

**RULES  
OF  
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES  
STANDARDS FOR REGULATED INSTITUTIONS**

**CHAPTER 0250-4-11  
STANDARDS FOR CHILD ABUSE PREVENTION AGENCIES**

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**0250-4-11-.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 Abuse Prevention Agency
    1. Child Abuse Prevention Agency- (defined as “child abuse agency” in the law) shall mean and include any person, corporation, or agency which undertakes to or does provide any services of any nature whatsoever, including but not limited to emergency shelter care, homemaker services, or parent training services designed to prevent or treat child abuse or neglect or to protect children from child abuse or neglect. This shall not apply, however, to a person licensed by the State of Tennessee to practice medicine or psychology while in the course of such practice nor shall it apply to any school, hospital, mental health center, or similar institution operated or approved by an agency or Department of the State of Tennessee. Nor shall it apply to any church or church-related organization.
    2. Nothing in this section shall be construed, however, to diminish or repeal the duty of any person to report suspected child abuse pursuant to *T.C.A. §§37-1-401 et seq.* and *37-1-601 et seq.*
  - (b) Department - The Tennessee Department of Children’s Services.
  - (c) Commissioner - The Commissioner of the Tennessee Department of Children’s Services.
  - (d) Staff - Full-time and part-time employees.
  - (e) Law - *T.C.A. §71-3-501 et seq.*
  - (f) License- A yearly permit issued to a child abuse prevention agency. Licensing is based on achievement in meeting minimum standards developed and published by the Department.
  
- (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 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;

(Rule 0250-4-11-.01, continued)

- (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
- (f) The probability of permanence of the child welfare agency.

(4) LICENSING PROCEDURE:

- (a) Conditional License Fees: Application for license shall be made to the Department upon blanks furnished by it. Upon receipt of the application for a license, the Department shall issue the applicant agency a conditional license which shall be valid for a period of 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. A processing fee of \$10 shall be submitted with the application.
- (b) Issuance of Annual License, Revocation, Suspension, and Hearings: If at the end of the 90-day period set forth above, evidence is provided by the applicant/licensee that the child welfare agency is suitable and properly managed as such, the Department shall issue such agency a license which shall be valid for a period of one year; provided, however, such license may at any time be revoked by the Department on 90-days 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. The notice of revocation, or suspension order shall contain the cause of the revocation or suspension. The licensee may, upon written request filed with the Commissioner within 10 days of mailing of the notice of revocation, receive a hearing before the Board of Review, with such hearing to be held within the 90-day period set out in the notice of revocation.
- (c) When an application for a license has been denied or a license has been revoked on one occasion, the agency may not reapply for a period of 60 days from the date of the denial or revocation. If such license has been denied or revoked on two occasions, the agency may not reapply for a period of six months. If such license has been denied or revoked on three or more occasions, the agency may not reapply for a period of 12 months. The Department may waive the time restrictions herein upon a showing by the agency to the satisfaction of the Department that the agency has corrected the deficiencies which led to the denial or revocation. For purposes of this chapter, the "date of denial or revocation" shall, in cases where an appeal has been filed, mean the date on which any final administrative or judicial order has been entered finally determining the appeal.
- (d) Upon written notice to the applicant that a request for 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 with the Commissioner within 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 60 days shall elapse after such request and before such hearing.
- (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 months or fined not more than \$500, 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, and 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 the *T.C.A.*.

(Rule 0250-4-11-.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 I of Title 37 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 all 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 of the Department determined 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 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 being 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 in *T.C.A. §71-3-501*, which is under the direct management of an administrative Department of the state, a county or a 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 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 report of the above-mentioned inspections. 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) REPORTING OF BRUTALITY, ABUSE, NEGLECT OR CHILD SEXUAL ABUSE *T.C.A. §§ 37-1-403 and 37-1-605*.
- (a) Any person, including but not limited to any:
    1. Physician, osteopath, medical examiner, nurse, or hospital personnel engaged in the admission, examination, 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, residential, or institutional worker;

(Rule 0250-4-11-.01, continued)

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 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 the Public Acts of 1985, Public 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 member 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 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, Public 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 13 years or younger, and every superintendent or manager of a clinic, dispensary; or charitable or penal institution in which there is a case of any of the diseases, as set out in this subsection, in children 13 years of age or younger shall report the case immediately, in writing, on a form supplied by the Department of Health to that Department. If the reported cases are confirmed and if sexual abuse is suspected, the Department of Health 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.

(Rule 0250-4-11-.01, continued)

- (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, Public Chapter 478, is guilty of a misdemeanor. (Public Acts of 1985, Public Chapter 478, §16.)
  - (c) All staff of the agency whether paid, contracted, or volunteer, must report any suspected child abuse or neglect of any child enrolled in the agency, in conformance with Parts 4 and 6 of Chapter 1 of Title 37 of the *T.C.A.*. Failure to do so will, standing alone, be sufficient basis for denial or revocation of the agency's license.
- (8) 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 institutions, 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 not greater than 11 months, 29 days or a fine not to exceed \$2,500, or both.
- (9) 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, of the chapter of the *T.C.A.* relative to adoption, and upon final hearing, if the court determines that there has been a violation or threatened violation thereof, the injunction shall be made permanent.
- (10) POSTING OF LICENSE: A license to operate a child abuse prevention agency must be posted in a conspicuous place.
- (11) GENERAL REQUIREMENTS: All child abuse prevention agencies licensed or approved by the Department must meet the following minimum requirements.
- (a) All child abuse prevention agencies, whether publicly or privately owned and/or operated, shall meet the standards of private licensed, child-abuse prevention agencies.
  - (b) A child abuse prevention agency shall have office facilities adequate to meet its needs, including accessibility to the public, adequate space for staff, and an area which provides privacy for interviewing clients.
  - (c) A child abuse prevention agency shall maintain professional confidentiality in accordance with the ethics of the social work profession. 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.
  - (d) A child abuse prevention agency shall keep accurate statistical records which reflect the complete scope of the work or the agency.
  - (e) Reports shall be made to the Department as follows:

(Rule 0250-4-11-.01, continued)

1. Monthly and annual statistical reports completed on forms provided by the Department; and
2. Change in location reported at or prior to time of change.

**Authority:** T.C.A. §§4-5-226(b)(2); 4-5-320; 36-1-134; 37-1-401 et seq., 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12) and 71-3-501 through 71-3-531. **Administrative History:** Original rule filed August 13, 1979; effective November 28, 1979. Repeal and new rule filed June 28, 1984; effective July 28, 1984. Repeal and new rule filed May 7, 1991; effective June 21, 1991. Rule assigned a new control number, removed and renumbered from 1240-4-11-.01 filed and effective March 25, 1999.

## 0250-4-11-.02 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 an incorporated agency, the administrative responsibility must be placed with the Board of Directors.
- (c) In a non-incorporated or public agency, an advisory board must be established.

### (2) CONSTITUTION AND BYLAWS:

- (a) An incorporated agency must develop written bylaws which define policies and procedures pertaining to its organization and structure.
- (b) The bylaws of an 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 committee, enumerating their respective responsibilities;
  9. Method of calling Board meetings and annual meetings;
  10. Frequency of meetings, quorum requirements, rules of order;
  11. Fiscal year;
  12. Responsibilities of the chief administrative officer and his/her relationship to the Board; and
  13. Method of amending the bylaws.

### (3) COMPOSITION OF THE BOARD:

- (a) Every agency operating as a corporation must have a Board of Directors which operates as the responsible representative of the community and as the governing body of the agency. The only paid employee who may serve as a voting member of the Board of Directors is the chief administrative officer.
- (b) Officers must be elected annually.

(Rule 0250-4-11-.02, continued)

- (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 INCORPORATED AGENCY
- (a) The Board must set up the corporate or legal existence of the agency and give it continuity.
  - (b) It must select and appoint the chief administrative officer, and delegate responsibility to the chief administrative officer for administering the agency.
  - (c) It must see that adequate funds are available for financing the agency's operations, including adequate staff, proper working conditions, salaries, and facilities.
  - (d) It must govern the agency by policies and plans that it determines and approves and that are formulated with the chief administrative officer and staff.
  - (e) It must account for the service of the agency and the expenditure of funds. To be accountable it must make provision for proper bookkeeping including a biennial audit with an opinion and an annual financial statement enumerating budgeted categories. The Board must set the budget, study reports, ask questions, and stay informed regarding the agency's financial activities and fields of service.
  - (f) It must not be involved in individual cases unless the Board member is a staff person or volunteer whose job description authorizes such involvement.
  - (g) It must keep minutes signed by a corporate officer of each meeting which shall be available to the Department's licensing division.
  - (h) The annual application for licensure must be submitted to the Department and signed by the chairman of the Board and/or chief administrative officer.
  - (i) The governing board must be organized and must function according to its constitution, bylaws, and charter.
  - (j) Members of the governing board must not serve for more than nine consecutive years after which time they must rotate off the board for a minimum of one year.
- (5) PROGRAMS OPERATING UNDER PUBLIC AGENCIES MUST MEET THE FOLLOWING STANDARDS AND GENERAL RESPONSIBILITIES OF THE ADVISORY BOARD:
- (a) The Advisory Board of a child abuse prevention agency shall keep written records clearly setting forth:
    - 1. Name;
    - 2. Purpose;
    - 3. Membership;
    - 4. Power and duties of the Board;
    - 5. Size of the Board;
    - 6. Method of selection, tenure, and members;
    - 7. Method of election of offices;
    - 8. Organization of the Board and its committees, enumerating their respective responsibilities;
    - 9. Responsibilities of the chief administrative officer and his/her relationship to the Board;
    - 10. Method of calling meetings and annual meetings;
    - 11. Frequency of meetings, quorum requirement, and rules of order;

(Rule 0250-4-11-.02, continued)

12. Fiscal year; and
  13. Method of amending the bylaws.
- (b) 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;
  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's licensing division.
- (c) In public agencies 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.
- (d) Members of the advisory board must not serve for more than nine consecutive years after which time they must rotate off the advisory board for a minimum of one year.
- (6) 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) Income of the agency must be sufficient to ensure the effective operation of the program to which the agency is committed.
  - (c) A budgetary estimate showing details of anticipated income and expenditure for the coming year shall be approved by the board before the beginning of the fiscal year. The estimate shall be made available to the Department.
  - (d) Financial accounts must be audited biennially by a certified public accountant or licensed public accountant consistent with accepted accounting principles. A copy of the audit with an opinion must be furnished to the Department or Children's Services. Qualifications to the opinion must be reviewed by the board and this review must be recorded in the minutes.
  - (e) The chief administrative officer and others handling the agency's fund must be appropriately bonded. Premiums for the bonds must be paid by the organization unless otherwise provided by law or ordinance.

**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 filed August 13, 1979; effective November 28, 1979. Amendment filed December 17, 1982; effective March, 16, 1983. Repeat and new rule filed June 28, 1984; effective July 28, 1984. Repeal and new rule filed May 7, 1991; effective June 21, 1991. Rule assigned a new control number, removed and renumbered from 1240-4-11-.02 filed and effective March 25, 1999.*

#### 0250-4-11-.03 PERSONNEL POLICIES.

- (1) The Board of Directors or the governing body in cooperation with the chief administrative officer, shall establish written personnel policies. These policies shall include:
- (a) A job description for each position in the agency covering position's responsibilities, academic qualifications, and required level of experience;
  - (b) Annual salaries and performance review requirements;
  - (c) Physical examination policy;



(Rule 0250-4-11-.03, continued)

- (d) Training 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) Written policy related to detection, reporting, and prevention of child sexual abuse as provided by state law.
- (2) 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, reports from three references, one of whom must be a former employer, a written statement of good physical health from a health care professional, 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, and date and reason for termination. Employee personnel files must include copies of educational transcripts documenting required degrees.
  - (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/her personnel record. These evaluations must be prepared by the chief administrative officer, assistant to the chief administrative officer, or by the person directly responsible for the supervision of the employee. If not conducted by the chief administrative officer, it must be approved by the chief administrative officer.
  - (c) Staff shall have access to their personnel records as afforded to them by law.
- (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 in-service training must be developed which provides staff with a minimum of 12 hours in-service training annually. Attendance at conferences and workshops may be included as part of the 12-hour minimum requirement. Six hours of the annual training must be provided by sources outside the agency.
  - (c) Participation in these activities must be documented in personnel files.
  - (d) Within two 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
- (4) GENERAL QUALIFICATIONS:
- (a) Agency employees shall be persons of good character. They shall possess the health, emotional stability, and ability necessary to carry out their assigned duties.
  - (b) An agency shall obtain references attesting to the character, integrity, and ability to perform tasks re quired for the position. At least one of these references must be from a former employer.

(Rule 0250-4-11-.03, continued)

- (c) The agency must obtain or document an attempt to obtain a criminal records check on each employee and volunteer. (For example: NCIC.)
- (5) SCREENING: EXCLUSIONS FOR CERTAIN CRIMES:
- (a) Reserved.
  - (b) 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. Any 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.
  - (c) A person who is currently charged with, has been convicted of, 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.
- (6) MEDICAL STANDARDS:
- (a) All staff and volunteers who provide direct services to clients must have a written statement from a professional health care provider that they are in good physical health.
  - (b) Any staff or volunteer engaged, following the effective date of these standards, must meet this requirement.
- (7) SPECIFIC QUALIFICATIONS FOR STAFF:
- (a) The Chief Administrative Officer:
    - 1. The chief administrative officer must be selected by the Board of Directors and be accountable to the Board for satisfactory performance of duties;
    - 2. The chief administrative officer must have a bachelor's-level degree from an accredited four-year college or university;
    - 3. The chief administrative officer must be responsible for:
      - (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;
      - (iii) Assuring that monthly 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 if another person has not been delegated the responsibility;

(Rule 0250-4-11-.03, continued)

- (vi) Communicating to the Board information on the operation of the agency, unmet needs, and modern methods regarding child abuse prevention 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 operation of the agency; and
  - (ix) The administrator must hold staff meetings at regular intervals and discuss plans and policies with his/her staff. The administrator must secure adequate clerical staff to keep correspondence records, bookkeeping, and files current and in good order.
- (b) Professional Staff; Staff who counsel abusive or neglectful parents or parent substitutes and/or the children who are involved in abuse or neglect situations, must meet the following qualifications:
- 1. Director of counseling services or counseling supervisor or equivalent position: must have a master's degree from an approved school of social work or an equivalent degree in a related Children's Services' field such as psychology or guidance and counseling, and have at least two years full-time employment in the delivery of child welfare services.
  - 2. Caseworker: must possess a bachelor's-level degree from an accredited four-year college or university in a Children's Services related field.
  - 3. If there is only one caseworker, he or she must meet the qualifications for director of counseling services.
  - 4. There shall be a supervisor for each caseworker. Each full-time casework supervisor must supervise no more than eight full-time equivalent caseworkers.
- (c) Homemakers: If homemaker service is provided, the following requirements must be met:
- 1. The homemaker must be in good physical and emotional health as evidenced by an annual physical examination [See 0250-4-11-.03(6)(a)];
  - 2. The homemaker must meet all criteria specific to the job description for the job held; and
  - 3. Adequate supervision of homemakers must be provided by trained staff.
- (d) Volunteers: If volunteer service is provided, the following requirements must be met:
- 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 clients or client records;
  - 2. If any volunteers are used, a process of application and screening must 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 0250-4-11-.03(5) are applicable to volunteers; and
  - 4. Volunteers must be provided a minimum of 12 hours training the first year, nine of which must be provided prior to assignment. This training must include the following topics:
    - (i) Types and definitions of child abuse, including orientation and instructions related specifically to child abuse detection, reporting, and prevention which must be documented in the volunteer's file with the agency;
    - (ii) Supervision;

(Rule 0250-4-11-.03, continued)

- (iii) Family dynamics; and
  - (iv) Confidentiality.
5. On-going training for volunteers must include six hours per year of training, three of which must be provided by sources outside the agency.
  6. Adequate supervision of volunteers must be provided by trained staff.
  7. An individual file including the application to participate as a volunteer; the results of a criminal records check; a written statement of good physical health from a health care professional; and letters of reference must be maintained by the agency on each volunteer.

**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); 71-3-501 et seq., and 37-1-601 et seq. **Administrative History:** Original rule filed August 13, 1979; effective November 28, 1979. Repeal and new rule filed June 28, 1994; effective July 28, 1984. Repeal and new rule filed May 7, 1991; effective June 21, 1991. Amendment filed July 1, 1993; effective September 14, 1993. Rule assigned a new control number, removed and renumbered from 1240-4-11-.03 filed and effective March 25, 1999.

#### **0250-4-11-.04 SERVICES TO CHILDREN AND THEIR FAMILIES.**

- (1) The following services must be carried out only by qualified staff or persons supervised by qualified staff:
  - (a) Intake;
  - (b) Casework services to children and their families;
  - (c) 24-hour availability for crisis situations;
  - (d) Referral to other resources;
  - (e) Closure; and
  - (f) Follow-up services.
- (2) Admission policies must be clearly defined in writing and be available to persons in agencies making inquiries.
- (3) Admission services must be in accordance with the stated policies of the agency and must incorporate any agreements or contracts entered into with referring agencies.
- (4) Services will be provided in accordance with a case plan developed for each family. A case plan must be completed and on file within 30 days of acceptance of the family as a client. In developing this case plan, consideration must be given to the following:
  - (a) Information, as complete as possible, on the family situation;
  - (b) Evaluation of the past experiences and problems of the family;
  - (c) Immediate goals in respect to assisting the child and his/her family; and
  - (d) Goals in respect to closure and follow-up.
- (5) Case files must be kept on each client family.
- (6) Case files must include the following:
  - (a) Initial referral information;
  - (b) Authorization for release of information;
  - (c) Intake information;
  - (d) Case plan;

(Rule 0250-4-11-.04, continued)

- (e) Documentation of agency/client contacts; and
- (f) Documentation containing specific reasons for case closure.
- (7) Case files must be kept in a locked file in the agency when not in use by appropriate staff.
- (8) The Child Abuse Prevention Agency must make available to all clients instructional materials regarding child sexual abuse. These materials must include information on prevention, parental responsibility to the child victim, the Tennessee State Reporting Law, and programs through which child victims and other family members may receive treatment.

**Authority:** T.C.A. §§4-5-226(b)(2); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a) and 71-1-105 et seq. **Administrative History:** Original rule filed August 13, 1979; effective November 28, 1979. Repeal and new rule filed June 28, 1984, effective July 28, 1984. Repeal and new rule filed May 7, 1991; effective June 21, 1991. Rule assigned a new control number, removed and renumbered from 1240-4-11-.04 filed and effective March 25, 1999.

#### **0250-4-11-.05 EMERGENCY SHELTER CARE.**

- (1) Child abuse prevention agencies which provide for emergency shelter care for children and/or children and their families must meet the standards applicable to “residential child-care agencies”, and “family boarding homes” and “group care homes”, as provided in Chapter 0250-4-5 and Chapter 0250-4-2, respectively.
- (2) When children and their families are cared for together in emergency shelter care facilities, the parents and other children will be included in applying the minimum requirements for licensing purposes.

**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 filed August 13, 1979; effective November 28, 1979. Repeal and new rule filed June 28, 1984; effective July 28, 1984. Repeal and new rule filed May 7, 1991; effective June 21, 1991. Rule assigned a new control number, removed and renumbered from 1240-4-11-.05 filed and effective March 25, 1999.