Tennessee Department of Children's Services

# CLIENTS' RIGHTS HANDBOOK

## What Happens When A Child And Family Are Involved with DCS?

### A NOTE ABOUT THIS GUIDE

The information inside is very important. It spells out how the DCS process works in Tennessee. It describes what happens when DCS gets called. It describes what happens, what we will seek to do and how we work to keep a child's best interests at heart.

We know that this can be very hard on families and very hard on children. But we also know that when we remember to do what is best for the children, we are often very successful in making this a positive turning point in a child's life.

DCS works closely with the courts. There are specific laws that describe how we do what we do. For many people, these laws and procedures are long and confusing. This handbook is designed to try to make them less so.

DCS staff will also work with clients and families to accommodate special needs as listed below, but not limited to:

- Bilingual personnel or translators or arrange for the use of communication technology
- Sign language
- Methods for the hearing impaired persons
- Communication assistance for persons with special needs who have difficulty making their service needs known, and
- Will be considerate of literacy levels of clients and family.

A case worker will review all of these rights and expectations with you in person and will be happy to go back over it with you if you wish. If you require any special accommodations as listed above, please let the case worker know your specific needs.

Still, many families find it useful to have it all in writing so they can review it later. **If you need help understanding anything here, ask. Feel free to go through it with your lawyer or someone you trust.**

## Abuse and Neglect Investigations

### What to expect

When a report has been received that your child has been or is being abused or neglected, the Department of Children's Services is mandated by Tennessee law to investigate such allegations. The DCS Child Protective Services Family Service Worker assigned to investigate the referral regarding your child will advise you of your rights and responsibilities, the allegations under investigation, and the investigation process.

## INVESTIGATION AND ASSESSMENT

As part of the investigation, your child will be interviewed separately from the person alleged to have abused your child.

You, as the parent, will be interviewed, as will any alleged perpetrators of abuse and all other persons who may have witnessed the abuse or neglect or may have relevant information regarding the circumstances of you and your child.

Your home environment will be observed by the CPS Family Service Worker and the site where the alleged abuse occurred, if other than the home, will be visited and assessed.

If the CPS Family Service Worker determines that medical expertise is necessary to assess the medical condition of your child he or she will obtain a forensic medical examination by a doctor. If the CPS Family Service Worker determines that your child is in need of medical treatment, he or she will request that you take your child to the doctor for treatment.

The CPS Family Service Worker will follow up or accompany you to ensure that the child has been treated.

Should you object and refuse to cooperate, the CPS Family Service Worker, depending on the circumstances, will contact DCS legal counsel, which may result in law enforcement officials being called in to assist or in a court order allowing the investigation to proceed.

Depending on the circumstances and the results of the investigation, your child may be taken into DCS custody immediately or at some later date.

## CLASSIFICATION

Each allegation of serious abuse or neglect will be classified once the investigation has been completed. The classification will note “allegation indicated” if it is found that the abuse did occur and “perpetrator indicated” if the individual alleged to have committed the abuse or neglect is found to be responsible.

## APPEAL RIGHTS

If the allegation and perpetrator is "indicated," the person who was indicated of the abuse or neglect will receive a letter notifying him or her of that fact and explaining the right to a review of the indicated classification decision by the DCS Commissioner or designee to determine if the investigation was properly classified as indicated. Written notice of appeal must be received by the Commissioner or her designee within 10 working days of the notice of the indication.

## IF YOUR CHILD HAS BEEN COMMITTED TO THE CUSTODY OF DCS

**There are three main paths to state custody, called a "committal status," under which a child can be placed into the legal and physical custody of the Department of Children's Services: (1) as dependent & neglected or abused; (2) as a delinquent child (also referred to as a juvenile justice child who has been found by the Court to have committed an offense which if perpetrated by an adult would be a crime); (3) or as a child who has been determined to be "unruly" (this is a status offense only and does not alone make the child "delinquent.")**

**The protocols set out here apply to all children committed to DCS, no matter their committal status.**

If your child has been committed to the department, DCS will be completing various assessments on your child to identify the areas that the child and the family needs to address in order to obtain permanency for your child. DCS honors your role as parent and will make every effort to involve you in the decision making process involving the care of your child. You can expect the following to occur during your child's placement with the department:

* The intake process usually occurs in court following the judge's decision. Basic information will be gathered such as family information, address and telephone numbers. You will be asked to sign releases of information to enable DCS to obtain items such as school records, medical records, insurance or TennCare information. DCS will request that you provide basic health information about your child and provide a copy of your child's Social Security card and health insurance card.

* A home visit will be scheduled. The purpose of the home visit is to obtain information for the functional assessment of the child and family. You can expect this visit to last approximately one hour and at least one parent or guardian needs to be present.

* An initial child and family team meeting (CFTM) will be held and will include the parents and or guardians, DCS staff, the child, attorneys and any others who may have a significant influence in the child's life. Within 30 days, an initial permanency planning CFTM will be held. In this meeting, concerns, risks, and goals for the child and/or family will be identified and a permanency plan created. Everyone's responsibilities will be outlined in that document. The responsibilities will be reasonably related to the goal, to remedying the conditions which necessitated foster care, and must be in the best interests of the child. The plan will then be sent to the Court for ratification and will then become a legal document.

* The DCS Family Service Worker will maintain contact with you to ensure all needs are being met. Either the Court or a review board will review your child's case at least every six months.

* Your child will be released from custody by order of the Court. The release date depends on the circumstances at the home that the child will be returning to, and progress of the parents or guardians toward their plan.

**Your Family Service Worker** will be: _____
and can be reached at : _____
**The Team Leader** will be: _____
and can be reached at: _____
**The Team Coordinator** will be: _____
and can be reached at: _____
**The Regional Administrator** is: _____
and can be reached at: _____
DCS hours of operation are 8:00 a.m. – 4:30 p.m. If you have an emergency after hours, please contact:_____,
Phone :_____
The Tennessee Child Abuse Hotline, 877-237-0004, is available 24 hours per day, 7 days per week.

## Parent/Guardian General Responsibilities

1. Parents are responsible for providing all relevant information to DCS.
2. Inform the court and your Family Service Worker of any special needs. This includes current or chronic health conditions, information about school and education, and any family customs or cultural practices important to your family or your child.
3. Attend all court hearings and team meetings.
4. Cooperate with your Family Service Worker.

5. Participate in developing your child's permanency plan.
6. Participate in the services that are offered and work on your child's permanency plan, **including all duties the Court may order for you and other family members to complete.** Attend health and medical appointments with your child when feasible. Consent to medical treatment for your child. Attend family therapy when prescribed and participate in your child's treatment plan.
7. Stay in touch with your Family Service Worker. Be sure that the worker always has your current address and telephone number.
8. Provide your child's Family Service Worker with information about your progress towards the goals stated in your child's permanency plan and any changes in your life.
9. Visit and communicate with your child as agreed upon.
10. Communicate any concerns that you have to the Family Service Worker or to your lawyer.
11. Pay child support.

## Case Worker's Responsibilities

1. Contact you to give you more information and ask you some questions.
2. Visit you and your child regularly.
3. Help you understand the problems that brought you and your child to court.
4. Schedule a Child and Family Team meeting to develop a plan which lists the steps you must take to have your child returned to you. This meeting should happen within 30 days after your child is removed from you.
5. Assist you in obtaining the services that are listed in the permanency plan. This is called "reasonable efforts." Reasonable efforts may include assisting you in obtaining counseling, parenting classes, transportation and/or other services that are necessary.

## INDIAN CHILD WELFARE ACT

Indian tribes have jurisdiction over Indian child custody proceedings. If your child is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe, you must inform your Family Service Worker.

## CONFIDENTIAL CHILD-SPECIFIC INFORMATION

All information created or collected, directly or indirectly, in any medium, which identifies you

and/or your child, shall be kept confidential in order to protect your privacy. Child case files and related information are official records which have been designated as confidential by law.

## Permanency planning

### How it works

Permanency plans are created to ensure that your child's needs are met while he or she is temporarily in the custody of DCS and that he or she is safely and permanently placed in the care of a family in a timely manner. The plan shall include all necessary actions to be completed by the parents, child and/or DCS to facilitate the child achieving his or her permanency goal.

Permanency plans will be developed during a child and family team meeting and, to the extent possible, will reflect the consensus of the meeting's participants while still meeting DCS' responsibility to assure safety, permanency, and well-being of your child.

Unless parental rights have been terminated, all known parents, including legal, biological, and alleged fathers shall be included in the permanency planning process. Your child's participation will be requested if he or she is 6 years old or older. You may identify and invite outside resources, such as extended family members or other support persons, to help and support you throughout your involvement with DCS.

If your child will live in a foster home, or receives residential treatment, this will be discussed and determined at the child and family team meeting. You will be a part of this decision making process.

However, if your child is on TennCare you have a right to appeal decisions made about TennCare funded services provided by DCS. You will be provided a Notice of Rights and a TennCare Medical appeal form at the CFTM.

The permanency plan can be revised when new issues which hinder accomplishment of the permanency goal arise, when there is a change in the time frame for meeting the goals, or when there is a need for changes in services or treatment for you or your child, but never less often than annually.

The plan must be approved by the juvenile court, **except in certain cases where a child is placed into custody as a juvenile justice child.** If you do not agree with the plan or the revised plan you have the right to present your concerns at the court during the hearing for approval of the plan.

## INFORMED CONSENT

As indicated above in the parent responsibilities, a child's parent, unless or until parental rights are terminated, has the legal right and responsibility to consent to medical treatment for his/her child in most circumstances. DCS will have the child's parent sign an Informed Consent to Routine Health Services for Minors at the time the child enters state custody or no later than the

Initial Child and Family Team Meeting. The form allows for the child to receive general medical treatment and EPSDT screening and follow-up. DCS is authorized by virtue of the court's order granting DCS legal custody to consent to ordinary and/or necessary medical care and/or treatment and may provide consent without parental permission if absolutely necessary. Further treatment or psychotropic medication re-quire a separate informed consent once the parent or legal guardian have received sufficient information about the risks and benefits of taking and not taking a prescribed or recommended treatment by the health care provider.

If the parent refuses to consent to medical treatment or procedures, DCS will consult with the prescribing health care provider. If it is determined that the treatment is necessary to protect the child from harm and having the treatment is in the best interest of the child, DCS will give consent for the treatment.

Tennessee law presumes that a child aged 14 years and older has the maturity to consent to medical treatment, but it must be determined on a case-by-case basis by the prescribing health care provider. Because of that presumption, some providers may require both parental consent and the consent of the older minor.

The decision by a mature 14-year-old or older child to refuse medical treatment or tests shall not be overridden by DCS or a parent giving consent for the refused treatment if the provider has determined the child is mature enough to make the decision.

Children with serious emotional disturbance or mental illness who are 16 years old or older have the same rights as adults with respect to outpatient and inpatient mental health treatment, medication decisions, confidential information, and participation in conflict resolution procedures.

If a child 14 years old or older refuses to consent to medical treatment or procedures, DCS will consult with the prescribing health care provider. If it is determined that the treatment is necessary to protect the child from harm and having the treatment is in the best interest of the child, DCS will seek judicial intervention.

Your child has the right to practice the religion of his or her choice within reason and will be provided opportunities to do so.

## Behavior Management and Restrictive Interventions for Children in Custody

DCS requires that all DCS staff and all facilities serving children in state custody use positive behavior management techniques that provide positive incentives for good behavior and minimize reliance on intrusive and restrictive disciplinary measures. DCS policy prohibits the use of any form of corporal punishment on any child in custody.

DCS seeks to prevent and eliminate the use of physical restraint and to protect the child/youth's health and safety while preserving his or her dignity. Restrictive interventions such as physical restraint will be used only in circumstances in which a child or youth poses an imminent risk of harm to self or others.

Restrictive interventions will never be used as a means of punishment, discipline, coercion, an absence of treatment or programming, or due to staff convenience or retaliation by staff.

# Termination of Parental Rights

### Voluntary and Involuntary

You may voluntarily surrender your parental rights by appearing before the judge of Chancery, Circuit or Juvenile Court and signing a voluntary surrender form. If you decide that you would like to surrender your rights, you should discuss it with your Family Service Worker. DCS can refuse to accept a surrender of a child. Birth Parents can access counseling and legal assistance if they are considering surrendering their parental rights. Please contact your family service worker for more information.

Parental rights may be terminated involuntarily if the judge of a chancery, circuit or juvenile court finds on the basis of a petition alleging that statutory grounds for termination have been established and that termination is in the child's best interest. Conditions that can justify termination of parental rights against a parent include: abandonment, wanton disregard, lack of concern, substantial non-compliance with the permanency plan, conditions which led to removal have not been remedied or other conditions prevent return, severe child abuse, ten-year prison sentence and/or mental incompetence. Birth Parents can request a referral for counseling and support to cope with voluntary and involuntary termination of parental rights, grief, separation, loss, and the lifelong implication of placing a child for adoption when appropriate.

If a parent's parental rights have been terminated (either voluntarily or involuntarily), it means that the parents are no longer legally responsible for that child. He and she cannot make medical, educational, or any other type of decisions regarding the care of the child. The parent will not be notified of any future legal proceedings for the child. Once all parents' right are terminated on a child, that child becomes eligible for adoption.

"Open Adoption" typically refers to an adoption in which the birth parent maintains some legal rights to visit and obtain information about the child after the adoption is finalized. The State of Tennessee does not have "open adoption". However, there are times when an adoptive parent is willing to work with the birth parent to maintain contact and/or visits. DCS can facilitate these conversations, but it is the decision of the adoptive parent whether contact with the birth parent is allowed.

In the state of Tennessee, birth parents have the following rights after their child has been adopted.

- Once an adopted child reaches the age of 21, eligible parties (including birth parents) can request access to the child's adoption record if that child gives written consent. T.C.A. 36-1-127
- The state can release non-identifying information to a birth parent without the consent of the adopted child. T.C.A. 36-1-133
- The Contact Veto Registry is available to a parent that voluntarily surrenders their parental rights. This Registry allows parents, siblings, spouses, grandchildren and legal representatives of the adopted child to maintain a record of their contact information. If an adopted child wants to make contact with a person on the registry after they turn 21, they will have access to this information if they request it. T.C.A. 36-1-128 through 36-1-129
  You may call (615) 253-4676 and ask to speak with someone regarding the Contact Veto Registry.

You can also mail requests for information to:
Department of Children's Services
Attn: Post-adoption Unit
436 6th Ave. N.
Nashville, TN 37243-1290

Once an adoption has been finalized, the foster care and adoption record is sealed and cannot be accessed except in the situations described above. Parents' confidentiality is maintained as described in the "Confidentiality" section of this handbook.

Birth Parents have the right to participate in the Child and Family Team Meetings until their parental rights have been terminated. These meetings can include discussions regarding DCS plans on filing a petition to terminate a parent's rights, adoption placement, the TPR process, assistance available to parents, the child's progress, and any other concerns. DCS encourages all parents to participate in Child and Family Team Meetings so they can provide input regarding their child.

## WHEN YOUR CHILD EXITS CUSTODY

If your child is returning to your care, you have the right to information about their reapplication to TennCare benefits through the Department of Human Services. Your Family Service Worker should provide this information.

## Appeals

If you are dissatisfied with any action taken by DCS, you have the right to appeal for a fair hearing by an impartial official. Actions taken by DCS pursuant to a court order or which are the subject of pending judicial proceedings are not subject to review by a fair hearing.

Grievances may also be addressed wherein the sole issue is one of protest of State or Federal laws, policies, or regulations. If you are dissatisfied you should speak with your child's Family Service Worker or team leader for information on filing an appeal.

Any time an action is to be taken by DCS that affects your entitlement to services, you will receive a letter that sets out your right to appeal that decision and the process by which you may do so. Your appeal must be received by the Commissioner or her designee within 10 days of your receipt of the letter advising you of the action being taken that you wish to appeal.

If the last day to file your appeal falls on a Saturday, Sunday or a legal holiday, the actual last day to file will be the day first working day following the weekend or holiday.

## TennCare Appeals

If your child needs a health screening, or a prescribed service, and there is a delay, denial, reduction, termination or suspension of that service, you have the right to file an appeal regarding this determination (adverse action). DCS Family Service Workers and well-being staff will assist you in accessing TennCare services for your child and in filing an appeal if there is an adverse action.

As indicated above, if DCS is responsible to provide a TennCare funded placement service, you have the right to appeal that determination (adverse action). A Notice of Action and TennCare Medical Appeal form will be provided at the CFTM.

Note: The ten-day time frame mentioned above in general appeals does not apply to TennCare

appeals. There are special appeal rights pertaining to TennCare-covered services for children in DCS custody who are on TennCare. Those rights are discussed in this handbook under a separate section called "TennCare Appeal Rights for Children in DCS Custody."

## Equal access to programs

You have the right and are encouraged to participate in all service decisions. You also have the right to request an in-house review of your child's care, treatment and service plan; the right to refuse any service, treatment, or medication, unless mandated by law or court order; and to be informed about the consequences of such refusal. You should discuss any refusal of services with your child's Family Service Worker since the con-sequences of refusal may be adverse to your plans for your child's future.

You may request a Child and Family Team Meeting at any time to address any issues with the services offered to you and/or your child by contacting your Family Service Worker. If, at any time, you are dissatisfied with your Family Service Worker, you should contact your child's Team Leader. If you are dissatisfied with the Team Leader, you should contact your child's Team Coordinator. If you are dissatisfied with the Team Coordinator, you should contact the Regional Administrator. See Page 3 for the names and telephone numbers of each of them.

It is illegal for people to be discriminated against on the basis of their race, color, or national origin in all programs, benefits, grants, and services provided by DCS. If you feel that DCS has excluded you from participation in, denied you the benefit of a service, or subjected you to discrimination because of your race, color, or national origin, you are encouraged to file a complaint with the DCS Office of Diversity Initiatives.

You must file a written complaint within 180 days of the date of alleged discrimination, however, it is better to file it as soon as possible so that, in the event that you are not satisfied with the results of the DCS Office of Diversity Initiatives investigation, you will have time to appeal to an external agency.

You should include your name, address, and telephone number; the name and address of the agency, institution, or department you believe discriminated against you; how, why, and when you believe you were discriminated against; the name, address, and telephone number of any person or persons that have information regarding your allegations that could be contacted during the investigation. You should sign your complaint and submit it to:

Department of Children's Services
Division of Diversity Initiatives
1276 Foster Ave., Mensler 3
Nashville, TN 37243
(615) 253-8567

You also have the right to file your complaint in writing to:

Director, Tennessee Title VI Compliance Commission
Tennessee Department of Personnel
First Floor, James K. Polk Building
Nashville, TN 37243-0635
(615) 253-6717

Director, Office of Civil Rights
U.S. Department of Health and Human Services
61 Forsyth St., S.W., Suite 3B70
Atlanta, GA 30323
(404) 562-7886

# Glossary

## DCS and court terms defined

**Adjudication:** The outcome of the court's process to determine the validity of allegations made in a petition or com-plaint. The process consists of the presentation of witnesses and evidence by oral testimony or written statements, and arguments by counsel or the parties. The court decides the case based on the proof presented by the parties and their arguments. For example, the court deter-mines whether or not a child is dependent and neglected and then makes a dis-position of the child either immediately or at a later date. (See Disposition Hearing.)

**Allegation**: A charge or claim of fact in a report of child abuse or neglect or in a petition. It must be proven if the report or petition is to be found true. The abuse report lists specific events, injuries, or threats (such as cuts, bruises, welts, or medical neglect) referred to as the report allegations. The report also suggests the type of allegation (such as physical abuse, neglect, sexual abuse, or emotional abuse as an introduction to the report's specific allegations.

**Child's Attorney**: The attorney appointed by the court, or retained by the child or his/her family to represent the wishes of the child. The child's attorney differs from the Guardian Ad Litem in that the Guardian Ad Litem represents the child's best interests to the court even if the child's best interests differs from what the child wants. **Under most circumstances when a child is alleged to be unruly or delinquent, that child is entitled to an attorney prior to adjudication and disposition as long as that constitutional right is not waived. However, in a dependent, neglected or abused allegation, a Guardian ad Litem must be appointed by the Court for that child.**

**Caretaker**: Person responsible for a child's care, whether that person is a parent, legal guardian, or an adult temporarily in a parent's role, as in institutional or out-of-home settings.

**Classification Staffing**: A meeting called for the purpose of discussing diagnostic data, identifying problems and strengths, formulating recommendations and deciding a student's placement.

**Custody**: The control or actual physical care of the child and includes the right and responsibility to provide for the physical, mental and morale well-being of the child. T.C.A. § 37-1-102(b)(8).

**Child Support:** Court ordered or voluntary money payments made to or on behalf of a child by the parent(s)(legal or natural parent(s) who admit(s) paternity). Child support paid while a child

is in the custody of the Department of Children's Services may be used to reimburse the State for the child's board payment and other costs of care in compliance with applicable state and federal laws and regulations.

**Disposition Hearing**: A juvenile court hearing during which arguments are made as to what should be done with a child already adjudicated to have been abused, neglected, unruly, or delinquent. This hearing is often combined with the adjudicatory hearing, but it may be scheduled up to 15 days later if the child is in custody (or 90 days if the child is not in custody). Further evidence is presented at this time to determine if the child will be placed in foster care, will remain in foster care or some other placement, or will remain with the parents.

**EPSDT**: Early and Periodic Screening, Diagnosis and Treatment. EPSDT is a Medicaid entitlement program for children under the age of 21. In Tennessee, EPSDT benefits are provided by TennCare, the State's Medicaid agency. EPSDT includes periodic screenings to provide preventive (Early) health care for children and youth, as well as any medically necessary care even if the service is something that would not be covered for an adult on TennCare.

**Ex Parte Review**: A chance for a judge to hear only one party's side at that time. However, a judge will set a later time for all parties to be included. While fairness and the law dictate that all sides get an equal hearing before a judge, this isn't always possible. For example, if parents who pose a risk to a child are threatening to flee, a judge may hold an ex parte review to hear case workers' concerns -- without alerting the people who are threatening to leave with the child.

**Family Crisis Intervention Program**: A brief intervention with families who have unruly children at risk for state custody. The intervention is designed to help the family and child through the present crisis period so they can access less intrusive community services without requiring further Court intervention and/or custodial care from the Department of Children's Services.

**Foster Care Review Board** ("FCRB"): An advisory body appointed by a juvenile court judge, which reviews the status of each neglected and dependent, and unruly child's care in DCS custody at least once within the first 90 days of initial placement in DCS custody and within every 6 months thereafter.

**Family Service Worker**: A DCS employee responsible for providing case management services to children under the State's supervision, in State custody, or at risk of State custody and their families

**Guardian**: Parents are natural guardians of a child. The court may appoint a guardian for a child whose parents are deceased. The court may give guardian-ship to DCS following a termination of parental rights. DCS may, pursuant to Tennessee statute, act as a guardian when there is no natural guardian or when a minor has been abandoned. The guardian of a child, if appointed by the court or if acting under statute, has all the duties of a parent to provide for the child's support, education, and medical care, subject only to the parent's, if any, remaining rights.

**Guardian Ad Litem:** The attorney appointed to represent the best interests of the child in court proceedings. The Guardian Ad Litem's role differs from that of an attorney for the child in that the child's attorney is bound to do what the child, his client, directs, while the Guardian Ad Litem must represent the child's best interests to the court, even if the child's best interests differ from what the child wants. The Guardian Ad Litem represents the child in litigation only but is not responsible for the child's care on a daily basis.

**Group Home:** A home operated by any person, agency, corporation or institution or any group which receives 7 to 12 children under 17 years of age for full-time care outside their own homes in facilities owned or rented and operated by the organization.

**Informed Consent:** The agreement to treatment given after the patient, legal custodian, and/or legal guardian has received sufficient information about the risks and benefits of taking and not taking a prescribed or recommended treatment.

**Interpreter:** A person who translates orally for parties conversing in different languages.
Juvenile Court: A court with jurisdiction under Tennessee statutes to hear and decide matters pertaining to children.

**Permanency Planning:** The process of intervention and decisive casework on the part of the Family Service Worker. Such intervention focuses on choosing the least restrict permanent outcome for the child, i.e. return to parent, relative placement, adoption, independent living or permanent foster care, in a timely manner.

**Petition**: A formal written application to the court requesting judicial action on a certain matter.
Reasonable Efforts: The Department's obligation under state and federal law and as part of sound casework practice, to attempt risk reduction services prior to removing children from their homes. If DCS must remove the child, the court's disposition order must include documentation of the reasonable efforts that DCS exhausted in order to prevent foster care or to prove that

services could not reasonably be expected to protect the child.

**Referee:** An attorney appointed by the juvenile court judge to hear cases. A referee serves at the pleasure of the appointing judge and has the same authority as the juvenile court judge to issue any and all process. In the conduct of proceedings, the referee has the powers of a trial judge. Most findings made by a referee are appealable to the juvenile court judge upon a motion by any party. For more specific information, see T.C.A. § 37-1-107.

**Restitution:** A legal action serving to make good of, or give back an equivalent for some injury or deed.

**Staffing:** A team composed of at least three professional personnel and the youth who meet for the purpose of dis-cussing diagnostic data, identifying problems and strengths, and formulating recommendations including the youth's placement(s).

## Your Rights

- The right to available services, regardless of your age, race, ethnicity, gender, religious or political affiliation, sexual orientation, sexual identity, physical or mental disability, or infectious disease, and the right to referral, as appropriate, to other service providers.

- The right to competent professional services, including an individualized written treatment or service plan; services based on plan; periodic review and assessment of needs; and revisions of the plan, including a description of services that may be needed for follow-up.

- The right to ongoing participation in the planning of services and in the development and periodic revision of the treatment or service plan, including the right to an explanation of all aspects of one' own condition and treatment.

- The right to refuse services and/or treatment, in accordance with state and federal law.
- If TennCare eligible, the right to appeal adverse actions of TennCare services
- The right to services and treatment under conditions that support your personal liberty and restrict such liberty only as necessary to comply with treatment needs, including the right to freedom from restraint or seclusion.

- The right to confidentiality of client records.

- The right to review, upon request, your own records.

- The right to information regarding client rights, including a copy of this document and/or an explanation of client rights in a language of your choice, to the extent possible, and access to an advocate in order to understand, exercise, and protect your rights.

- The right to assert complaints with respect to infringement of these rights, including the right to have such complaints considered in a fair, timely, and impartial procedure. You may contact the DCS Legislative and Constituent Services office at 1-800-861-1935 between the hours of 8:00 a.m. – 4:00 p.m. CST.

## Your Responsibilities

- To always keep your child's best interest at heart, and remember to look at this situation from your child's perspective.
- Work to create a safe home environment to which your child can return.
- To share any cultural, religious, health or special needs your child may have with DCS or its contract providers.
- To request medical, psychological and educational updates on your child.
- To visit and contact your child consistently and frequently (or as determined by the court).
- To stay active and involved in your child's life.
- To notify caseworkers of any changes in your life (e.g. address, telephone number, marital status). This includes circumstances such as your child's being absent without leave. If your child has run away from foster care and shows up at your home, you must notify DCS immediately or if you or your child has been arrested, you must notify DCS as soon as possible.
- To keep appointments with your Family Service Worker, service providers and court.
- To attend all scheduled meetings and participate in the development of the service or treatment plan for you and your child.
- To respond promptly to contacts, such as letters and telephone calls from your caseworkers.
- To locate your child after he or she has been removed from home, call the DCS field office located in your area and ask for a supervisor or your child's specific worker. Hours of operation are Monday - Friday, 8:00 a.m. to 4:30 p.m. Youth development centers or community treatment facilities operate 24 hours a day.

I have received a copy of the Client's Rights Handbook and an explanation of its contents:

Mother: _____
Date: _____

Father: _____
Date: _____

Guardian: _____
Date: _____

I explained the contents of this handbook to the mother and provided her a copy of the same on this date: _____

I explained the contents of this handbook to the father and provided him a copy of the same on this date: _____

I explained the contents of this handbook to the guardian and provided the guardian a copy of the same on this date: _____

Printed name of DCS staff member

_____

_____
Signature of DCS staff member

The Tennessee Department of Children's Services' mission is to empower families and support community safety and partnerships to help ensure safety, permanency and well-being for children.

*Please disregard all previous versions. Always check "Forms" Website for most current version.*

Distribution: Child Case File, Adoption Assistance Case File, Child Welfare Benefits Counselor, Fiscal, Adoptive Family
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