

**RULES
OF
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
ADMINISTRATIVE PROCEDURES DIVISION**

**CHAPTER 0250-5-1
INTRODUCTION**

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0250-5-1-.01 GRIEVANCES.

- (1) When an applicant for, or recipient of, services is dissatisfied with any action taken by the Department of Children's Services, pursuant to current Department of Children's Services policy, he/she has a right to appeal for a fair hearing by an impartial official, provided that actions taken pursuant to judicial order or which are the subject of pending judicial proceedings shall not be subject to review by a fair hearing.

Authority: T.C.A. §§37-5-105 and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

0250-5-1-.02 AGENCY RULE MAKING.

- (1) The rules of practice for the service programs provided by the Tennessee Department of Children's Services are not valid or effective against any person or party, nor may they be invoked by the agency for any purpose, until all of the requirements for rulemaking as set forth by the Tennessee Uniform Administrative Procedures Act (as amended) have been met.

Authority: T.C.A. §§37-5-105 and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

0250-5-1-.03 LEGAL BASE.

- (1) Pursuant to T.C.A. § 4-5-101 et seq., the Tennessee Department of Children's Services is responsible for fulfillment of hearing provisions in the programs of this Department which provide for the hearings before the State Department. Such hearings shall meet the due process standards set forth in the US Supreme Court decision in Goldberg v. Kelly, 397 US 245 (1970) and the standards set forth in the Federal Regulations.
- (2) The Civil Rights Act of 1964 prohibits discrimination in the provision of services to applicants, recipients, or beneficiaries because of their race, color, or national origin.

Authority: T.C.A. §§37-5-105 and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.