

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

**CHAPTER 0250-5-8
THE FINAL ORDER**

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0250-5-8-.01 TIME LIMITATION.

- (1) The maximum time limit for processing appeals is forty-five (45) days for Foster Care removals and ninety (90) days for Adoption Assistance and Indicated Child Abuse cases. The postponement of a scheduled hearing shall not exceed thirty (30) days, and the time limit for processing the appeal shall be extended because of:
 - (a) Illness of the appellant;
 - (b) because of circumstances beyond the control of the appellant or the Department.
- (2) The time limit applies to the period extending from the date the request is received by the Department until the date the initial order is entered.

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.

0250-5-8-.02 CONSIDERATION OF THE ENTIRE RECORD.

- (1) Before the final order is entered, the entire record shall be considered by the Commissioner or his/her designated representative, provided, however, that such hearing authority may rely on accurate summaries of testimony and evidence, prepared by the hearing officer and contained in the initial order, as provided in 0250-5-7-.01.

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.

0250-5-8-.03 THE FINAL ORDER.

- (1) The final authority is the Commissioner of the Department of Children's Services or his/her designated representative. The final order shall be binding upon all parties.
- (2) The final order in a contested case shall be in writing and shall be made available to each party.
- (3) The final order must include a statement of the available procedures and time limits for seeking reconsideration and/or judicial review.

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.

0250-5-8-.04 PUBLIC ACCESS TO FINAL ORDERS.

- (1) The report of the hearing and the final order will remain on file in the local office for any further inspection as may be needed by the parties or their representatives.

Authority: *T.C.A. §§4-5-31, 37-5-105, and 37-5-112. Administrative History: Original rule filed May 29, 2002; effective August 12, 2002.*