to the outside?.....Yes No

(Rule 0250-4-2-.12, Appendix C, continued)

- (17) Does the hot water heater have a safety relief valve installed?.....Yes No
- (18) Are combustible materials, gasoline, or flammable liquids (paint, thinner, oil, other chemicals, etc) properly stored?.....Yes No
- (19) Does visual inspection reveal the absence of electrical hazards (overloaded electrical panel/master junction box), excessive extension cords or frayed wiring?
On this date, I found this facility to be reasonably fire safe
Referred to local inspector.....Yes No

(Date)

(Counselor)

NOTE: In areas where the Local Fire Department or Children's Services official has responsibility for fire safety inspections, the appropriate person shall complete this form. (Children's Services officials inspection only those facilities that have seven children or less shall use this form.

APPENDIX D

**TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
FAMILY HOME ENVIRONMENTAL SURVEY REPORT**

Case Number _____

Name of Home _____ Capacity _____ Census _____ Phone _____

Street _____ City _____ County _____

Owner/Operator _____ Address _____

ITEMS MARKED INDICATE DEFICIENCIES AND NEEDED CORRECTIONS

- (1) _____ BUILDING: Structure, Floors, Walls, Ceilings, Doors, Windows in Good Repair, Clean, Cleanable.
- (2) _____ LIGHTING: Adequate.
- (3) _____ HEATING AND VENTILATION: Adequate, Safe Clean.
- (4) _____ TOILETS: Adequate, Clean, Good Repair.
- (5) _____ HANDWASHING: Soap, Towels, Tissue, Hot and Cold Water.
- (6) _____ BEDDING: Clean, Adequate Spacing.
- (7) _____ SEWAGE DISPOSAL: Adequate, Functioning Properly. Approved.
- (8) _____ WATER SUPPLY., Adequate, Approved, Safe
- (9) _____ DRINKING FACILITIES: Clean, Approved, Safe
- (10) _____ GARBAGE AND REFUSE: Non-absorbent Containers, Covered. Clem, Frequent Disposal.
- (11) _____ INSECTS & RODENTS: Absent, Screens In Good Repair, Self-closing Doors.
- (12) _____ SAFETY Toxic Material Stored Properly, Play Equipment, Fences, Swimming Pools, Other.
- (13) _____ FOOD: Source Storage, Protection, Preparation, Construction of Equipment and Utensils,
Clean, Cleanable, Sanitization.
- (14) _____ HOUSEKEEPING: General, Clean.

(Rule 0250-4-2-.12, Appendix D, continued)

REMARKS AND EXPLANATION OF ITEMS MARKED: _____

Date _____ Received by _____

Counselor _____ Results: 1. Approved:

2. Disapproved

3. Approved Pending

***Used by Department of Children's Services personnel to Inspect Family Day Homes, Family Boarding Homes, and Family Day Care Homes.**

APPENDIX E

SUMMARY OF SELECTED PROVISIONS OF THE FOSTER CARE REVIEW LAW

(T.C.A. §37-2-401 et seq.)

- (1) Preparation of the Foster Care Plan.
 - (a) This plan must be written and must be prepared within 30 days of the child's placement in foster care with the agency. The date of placement is defined as the original date on which the child is physically placed in foster care.
 - (b) The plan must include a goal for each child of:
 1. Return of the child to the parents;
 2. Placement of the child with relatives of the child;
 3. Adoption, giving appropriate consideration to *T.C.A. §36-1-105(e)(1)* when applicable;
 4. Permanent foster care; and
 5. Emancipation by marriage, court order, or the age of majority.
 - (c)
 1. In the event a child is in foster care as a result of a surrender or termination of parental rights, the agency having guardianship of the child shall prepare and submit to the foster care advisory review board or court in the county in which the child is in foster care a plan for each such child.
 2. Such plan shall include a goal for each child of either:
 - (i) Placement of the child with relatives of the child;
 - (ii) Adoption, giving appropriate consideration to *T.C.A. §36-1-105(e)(1)* when applicable; and
 - (iii) Permanent foster care.
 3. Specific reasons must be included in the plan for any goal other than placement of the child with a relative of the child or adoption. Such plan shall also include a statement of specific responsibilities of the agency and the caseworker of such agency designed to achieve the stated goal.
 - (d) The plan shall include a statement of responsibilities between the parents, agency, and caseworker of the agency. The responsibilities of each party should be specific and related to the achievement of the specific goal.
 - (e) The initial plan must include the definitions of abandonment contained in *T.C.A. §§36-1-1021* and *37-1-102 I* and the criteria and procedures for termination of parental rights. Each party shall sign the statement and be given a copy of it. If the parent should fail to sign the plan, the agency shall seek ratification of the plan by the court.
 - (f) Substantial non-compliance by the parent with the statement of responsibilities in the plan provides grounds for the termination of parental rights notwithstanding the failure of the parents to sign or to agree to such statement if the court finds that the parent was informed of its contents, and that the requirements of the statement are reasonable and are related to remedying the conditions which necessitated foster care placement.
 - (g) At a hearing in which a court orders a child to be placed in foster care, the judge shall determine whether a foster care plan has been prepared and whether the statement of responsibilities has been agreed upon by the parties. If a statement has been agreed upon by the parties, the court shall review it and approve it if the court finds it to be in the best interest of the child. If a plan has not been prepared or parties have not agreed to a statement of responsibilities, the court may continue the hearing for such time, not to exceed thirty (30) days as may be necessary to give the parties an opportunity to attempt to agree upon a suitable plan, which may then be approved by the court without a further hearing if the court finds the plan to be in the best interest of the child.

(Rule 0250-4-2-.12, Appendix E, continued)

(2) Disposition of the Plan.

The plan is to be submitted to the juvenile court having jurisdiction over the child. If no juvenile court has jurisdiction over the child, then the plan is to be submitted to the juvenile court in the county in which the child is placed.

(3) Annual Update.

All plans are subject to modification and shall be reevaluated and updated at least annually except when a long-term agreement has been made and approved by the court.

(4) Foster Care Reports.

(a) In addition to the required Foster Care Plan mentioned above, each agency shall submit to the appropriate court or foster care review board a report for each child in its care on progress made in achieving the goals set forth in the plan.

(b) The agency must submit a monthly listing of cases to the court to be reviewed.

(c) Such reports shall be prepared by the agency having custody of the child within ninety (90) days of the foster care placement and no less frequently than every six (6) months thereafter for as long as the child remains in foster care.

(d) Unless parental rights have been surrendered or terminated, a copy of this report shall be provided to the parent(s) of the child at the time it is provided to the court or board.

(e) Parents must be notified by the agency of the date, place, and time of the hearing.

(f) A report of the findings of the hearing or review must be provided to the parent(s) even if they do not attend.

(5) Monitoring of Foster Care Plan and Reports.

It shall be the responsibility of all licensed or approved child-caring agencies to ensure that foster care plans and reports are prepared and submitted as directed by state law.

(6) Eighteen (18) Month Hearing.

(a) In addition to the above-mentioned foster care plans and reports, the agency must request a hearing within eighteen (18) months of the foster care placement for each child in foster care.

(b) Except in cases where the court has approved a long-term foster care agreement, as long as the child remains in foster care, subsequent hearings must be requested no less frequently than every eighteen (18) months thereafter for all children.

(c) The purpose of this hearing shall be to determine the necessity of continued foster care placement, the extent of compliance of the parties with the terms of the foster care plan, the extent of progress made in achieving the goal of the plan, and the future status of the child. If the court finds that any party has not complied with the terms of the plan, it may issue such orders as may be appropriate to enforce compliance.

(7) CESSATION OF REVIEW.

Foster care shall cease at such time as the child is placed with an individual or individuals for the purpose of the child's adoption by the individual or individuals or at such time as a petition to adopt is filed, whichever occurs first, or at such time as a child is returned to or placed in the care of a parent or relative, emancipated or reaches the age of majority.

Authority: T.C.A. §§4-5-226(b)(2); 37-2-401 et seq., 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); 71-3-501 et seq. and 71-3-524. **Administrative History:** Original rule filed February 26, 1991; effective April 12, 1991. Rule assigned new control number, removed and renumbered from 1240-4-2-.12 filed and effective March 25, 1999.