

**RULES
OF
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
SOCIAL SERVICES DIVISION**

**CHAPTER 0250-7-14
RELATIVE CAREGIVER PROGRAM**

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0250-7-14-.01 PURPOSE OF CHAPTER.

- (1) The purpose of this chapter is to provide, in compliance with Tennessee Code Annotated § 71-3-136, policies and procedures for the Relative Caregiver Pilot Programs.

Authority: T.C.A. §71-3-136. **Administrative History:** Original rule filed November 5, 2002; effective January 19, 2003.

0250-7-14-.02 DEFINITIONS FOR PURPOSES OF THIS CHAPTER.

- (1) Department - Refers to the Department of Children's Services (DCS).
- (2) Relative Caregiver Program - Refers to the program defined in TCA § 71-3-136. DCS operates the Relative Caregiver Program (RCP).
- (3) Temporary Legal Custody - Refers to a legal relationship awarded by an appropriate court between the relative caregiver and child(ren).
- (4) Legal Custodian - Refers to the legal name a relative caregiver may be given after being awarded the temporary legal custody of related child(ren).
- (5) Relative Caregiver - Refers to an individual within a first, second, or third degree of relationship to the parent, or the step-parent of the child. This child is under his or her primary care, control, guidance and supervision. Relationship may be established by blood, marriage, or adoption.
- (6) Kinship Family - Refers to all of the members of the relative caregiver's household.
- (7) Household Income - Refers to the income guideline for participation in the Relative Caregiver Program.
- (8) Size of Family Unit - Refers to the number of persons eligible for counting when determining the baseline household income amount listed in the Federal Poverty Guidelines. The relative caregiver, the spouse relative caregiver and all of the children in the home should be counted to determine the size of the family unit. These children may or may not be eligible for the Relative Caregiver Program.
- (9) Eligible Children - Refers to the children under the age of 19 who meet eligibility criteria to participate in the Relative Caregiver Program.
- (10) Family Needs Scale - Refers to the standardized, likert scale used for measuring family need during client intake.

(Rule 0250-7-14-.02, continued)

- (11) Family Needs Assessment - Refers to varying needs assessment tools used to assess family need during client intake.
- (12) Service Plan - Refers to the plan developed as a result of the assessment of family need and outlining the services which will be made available to the child(ren) and the relative caregiver(s).
- (13) Lead Agency - Refers to the community-based agencies selected by DCS to create and operate Relative Caregiver Programs.
- (14) Case File - Refers to the file maintained by the Lead Agency on each participating family in the Relative Caregiver Program.
- (15) Program Financial Oversight Committee - Refers to the committee organized by each Relative Caregiver Program to ensure that financial aid is provided to kinship families in an equitable, lawful, compliant and respectful manner.
- (16) Operations Manual - This manual contains guidelines for fundraising, client outreach, client intake and service plan development, service delivery, personnel, training and data collection. These guidelines will be modified throughout the implementation of the Relative Caregiver Program as strengths and weaknesses are identified.

Authority: §§71-3-136 and 37-1-140. **Administrative History:** Original rule filed November 5, 2002; effective January 19, 2003.

0250-7-14-.03 PROCEDURES FOR THE PART(S) OF THE RELATIVE CAREGIVER PROGRAM FUNDED THROUGH THE DEPARTMENT OF CHILDREN'S SERVICES. Each Relative Caregiver Program must follow the guidelines outlined in the Relative Caregiver Program Operations Manual.

- (1) Eligibility Guidelines for Participation Relative Caregiver Program.
 - (a) The child(ren) must have been placed in the temporary legal custody of the relative caregiver through an appropriate court of venue.
 - (b) The relative caregiver must be willing to take part in a needs assessment.
 - (c) The relative caregiver must agree to accept needed support services through the Relative Caregiver Program.
 - (d) The caregiver must be able to provide a safe home for related children and be committed to providing that home as long as is necessary and appropriate.
 - (e) The relative caregiver must be within the first, second, or third degree of relationship of the parent or stepparent of the child. The caregiver may be related through blood, marriage or adoption. Examples include: (1) grandparents, (2) great-grandparents, (3) aunts and uncles, (4) siblings, (5) great-aunts and great-uncles, (6) first cousins, or (7) great-great-grandparents.
 - (f) The relative caregiver shall not have a total adjusted household income that exceeds more than twice the current Federal Poverty Guideline based on the size of the family unit. Household income will be determined by including the income of the primary relative caregiver, the spouse of the primary relative caregiver, and all eligible children.

(Rule 0250-7-14-.03, continued)

- (g) As specified by DCS, all families served through the Relative Caregiver Program must physically and legally reside within the county or counties identified in the proposal and contract.
- (2) Guidelines for Client Intake and Service Plan Development
- (a) Families may be referred to the Relative Caregiver Program by DCS, hospitals, Department of Human Services (DHS), community mental health services, schools, juvenile or family courts, Community Services Agency, private agencies, as well as other sources. Self-referrals are also allowable. It is the intent of DCS that fifty-percent of all families participating will be referred directly from the Department of Children's Services (DCS) or the Community Services Agency (CSA).
 - (b) Each Relative Caregiver Program is responsible for determining eligibility for participation. Program eligibility must be re-determined on an annual basis. The program must work to ensure that financial aid and services are provided to kinship families in an equitable, lawful, compliant and respectful manner. When families are determined ineligible, appropriate referrals for service will be made to ensure safety and permanence for children in relative care. DCS or the Department of Finance and Administration will monitor Relative Caregiver Program determination of eligibility through on-site, Case File reviews. . Any reimbursement made to the Grantee on behalf of a participant that is later deemed to be ineligible will be recovered through the next monthly billing. If there are no more billings the Grantee shall be notified of the overpayment and required to refund the money.
 - (c) Because collaboration is encouraged, each Relative Caregiver Program must develop a clear client intake and referral process with the Department of Children's Services and the local juvenile or family court. Additional children and families seeking financial aid and services should receive this support as permitted by funding.
 - (d) The RCP staff and the family must collaboratively complete a Family Needs Scale, a family needs assessment, and develop a service plan.
 - (e) In compliance with TCA § 37-1-403, if the Relative Caregiver Program staff believe it is not in the best interests of the child(ren) to remain in the home of the relative caregiver, appropriate steps must be taken to ensure the safety of the child(ren).
 - (f) Once a service plan has been developed, the Relative Caregiver Program staff must help the family achieve the goals outlined in the agreed upon service plan.
 - (g) Each program must develop and document a clear plan for client intake and service plan delivery.
 - (h) The Family Needs Scale must be used by each Relative Caregiver Program as a pre-post test measure to assess family need.
 - (i) Programs may provide individual and family counseling, respite care, legal services, financial aid, recreation, homemaker services, transportation, advocacy, support groups, training, mediation, family conferencing, case management, mentoring, child care and children's activity groups as needed for eligible kinship families. These services should be made available to eligible kinship families as needed. These may not duplicate already existing supports and services within the community.
- (3) Guidelines for Service Delivery

(Rule 0250-7-14-.03, continued)

- (a) The pilot program lead agencies may authorize service providers through a subcontract to administer services. These subcontracts must be approved by DCS. Minority subcontractors are highly encouraged, as available.
 - (b) Relative caregivers participating in the Relative Caregiver Program must be given an opportunity to provide feedback as to the effectiveness of the service received. This shall include the option to remain anonymous.
 - (c) Each Relative Caregiver Program must have a written procedure for use when relative caregivers are not in agreement with their determination of eligibility. This procedure must be respectful of kinship families and help families understand other services and supports available to them. This procedure must outline a due process and be approved by the Department of Children's Services.
- (4) Guidelines for Personnel
- (a) Each Relative Caregiver Program utilizing volunteers shall have written procedures governing the recruitment, training, supervision, and evaluation of volunteers. Volunteers shall have a written job description, orientation to their duties, and training.
 - (b) Each Relative Caregiver Program must comply with the equal employment opportunity Executive Order 1979-4 and civil rights requirements.
 - (c) Relative Caregiver Program paid or volunteer staff may not solicit or accept gratuities, favors or anything of monetary value from program participants.
 - (d) Relative Caregiver Program paid or volunteer staff may not offer for sale any type of merchandise or service.
 - (e) Relative Caregiver Program paid or volunteer staff may not encourage the acceptance of children and their relative caregiver based on any particular belief or philosophy when determining eligibility.
 - (f) Each Relative Caregiver Program shall employ competent, diverse, culturally, and ethnically appropriate staff to provide and coordinate services in compliance with the contractual agreement between each Relative Caregiver Program and the Department of Children's Services.
 - (g) Each Relative Caregiver Program shall have an up-to-date written organizational chart clearly defining established lines of authority.
 - (h) Each Relative Caregiver Program shall have clearly defined job descriptions for staff.
 - (i) A Relative Caregiver Program staff person shall be designated to have the responsibility of ensuring that services are available on a day to day basis according to the contract, governing statutes, and in a manner that best serves children and their relative caregivers.
 - (j) Every Relative Caregiver Program paid or volunteer staff person who enters the home of family caregivers must display proper identification, which is an agency picture identification card.

(Rule 0250-7-14-.03, continued)

- (k) Every Relative Caregiver Program paid or volunteer staff person must have background check identification in that person's agency personnel file, pursuant to the program's contractual agreement with DCS and the DCS Relative Caregiver Program Operations Manual.
 - (l) No Relative Caregiver Program may discriminate against any employee, applicant for employment, or recipient of service. Each program must clearly post signs in English, and other languages as may be appropriate, at agency offices and locations where services are provided, indicating nondiscrimination in hiring, employment practices, and provision of services.
- (5) Guidelines for Data Collection and Monthly Reporting
- (a) Each Relative Caregiver Program must maintain an accurate, confidential and locked Case File on each kinship family participating in the program on each participant, which documents participant identifying data, requests for service, and services provided.
 - (b) All Relative Caregiver Program reports and statistics reported require backup documentation. This record keeping must be done on DCS approved forms, contained within the Case File, must be legible and available to DCS.
 - (c) Each Relative Caregiver Program must report program and financial data as required by DCS.
- (6) Guidelines for the Dissemination of Financial Aid through the Relative Caregiver Program
- (a) Children and their relative caregivers may have special non-recurring needs for financial aid. Meeting these needs will enable families to provide safe, stable homes for their related children, a home that supports appropriate growth and development and good health. The Relative Caregiver Program will provide financial support to all eligible families with the need for financial aid as funds permit.
 - 1. Payments are designed to meet short-term needs, crisis situations, or startup costs only. Long-term or ongoing needs may not be met through the Relative Caregiver Program financial aid.
 - 2. Financial aid may be used to purchase a wide range of tangible items, supports, services or other needs.
 - 3. Payments may not be made which would duplicate available existing supports.
 - 4. All financial aid determinations will be based on written requests for assistance submitted by the Relative Caregiver Program staff person to a lead agency designee and based on identified needs. This written request must be contained within the Case File.
 - 5. Each Relative Caregiver Program should develop, utilize and continuously update an inventory of available services and supports in their communities to ensure that Project funds are not used to duplicate existing services.
 - 6. Each Relative Caregiver Program must maintain adequate support documentation in the case file to verify contracted and paid for services and expenses actually occurred.
 - 7. Monthly stipends or other regular financial assistance are not available to children and their relative caregivers through the Relative Caregiver Program. Monthly stipends may be available in the future to families.

(Rule 0250-7-14-.03, continued)

8. Financial aid in the form of direct payments to families or purchases may be made more than once per year and up to four times a year, but may not be used for a service need that exceeds 4 months during the year.
9. Each Relative Caregiver Program must organize a Financial Oversight Committee to ensure that financial aid is provided to kinship families in an equitable, lawful, compliant and respectful manner.
 - (i) The names of potential Financial Oversight Committee members must be submitted to and approved by the Department of Children's Services. This Financial Oversight Committee should have at least three (3) members, and include at least one lead agency representative and at least one person with expertise in the area of finance.
 - (ii) Financial aid payments do not have to be pre-approved by the Program Financial Oversight Committee, but should be reviewed on a monthly basis to ensure fairness and equity in the dissemination of financial aid as well as compliance with state law and federal regulations.
 - (iii) This Committee should develop procedures for provision of emergency or immediate financial aid.
 - (iv) This Committee must develop appropriate training to ensure that Relative Caregiver Program staff are able to effectively define needed financial aid during the family needs assessment.
 - (v) This Committee must develop an overall plan to ensure kinship families are receiving needed financial aid. This plan must be documented and approved by the Department of Children's Services.
- (7) Guideline for the Provision of Mental Health Counseling
 - (a) Mental Health counseling may be provided using a social model. The provision of medical services or the dispensation of medication is not permitted.
- (8) Guidelines for the Training of Relative Caregiver Program Staff
 - (a) Relative Caregiver Program staff should receive adequate training in the following areas.
 1. Although not responsible for making placement decisions and recommendations, Relative Caregiver Program staff should be able to evaluate home safety to ensure the continuing appropriateness of relative placement.
 2. Relative Caregiver Program staff should be able to identify and help relative caregivers understand the physical and mental developmental patterns, emotional and behavioral disorders of children.
 3. Relative Caregiver Program staff should be able to observe evidence of prior or current substance abuse by caregivers.
 4. Relative Caregiver Program staff should be trained to observe the caregivers' physical and mental functioning.

(Rule 0250-7-14-.03, continued)

5. Relative Caregiver Program staff should be able to determine the availability of a supportive extended family system.
 6. Relative Caregiver Program staff should be able to assess caregivers' willingness and ability to provide a safe, permanent home.
 7. Relative Caregiver Program staff should be able to implement service plan recommendations and to meet any special needs of the child(ren) in their home.
 8. Relative Caregiver Program staff should be knowledgeable of available private and public benefits available to kinship families.
 9. Relative Caregiver Program staff must understand the purpose of the program, the role of the Department of Children's Service relative to this program, philosophy, ethics, policies and procedures for the program.
- (b) Records identifying dates of training and topics covered are to be maintained in Relative Caregiver Program Staff personnel file.

Authority: T.C.A. §§71-3-136, 37-1-414, Federal Civil Rights Act of 1964, the Rehabilitation Act of 1973, Section 503 and 504, the Vietnam Era Veteran's Readjustment Assistance Act of 1974 (U.S.C. Title 38, Section 2012), the Age Discrimination Act of 1975, Section 303 and the Americans with Disabilities Act. **Administrative History:** Original rule filed November 5, 2002; effective January 19, 2003.