

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

**CHAPTER 0250-5-7  
THE HEARING RECORD**

**TABLE OF CONTENTS**

0250-5-7-.01	Time Frames	0250-5-7-.03	Record of Oral Proceedings
0250-5-7-.02	Contents of Record	0250-5-7-.04	Basis for Agency Action

**0250-5-7-.01 TIME FRAMES.**

- (1) The agency shall maintain an official record of each contested case for a period of not less than three (3) years.

**Authority:** T.C.A. §§4-5-319, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

**0250-5-7-.02 CONTENTS OF RECORD.**

- (1) The agency record shall consist solely of:
  - (a) Request for fair hearing
  - (b) Appeal Summary
  - (c) Notice of all proceedings
  - (d) Any pre-hearing order;
  - (e) Any motions, pleadings, briefs, petitions, requests and intermediate rulings;
  - (f) Evidence received or considered;
  - (g) A statement of matters officially noticed;
  - (h) Proffers of proof and objections and rulings thereon not addressed during the course of the hearing;
  - (i) The tape recording, stenographic notes or symbols, or transcript of the hearing;
  - (j) The initial order, final order and any order on appeal or reconsideration;
  - (k) Matters placed on the record after an ex parte communication.
  - (l) All staff memoranda or data submitted to the Administrative Judge/Hearing Officer or members of the agency in connection with their consideration of the case unless prepared and submitted by personal assistants and not inconsistent with T.C.A. §4-5-304(b).

**Authority:** T.C.A. §§4-5-319, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

**0250-5-7-.03 RECORD OF ORAL PROCEEDINGS.**

- (1) A record (which consists of a tape or similar electronic recording) shall be made of all oral proceedings. Such record or any part thereof shall be transcribed on request of any party at his expense or may be transcribed by the agency at its expense. This record shall be maintained for a period of time, not less than three (3) years.

**Authority:** T.C.A. §§4-5-319, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.

**0250-5-7-.04 BASIS FOR AGENCY ACTION.**

- (1) Unless otherwise provided for by this section or a state statute, the agency record shall constitute the exclusive basis for agency action in adjudicative proceedings under these rules, and for judicial review thereof.

**Authority:** T.C.A. §§4-5-319, 37-5-105, and 37-5-112. **Administrative History:** Original rule filed May 29, 2002; effective August 12, 2002.