

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

**CHAPTER 0250-5-5
THE ADMINISTRATIVE JUDGE/HEARING OFFICER**

TABLE OF CONTENTS

0250-5-5-.01	Role	0250-5-5-.03	Reserved
0250-5-5-.02	Authority	0250-5-5-.04	Initial Order

0250-5-5-.01 ROLE.

- (1) The Commissioner of the Department of Children's Services has placed responsibility for hearings in the Administrative Procedures Division of the Department of Children's Services. The Administrative Judge/Hearing Officer in the Administrative Procedures Division is vested with full authority in the conduct of the hearing process. The Administrative Judge/Hearing Officer is fully responsible for conducting hearings properly and promptly in accordance with the rules and regulations established by the Department.

Authority: T.C.A. §§4-5-312, 37-5-105, and 37-5-106. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

0250-5-5-.02 AUTHORITY.

- (1) The Administrative Judge/Hearing Officer shall have the authority to do the following:
 - (a) Schedule the hearing and conduct the hearing;
 - (b) Administer oaths;
 - (c) Issue subpoenas;
 - (d) Rule upon offers of proof;
 - (e) Regulate the course of the hearing;
 - (f) Set the time and place for continued hearings;
 - (g) Write an initial order stating his/her decision; and
 - (h) Rule on petitions for reconsideration of the initial order.

Authority: T.C.A. §§4-5-301, 4-5-312, 37-5-105, and 37-5-106. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

0250-5-5-.03 RESERVED.

0250-5-5-.04 INITIAL ORDER.

- (1) The initial order by the Administrative Judge/Hearing Officer shall be based exclusively on evidence and other material introduced at the hearing. The initial order shall be available to the appellant or his representative within a reasonable time. The report shall include:

(Rule 0250-5-5-.04, continued)

- (a) all pleadings, motions, and intermediate rulings;
 - (b) exhibits;
 - (c) a summary of the oral testimony plus all other evidence received or considered;
 - (d) stipulations and admissions;
 - (e) a statement of matters officially noted;
 - (f) questions and offers of proof, objections, and rulings thereon not addressed at the hearing;
 - (g) the reasons for the decision and the supporting evidence and regulations;
 - (h) findings of fact and conclusions of law;
 - (i) a statement of the available procedures and time limits for petitioning for reconsideration and/or appeal.
- (2) The initial order shall be served on all parties of record.
 - (3) The initial order will be reviewed by the Commissioner or his/her designated representative prior to the entering of a final order.

Authority: T.C.A. §§4-5-314, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.