

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

**CHAPTER 0250-5-2
DEFINITIONS**

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0250-5-2-.01 DEFINITIONS.

- (1) The following words and terms as used in the rules for the Administrative Procedures Division shall have the meaning hereinafter ascribed to them:
 - (a) Administrative Judge - An Administrative Judge is an impartial official of the Department of Children's Services who is licensed to practice law and is designated by the Commissioner or his/her designated representative to conduct contested case proceedings pursuant to T.C.A. 4-5-301. The staff member so designated shall have no direct involvement in the action under consideration prior to filing of the appeal.
 - (b) Agency - The agency is the Tennessee Department of Children's Services.
 - (c) Appeal - An appeal is a procedure for bringing grievances which cannot be resolved in the local office to the State Office for a hearing.
 - (d) Appellant - An appellant is an individual who is dissatisfied with an action of the Department in regard to the furnishing or denial of services and who, as a result, is requesting a fair hearing before the State Office.
 - (e) Applicant for Services - An applicant for services shall be the person on whose behalf a service is sought from a Service Program of the Department of Children's Services, even though some other person may request the service and/or may incidentally benefit from the service. The applicant for services to children, including but not limited to adoption services, foster care services and child protective services shall be the child for whose benefit the service is sought.
 - (f) Commissioner - The Commissioner is the Commissioner of the Tennessee Department of Children's Services.
 - (g) Department - The Department is the Tennessee Department of Children's Services.
 - (h) Fair Hearing - A fair hearing is a proceeding before an impartial official designated by the Commissioner of the Department of Children's Services in which an appellant or his/her representative may present his/her case, with or without witnesses, to show why action or inaction by the county, area or regional office should be corrected.
 - (i) File - To file a document relating to a Fair Hearing with this department is to deliver that document to the proper officer or official. A hearing request, or appeal, is not filed until it is received by the Administrative Procedures Division of this department.
 - (j) Hearing Officer - A Hearing Officer is an impartial official of the Department of Children's Services who is not licensed to practice law and is designated by the Commissioner or his/her designated representative to conduct contested case proceedings pursuant to TCA §4-5-301.

(Rule 0250-5-2-.01, continued)

The staff member so designated shall have no direct involvement in the action under consideration prior to filing the appeal.

- (k) Local Office - A local office is the departmental office having jurisdiction over the case, primarily the county office,
- (l) Party - A party means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.
- (m) Person - A person means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character, including another agency.
- (n) Rule - A rule means each agency statement of general applicability that implements or prescribes law or policy or describes the procedures or practice requirements for any agency. The term includes the amendment or repeal of a prior rule, but does not include:
 - 1. statements concerning only the internal management of an agency and not affecting private rights, privileges or procedures available to the public; or
 - 2. declaratory rulings issued pursuant to TCA §4-5-223; or
 - 3. intra-agency memoranda; or
 - 4. general policy statements which are substantially repetitious of existing law.
- (o) Services Programs - The service programs encompass Social Services (Direct Services and Third Party Services)
- (p) Recipient of Services - The recipient of services is the person for whose benefit services are provided by a service program of the Department of Children's Services. The recipient of services for children, including but not limited to adoption services, foster care services, and child protective services, shall be the child for whose benefit the service is being provided.

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