

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

**CHAPTER 0250-5-3
FAIR HEARING REQUESTS**

TABLE OF CONTENTS

0250-5-3-.01	Right to Appeal	0250-5-3-.03	Time Limit for Filing an Appeal
0250-5-3-.02	Information Regarding Right to Appeal		

0250-5-3-.01 RIGHT TO APPEAL.

- (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. Grievances may also be addressed wherein the sole issue is one of protest of State or Federal laws, policies, or regulations.
- (2) The applicant, or recipient, or his/her representative shall request a hearing by any clear expression, oral or written.

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

0250-5-3-.02 INFORMATION REGARDING RIGHT TO APPEAL.

- (1) Every applicant or recipient shall be informed at the time of application and at the time of any action affecting his/her entitlement to services:
 - (a) of his/her right to a Fair Hearing;
 - (b) of the method by which he/she may obtain a hearing;
 - (c) of his/her right to be represented by an authorized representative, such as legal counsel, relative, or friend. Information and referral services shall be provided to help claimants make use of any legal services available in the community that can provide legal representation at the hearing.
- (2) A ten (10) day advance notice in writing shall be given to recipients in cases of intended action to discontinue, terminate, suspend, or reduce services.

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

0250-5-3-.03 TIME LIMIT FOR FILING AN APPEAL.

- (1) Appeals or requests for a hearing will be accepted only if they are filed within the required time limit unless good cause can be shown as to why the appeal or request for a hearing could not be filed within the required time limit.

(Rule 0250-5-3-.03, continued)

- (2) Appeals will be accepted only if they are filed within ten (10) days after the mailing date of the written notice of the action unless good cause can be shown as to why the appeal could not be filed within the time limit.
- (3) The time limits shall be computed by excluding the first day and including the last, unless the last day is a Saturday, a Sunday, or legal holiday, in which case the last day shall be the first day following the Saturday, Sunday, or legal holiday which is not itself a Saturday, a Sunday, or a legal holiday.

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