

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

**CHAPTER 0250-07-15
FOSTER PARENTS' BILL OF RIGHTS**

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0250-07-15-.01 PURPOSE OF CHAPTER.

- (1) The purpose of this chapter is to provide, in compliance with T.C.A. § 37-2-415, procedures for the selection, training, and implementation of Foster Parent Advocates in conjunction with the Foster Parents' Bill of Rights. It also provides procedures for foster parents, with the assistance of the Foster Parents' Advocates, to file grievances and appeals when necessary, and when the foster parents are not in agreement with actions taken by the Department of Children's Services.

Authority: T.C.A. §§ 37-5-105, 37-2-405, and 37-2-415. **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002. Amendments filed August 8, 2017; effective November 6, 2017.

0250-07-15-.02 DEFINITIONS FOR PURPOSES OF THIS CHAPTER.

- (1) Advocate – An advocate is a specially trained foster parent, who is educated concerning procedures relevant to allegations of abuse/neglect and investigations by the Department of Children's Services (DCS), including the rights of accused foster parents, and trained in assisting/supporting said parents in following policy or filing grievances/appeals with DCS. The advocate shall be permitted to be present at all portions of investigations where foster parents are present, and all communications received by the advocate therein are strictly confidential.
- (2) Foster Parent – A person who has been trained and approved by the department or licensed child-placing agency to provide full-time temporary out-of-home care in a private residence for children who, for various reasons, can no longer remain in their own homes, or the prospective adoptive parents who have received a child as a result of the surrender of parental rights, a parental consent, or as the result of a termination of parental rights.
- (3) Department – The Tennessee Department of Children's Services or any of its divisions or units.

Authority: T.C.A. §§ 36-1-102, 37-2-415, and 37-5-105. **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002. Amendments filed August 8, 2017; effective November 6, 2017.

0250-07-15-.03 PROCEDURES FOR FOSTER PARENTS' BILL OF RIGHTS.

- (1) Selection of Advocates in child abuse/neglect investigation involving the foster parent(s): Advocates will be selected and approved by a representative from the recognized statewide foster parent associations, a DCS Central Office Program representative, and the Regional Administrator or designee from the region where the advocate will serve.

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- (2) Qualifications of the Advocates:
 - (a) Each potential Advocate must complete an application form and supply names of references.
 - (b) The Advocate must be a current approved foster parent or a previous foster parent who closed in good standing with the Tennessee Department of Children's Services within two years of appointment and who has maintained ongoing training to remain aware of current standards.
 - (c) The Advocate must be a member in good standing of a recognized statewide foster parent association.
 - (d) The Advocate must have completed the official Department of Children's Services foster parent training or equivalent training as determined by the Department of Children's Services.
 - (e) The Advocate must be able to communicate effectively as evidenced through the interview process.
- (3) The Advocacy Committee for the Advocacy Program:
 - (a) A committee for the advocacy program shall be established with representation that consists of two representatives from recognized statewide foster parent associations, two Department of Children's Services Regional Administrators, one Central Office Program representative, and two existing Advocates. Committee members will serve one year terms and must either be re-appointed or replaced by their respective entities/agencies.
 - (b) All members of the Advocacy Committee who are not departmental employees shall receive the Advocate's training, as set out in Part 4.
- (4) Advocates' Training:
 - (a) Each Advocate selected shall receive a minimum of fifteen hours of pre-service training, consisting of, but not limited to: Office of Child Safety policy and procedures; risk-oriented case management information; the official Department of Children's Services foster parent training; foster care board payment information, an overview of case management policies/procedures, Advocate protocols, communication techniques, and record-keeping.
 - (b) The training shall be facilitated by a contract agency, in conjunction with the Department of Children's Services program staff and with oversight by a recognized statewide foster parent association representative.
 - (c) Each Advocate will receive a minimum of twenty hours in-service training per year, including program policy and procedure updates on both foster care and child protective services.
- (5) Complaints and Mediation:
 - (a) Any foster parent who believes that the Department of Children's Services is in violation of the Foster Parents' Bill of Rights, T.C.A. § 37-2-415, or otherwise has a complaint should first discuss their concerns with the Case Manager assigned to the foster home and attempt to resolve the issue. This step may involve showing the foster

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parent the written policy and procedures relative to approval of a foster home or any ongoing casework activities.

- (b) If the Case Manager and the foster parent cannot resolve the issue, then the foster parent shall notify the Team Leader and request assistance from the Team Leader in mediating the conflict.
- (c) If the Case Manager and the Team Leader cannot make correction or adjustments, the foster parent shall notify the Team Coordinator in writing of their concerns, and request a meeting with the Team Coordinator.
- (d) A meeting with the Team Coordinator and all parties must take place within seven working days of the receipt of the foster parent complaint.
- (e) The outcome of the meeting with the Team Coordinator shall be documented in writing within two working days of the meeting; responsibility for the documentation is with the Case Manager with the supervisory approval and signature of the Team Leader.
- (f) The Team Coordinator must then make a recommendation in writing for any action or decision resulting from the meeting. Copies of the Team Coordinator's recommendation must be forwarded to all participants.
- (g) Within seven working days of receiving the Team Coordinator's recommendation, the foster parent may seek review by the Regional Administrator of the Department of Children's Services.
- (h) Upon receipt of the request for review, the Regional Administrator shall review all the information, and shall schedule an additional interview with the foster parent(s), DCS staff, and/or other relevant parties.
- (i) Copies of the Regional Administrator's approval or modification of the Team Coordinator's recommendation must be forwarded to all participants.
- (j) Within seven working days of the Regional Administrator's decision, the foster parent may seek review from DCS' Central Office.

Authority: T.C.A. §§ 37-2-405, 37-2-415, and 37-5-105. **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002. Amendments filed August 8, 2017; effective November 6, 2017.