RULES
OF
THE TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
LICENSURE DIVISION

CHAPTER 0250-04-09
STANDARDS FOR CHILD-PLACING AGENCIES

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0250-04-09-.01 LEGAL BASIS FOR LICENSING.

(1) GENERAL: The legal basis for licensing is contained in T.C.A. §§ 71-3-501 through 71-3-527.

(2) DEFINITIONS: For the purposes of clarification, the following definitions are given and will hereafter be used.

(a) "Child-placing agency" shall mean any institution, society, agency, corporation, or facility which places children in foster homes for temporary care or for adoption. A license issued to a child-placing agency shall also include all boarding homes and family day care homes approved, supervised, and used by the licensed agency as part of its work.

(b) Department - The Tennessee Department of Children's Services

(c) Commissioner - The Commissioner of the Department of Children's Services

(d) Child - A person under 17 years or age

(e) Staff - Full time and part time employees

(f) Law - Tennessee Code Annotated, §§ 71-3-501 through 71-3-527

(g) License - A yearly permit issued to an agency giving care to children. Licensing is based on achievement in meeting required standards developed and published by the Department.

(3) BASIS FOR APPROVAL FOR LICENSE: All child welfare agencies as defined in § 71-3-504, shall be licensed annually by the Department, said license to be based on standards developed and published for each child welfare agency in accordance with the following six points of excellence.

(a) The present need for the proposed child welfare agency

(b) The good character and intention of the applicant

(c) The adequate financing of the organization

(d) The capability, training, and experience of the workers employed

(e) The facilities for and the methods of care provided, and the consideration of the best interest of the child and the welfare of society in any placements of children to be made

(f) The probability of permanence of the child welfare agency

(4) LICENSING PROCEDURE:

(a) Application for license shall be made to the Department upon blanks furnished by it. Upon receipt of the application for a license, the Department shall issue such child welfare agency a conditional license which shall be valid for a period of 90 days from the date of issuance; provided, that the staff and facility do not present any apparent hazards to any children that may be in care and that the facility has received fire safety and environmental sanitation approval. At the end of the 90 day period, upon evidence provided by the applicant/licensee that such child welfare agency is suitable and properly managed as such, the Department shall issue such agency a license which shall be valid for a period of one year; provided, however, such license may at any time be revoked by the Department upon 90 days notice being given to the licensee.

1. A processing fee for such applications shall be assessed by the Department and submitted by the agency with the application in accordance with the following schedule:

Any Child Caring or Child Placing Agency	$10.00
Maternity Home	10.00
Runaway Shelter	10.00
Emergency Shelter	10.00
Child Abuse Agencies	10.00

(b) When an application for a license has been denied or a license has been revoked on one occasion, the agency may reapply for a period of 60 days from the date of the denial of revocation. If such license has been denied or revoked on two occasions, the agency may not reapply for a period of six months. If such license has been denied or revoked on three or more occasions, the agency may not reapply for a period of 12 months. The Department may waive the time restrictions herein upon a showing by the agency to the satisfaction of the Department that the agency has corrected the deficiencies which led to the denial or revocation.

(c) Upon written notice to the applicant that a request for a license has been denied, such applicant may request a hearing before the board of review. Such request must be made in writing and must be filed within 10 days of the mailing date of the notice of denial. Such hearing must be granted at the next regular meeting of said board of review provided, however, that no longer than 60 days shall elapse after such request and before such hearing.

(d) If a license is issued, revocation can be had at any time before expiration date upon 90 days notice by the Commissioner of the Department, such notice to contain a statement of causes for revocation. The licensee may upon a written notice of revocation, receive a hearing before the board of review; provided that such review shall be within the 90 day period set out in the notice of revocation.

(e) Any child welfare agency, as defined in § 71-3-501 operating without being so licensed by the Department shall be guilty of a misdemeanor and shall be fined not less than $50 nor more than $200 for each such offense. Each day of operation without a license shall constitute a separate offense.

(Rule 0250-04-09-.01, continued)

(f) It shall be the duty of the Department, through its duly authorized agents, to inspect at regular intervals without previous notice all child welfare agencies, as defined in § 71-3-501, within the state. It is given right of entrance, privilege of inspection, access to accounts and records, information regarding the whereabouts of children under care for the purpose of ascertaining the kind and quantity of work done to obtain a proper basis for its decision and recommendations. Any violation of the rights given in this section shall be a misdemeanor.

(g) Notwithstanding the provisions of T.C.A. § 71-3-527, the Department shall have the following authority and responsibilities in any case in which the Department receives a report of harm in accordance with Chapter 4 or Chapter 6 of Title 37 of Tennessee Code Annotated.

1. The Department shall have the authority and responsibility to fully investigate in accordance with the provisions of Chapter 4 or Chapter 6 of Title 37 any allegation of abuse, neglect, or sexual abuse which it receives regarding any child or children in the care of any agency or person whether or not such agency or person is subject to licensure hereunder. In the conduct of such investigation, the Department shall be granted access to the records of all children in the care of the person or agency and personnel files of the director and all employees of the person or agency, shall be allowed to inspect all premises in which children are kept or cared for and shall be allowed to interview any and all children in the care of such person or agency if the Department determines such interviews are necessary.

2. If the Department determines that abuse, neglect, or sexual abuse has occurred and the person or agency fails to take appropriate action to prevent future abuse, neglect, or sexual abuse, the Department shall take such action as may be necessary to revoke, suspend, or deny the agency's license. If the person or agency is not licensed or not subject to licensure, the Department may proceed to bring an action in the Chancery Court of the county of the defendant's residence or the county in which the abuse, neglect, or sexual abuse occurred to enjoin the person or agency or any individual found by the Department to have been responsible for the abuse, neglect, or sexual abuse from continuing to provide care for children on a full-time or part-time basis.

(5) PUBLIC AGENCIES: Any child welfare agency, as defined in § 71-3-501**,** which is under the direct management of an administrative department of the state, a county or a municipality, or any combination of these three, shall not be subject to license but shall meet the minimum standards of program and care as required of such child welfare agencies. The Commissioner of the Department, through his authorized agent, shall make periodic inspections of such public administrative child welfare agencies. The report of such inspections and recommendations shall be made privately to the executive head of the public administrative child welfare agency, the board of directors, if any, and/or the division of the state; county or municipal government which has the duty under the law to operate such agency. It shall be the duty of the Department to cooperate with the public administrative agencies herein referred to, to the end that such recommended changes in program and policies can be adopted. If within a reasonable time, such standards and recommendations are not met, it shall be the duty of the Commissioner of the Department to make public in the community in which this agency is located, the report of the above mentioned inspection. If any serious abuses, dereliction, or deficiencies are found and are not corrected within a reasonable time, the same shall be reported in writing to the next session of the legislature.

(6) FOSTER CARE LEGISLATION: The foster care review law, T.C.A. § 71-3-524 requires the development of plans for each child in foster care including long-term agreements, establishes procedures for periodic review boards in each county. Amendments to the

(Rule 0250-04-09-.01, continued)

Licensing Law in 1978 establish a method for periodic review of foster care custody that will provide for termination or continuation of custody in accordance with the findings of the review. A plan must be submitted on each child in foster care placement within 30 days of the original date the child has been placed in foster care. This is to be submitted regardless of whether the child is in care by court order or voluntary placement agreement. The plan is to be submitted to the Juvenile Court having jurisdiction over the child. Within 90 days of the date of foster care placement, and not less than every 6 months thereafter while the child remains in foster care, the agency shall submit a report to the court or foster care review board enumerating progress or lack of progress made toward the goals in the original plan. Each plan must be submitted, reevaluated, and updated annually. After 18 months of foster care placement, in addition to the above mentioned plans and reports, the agency must request a hearing in court to evaluate further plans for the child.

(7) REPORTING OF BRUTALITY, ABUSE, NEGLECT, OR CHILD SEXUAL ABUSE:

(a) Any person, including but not limited to any:

1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

2. Health or mental health professional other than one listed in subdivision (a)(1);

3. Practitioner who relies solely on spiritual means for healing;

4. School teacher or other school official or personnel;

5. Judges of all courts of the state;

6. Social worker, day care center worker, or other professional child care, foster care, residential or institutional worker;

7. Law enforcement officer; or

8. Neighbor, relative, friend, or any other person who knows or has reasonable cause to suspect, that a child has been sexually abused shall report such knowledge or suspicion to the Department in the manner prescribed in subsection (b); having knowledge of or called upon to render aid to any child who is suffering from or has sustained any wound, injury, disability or physical or mental condition which is of such a nature as to reasonably indicate that it has been caused by brutality, abuse or neglect or which on the basis of available information reasonably appears to have been caused by brutality, abuse, or neglect, shall report such harm immediately by telephone or otherwise to the judge having juvenile jurisdiction or to the county office of the sheriff or the chief law enforcement official of the municipality where the child resides. Any person, including judges of all courts of this state, who knows or has reasonable cause to suspect that a child has been sexually abused shall report such information in accordance with Acts 1985, Ch. 478, relative to the sexual abuse of children, regardless of whether such person knows or believes that the child has sustained any apparent injury as a result of such abuse.

(b) If a hospital, clinic, school, or any other organization responsible for the care of children has a specific procedure approved by the director of the county office of the Department, for the protection of children who are victims of brutality, abuse, or neglect, any members of its staff whose duty to report under the preceding sentence arises from the performance of his services as a member of the staff of the organization may, at his option, fulfill that duty by reporting instead to the person in

(Rule 0250-04-09-.01, continued)

charge of the organization or his designee who shall make the report in accordance with the preceding sentence.

(c) The report shall include, to the extent known by the reporter, the name, address, and age of the child, the name and address of the person responsible for the care of the child, and the facts requiring the report. The report may include any other pertinent information.

(d) If a law enforcement official or judge becomes aware of known or suspected child abuse through personal knowledge, receipt of a report, or otherwise, such information shall be reported to the Department immediately, and where appropriate, the child protective team shall be notified to investigate the report for the protection of the child in accordance with the provisions of this part. Further criminal investigation by such official shall be appropriately conducted in coordination with the team or Department to the maximum extent possible.

(e) Any person required to report or investigate cases of suspected child abuse who has reasonable cause to suspect that a child died as a result of child abuse shall report his suspicion to the appropriate medical examiner. The medical examiner shall accept the report for investigation and shall report his findings, in writing, to the local law enforcement agency, the appropriate district attorney, and the Department. Autopsy reports maintained by the medical examiner shall not be subject to the confidentiality requirements provided for in § 37-1-409.

(f) Reports involving known or suspected institutional child sexual abuse shall be made and received in the same manner as all other reports made pursuant to Acts 1985, Ch. 478 relative to the sexual abuse of children. Investigations of institutional child sexual abuse shall be conducted in accordance with the provisions of § 37-1-608.

(g) Every physician or other person who makes a diagnosis of, or treats, or prescribes for any venereal disease set out in § 68-10-101, or venereal herpes and chlamydia, in children 13 years or younger, and every superintendent or manager of a clinic; dispensary or charitable or penal institution, in which there is a case of any of the diseases, as set out in this subsection, in children 13 years of age or younger shall report the case immediately, in writing on a form supplied by the Department of Health and Environment to that Department. If the reported cases are confirmed and if sexual abuse is suspected, the Department of Health and Environment will report the case to the Department of Children's Services. The Department of Children's Services will be responsible for any necessary follow-up.

(8) VIOLATIONS-PENALTIES

(a) Any person required to report known or suspected child sexual abuse who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, is guilty of a misdemeanor.

(b) Any person who knowingly and willfully makes public or discloses any confidential information contained in the abuse registry or in the records of any child sexual abuse case, except as provided in Acts 1985, Ch. 478, is guilty of a misdemeanor. (Acts 1985, Ch. 478, Section 16.)

(9) PLACEMENT IN TEMPORARY HOMES OR FOR ADOPTION

Private individuals including midwives, physicians, nurses, hospital officials, lawyers, and the officials of any nonchartered and/or nonlicensed child-caring institution, child-placing agency, or maternity home, are forbidden to engage in placing children for temporary care or for

(Rule 0250-04-09-.01, continued)

adoption. Violation of this restriction shall be punishable by fine of not less than $100 and no more than $500 for each offense.

(10) AMENDED ADOPTION LAW

No person, corporation, or agency except the Department of Children's Services or an agency licensed by the Department as a child-placing agency shall engage in placing children for adoption; provided however, this section shall not be construed to prohibit any person from advising a natural or prospective adoptive parents of the availability of adoption or from acting as an agent for the natural or prospective adoptive parents in making necessary arrangements for adoption so long as no fees are charged for such service other than the usual and customary legal and medical fees in connection with the birth of the child and the legal proceedings relative to adoption. Any court of competent jurisdiction, upon the filing of a verified bill for injunction, by the State of Tennessee, on behalf of the State Department of Children's Services or by an agency, or by any person aggrieved, may temporarily enjoin or restrain any person, corporation, or agency, from engaging or attempting to engage in placing children for adoption in violation or threatened violation, of the chapter of T.C.A. relative to adoption and upon final hearing, if the court determines that there has been a violation, or threatened violation, thereof, the injunction shall be made permanent.

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 14-10-106 through 14-10-108; 14-10-113; 14-10-119; 14-10-121; 14-10-124; 14-10-125; 14-10-126; 37-1-402; 37-1-403; 37-1-615; 37-2-401 through 37-2-411; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); and 71-3-501 through 71-3-530.* ***Administrative History:*** *Original rule certified June 10, 1974. Amended: filed August 20, 1974; effective September 19, 1974. Repealed and new chapter filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.01 filed and effective March 25, 1999.*

0250-04-09-.02 GENERAL REQUIREMENTS.

(1) All private agencies placing children or pregnant women in temporary foster homes or in other foster care placement, placing children for adoption or conducting adoptive home studies shall be specifically licensed to exercise this function by the Department.

(2) The issuance and continuation of a license shall depend upon adherence to these standards.

(3) All public agencies placing children or pregnant women in temporary foster homes or in other foster care placement, placing children for adoption or conducting adoptive home studies, shall be specifically approved to exercise this function by the Department. Approval shall depend upon adherence to these standards.

(4) Agencies conducting independent living programs which serve children under the age of seventeen in a community based or off-campus setting shall be licensed as child-placing agencies.

(5) A child-placing agency shall maintain confidentiality in accord with the ethics of the social work profession. The agency shall act in the best interest of the client insofar as this does not violate the social responsibility of the agency for the protection of the community. All records must be maintained in a fire resistant, locked file.

(6) All child-placing agencies must have written policies and procedures for reporting incidents of abuse or neglect of children. These policies should clearly set forth the roles and responsibilities of all parties involved in both the reporting and investigative process.

(Rule 0250-04-09-.02, continued)

(7) A child-placing agency shall keep accurate statistical records which give the complete scope of the work of the agency.

(8) Reports shall be made to the Department as follows:

(a) Monthly and annual statistical reports shall be completed on forms provided by the Department.

(b) Change in location shall be reported at or prior to time of change.

(c) Death, or life-threatening injury to any child in care of the agency shall be reported immediately.

(d) Reports related to brutality, abuse, neglect, or child sexual abuse.

(e) Chapter I Report on School Age Children (5 to 17, inclusive) in Foster Family Care, Supported by Public Funds.

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 14-10-117; 14-10-118; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); and 71-3-501 through 71-3-530.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed August 20, 1974; effective September 19, 1974. Repealed and new chapter filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.02 filed and effective March 25, 1999.*

0250-04-09-.03 ORGANIZATION AND ADMINISTRATION.

(1) INCORPORATION: Child-placing agencies may be operated by a society, agency, or corporation. If the child-placing agency is to be operated as a corporation, the licensing law provides that no child-placing agency.

(2) CONSTITUTION AND BY-LAWS. The constitution and bylaws should be written in a manner which would encourage and facilitates progress and change to keep the function and philosophy of the organization in line with the best current thinking and practice in child care.

(a) The incorporated agency must develop written bylaws which-define policies and procedures pertaining to its organization and structure.

(b) The bylaws of the incorporated agency must include the following subjects:

1. Name

2. Purpose, with a description of scope of operation

3. Membership

4. Powers and duties of board of directors

5. Size of board of directors

6. Method of selection, tenure, and rotation of board members

7. Method of election of officers of the board

8. Organization of board and its committees, enumerating their respective responsibilities

9. Method of calling board meetings and annual meetings

10. Frequency of meetings, quorum requirements, rules of order

11. Fiscal year

12. Responsibilities of the administrator as specified in Rule 0250-04-09-.04(5)(a).

(3) COMPOSITION OF THE BOARD

(a) Every agency operating as a corporation must have a board of directors which operates as the responsible representative of the community and as the governing body of the agency. In a noncorporated agency an Advisory Board must be established.

(b) Officers must be elected annually. The only employee who may serve as a voting member of the Board is the Executive Director.

(c) There must be a minimum of quarterly meetings. In special circumstances a meeting of the Executive Committee may substitute for a full board meeting.

(4) GENERAL RESPONSIBILITIES OF THE INCORPORATED AGENCY

(a) The board must set up the corporate or legal existence of the agency and give it continuity.

(b) It must select and appoint the executive director, and delegate responsibility to the executive for administering the agency. It must assume responsibility for a written evaluation of the executive director on an annual basis. This evaluation must be included in the executive director's personnel file.

(c) It must see that adequate funds are available for financing the agency's operations, including a adequate staff, proper working conditions, salaries, and facilities.

(d) It must govern the agency by policies and plans that it determines and approves and that are formulated with the executive staff.

(e) It must account for the service of the agency and the expenditure of funds. To be accountable it must make provision for proper bookkeeping including as annual audit and an annual budget. The board must set the budget, study reports, ask questions, and stay informed regarding the agency's financial activities and field of service.

(f) It must not be involved in individual cases unless the board member is a staff person whose job description authorizes such involvement.

(g) It must keep minutes of each meeting. Upon request of the Department, documentation shall be provided concerning the activities of the board.

(h) The annual application for licensure must be submitted to the Department and signed by the chairman of the board and/or the executive director.

(i) The governing board must be organized and must function according to its constitution, bylaws, and charter.

(Rule 0250-04-09-.03, continued)

(j) There shall be a plan for rotation of the governing board. Members shall serve no more than nine consecutive years.

(5) GENERAL RESPONSIBILITIES OF THE ADVISORY BOARD

(a) Every public agency or for-profit child-placing corporation must have an advisory board.

(b) There shall be a plan for rotation of the advisory board.

(c) Duties of the advisory board

The advisory board of a facility shall:

1. Provide advice to the governing body.

2. Keep informed of the operational policies and practices of the facility.

3. Meet as often as necessary but not less than quarterly.

4. Maintain records of attendance and minutes of meetings. Upon request of the Department, documentation shall be provided concerning the activities of the board.

(6) FINANCING

(a) Solicitation of Funds

Agencies which engage in the solicitation of funds for charitable purposes should become familiar with the “Solicitation of Charitable Funds Act”, T.C.A. §§ 48-3-501 *et seq.* and abide by its provisions. The effective date of this act was July 1, 1977. For information about the act, contact the Office of the Secretary of State, Charitable Solicitation Division.

(b) Funds

1. Income must be adequate and stable to insure the efficient and effective operation of the program to which the agency commits itself.

2. A statement must be submitted annually showing financial resources which will provide an adequate standard of service.

(c) Audit and Control

1. Accounts must be audited annually by a certified public accountant or licensed public accountant consistent with accepted accounting principles. A copy of the audit is to be provided to the Department and must contain an opinion. Qualifications to the opinion should be reviewed by the board and this review must be recorded in the minutes.

2. The administrator and others handling the agency’s funds must be bonded. Premiums for the bonds must be paid by the organization unless otherwise provided by law or ordinance.

(d) If the agency does not maintain liability insurance covering the premises and the operations, the parent(s) or other legal custodian of all children in care must be advised

(Rule 0250-04-09-.03, continued)

of this fact, in writing, either at the time of enrollment of the child, at the time an effective policy ceases to be effective, or on the effective date of these rules, whichever comes first. If, on the basis of such notification, the legal custodian desires to remove the child(ren) from the agency, he/she must be allowed to do so, notwithstanding any prior agreement to the contrary. Any prepaid charges must be refunded on a prorated basis.

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 14-10-119; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 48-3-501 through 48-3-518; 71-1-105; and 71-3-501 through 71-3-503.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed August 20, 1974; effective September 19, 1974. Repealed and new chapter filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.03 filed and effective March 25, 1999.*

0250-04-09-.04 PERSONNEL.

(1) The board of directors or the governing body in cooperation with the administrator, shall establish written personnel policies. These policies shall include:

(a) A job description for each position in the agency covering the position's responsibilities, academic qualifications, and required level of experience.

(b) Salary administration policies

(c) Annual evaluation policy

(d) Physical examination policy

(e) Training activity requirements and method of documentation that employees have met these requirements.

(f) Vacation policy that clearly defines amount of time allowed and/or payment plan.

(g) Sick leave policy

(h) Policies regarding Social Security, insurance, retirement plans, and other fringe benefits.

(i) Grounds for dismissal

(j) Written policy related to child sexual abuse as directed by state law. This policy is to include information addressing the following areas:

1. Reserved

2. Training

(i) Within the first two weeks of working with the agency each new employee, volunteer, student, or foster parent must receive orientation related to child abuse detection, reporting, and prevention. Attendance at this training must be documented in the employees' personal file.

(ii) Each agency must provide an instructional program in child abuse prevention for residents. The curriculum must include information on such pertinent subjects as: personal body ownership, touching, and reporting abuse within the agency.

3. Treatment

(i) Appropriate treatment must be provided all victims of abuse.

(2) STAFF RECORDS

(a) Records on all staff members and information on applicants for jobs must be kept in a locked file at the agency. They must include: An application, reports from three references; a record of a physical examination, when required, including Tuberculin Test, a record of participation in orientation and training activities, a record of positions held by the person during employment at the agency, record of leave, and date and reason for termination.

(b) In addition to the above, copies of an annual evaluation of the quality of work done by the person while in the agency must be kept in his personnel records. These evaluations must be prepared by the administrator, assistant to the administrator, or by the person directly responsible for the supervision of the employee. If not conducted by the administrator, it must be approved by the administrator.

(c) Staff shall have access to their personnel records as afforded to them by law.

(3) STAFF DEVELOPMENT

(a) Agencies must provide new staff with an orientation program that thoroughly acquaints the new employee with agency philosophy, policies, and procedures. This program must be under the supervision of qualified staff and appropriate to the position being assumed by the new employee.

(b) A program of in-service training must be developed which provides social service staff with a minimum of six hours in-service training annually. Attendance at conferences and workshops may be included as part of the six hours minimum requirement.

(c) Participation in these activities must be documented in personnel files.

(4) GENERAL QUALIFICATIONS

(a) Agency employees shall be persons of good character. They shall possess the health, emotional stability, and ability necessary to carry out their assigned duties. No person shall be employed by the agency who has been convicted of any offense against children.

(b) An agency shall obtain at least 3 references attesting to the character, integrity, and ability to perform tasks required for the position.

(c) A report of a physical examination completed within no more than six months prior to hire date shall be on file for all staff having direct contact with children. The resident children of staff shall also have on file an initial medical statement of good health or a physical exam report.

(5) SPECIFIC QUALIFICATIONS FOR STAFF

(a) The executive director or administrator

(Rule 0250-04-09-.04, continued)

1. The executive director or administrator must be selected and appointed by the governing board and be accountable to the board for satisfactory performance of duties.

2. An executive director or administrator must be a graduate of an accredited four-year college or university preferably from the field of education, psychology, nursing, social work, or religious service. Any administrator who does not meet this requirement holding this position prior to the effective date of these standards, is permitted to remain in this position.

3. If the executive director or administrator is responsible for technical supervision of casework staff, he or she shall meet the qualifications for casework supervisor.

4. The executive director or administrator must be responsible for:

   (i) Attending board meetings and participating in all planning for the agency.

   (ii) Seeing that the agency keeps accurate statistical reports that give the complete scope of the work of the agency.

   (iii) Seeing that monthly and annual reports on forms furnished by the Tennessee Department of Children's Services are submitted, as well as any special reports that may be required from time to time.

   (iv) Preparing the agency's budget in cooperation with the board and operating the agency within the budget approved by the board.

   (v) Selecting, employing, training, and discharging all staff and supervising the daily management of the agency if another person has not been delegated the responsibility.

   (vi) Communicating to the board information on the operation of the agency, unmet needs, and modern methods regarding child care services.

   (vii) Implementing the policies of the board and bringing to the board's attention areas which require modification or change, and interpreting the agency's program to the community and giving professional leadership to the board in doing this job.

   (viii) Maintaining adequate records on the administrative and fiscal operation of the agency.

   (ix) The executive director or administrator must hold staff meetings at regular intervals and discuss plans and policies with his staff. He/she must secure adequate clerical staff to keep correspondence, records, bookkeeping, and files current and in good order.

(b) Casework Director

1. If the agency has a case work director in addition to a casework supervisor, he or she shall meet the qualifications for casework supervisor.

2. The casework director, or the casework supervisor, if there is no casework director, shall be responsible for administering the casework program and participating in policy making relevant to the casework program. He or she shall be accountable to the executive director.

(Rule 0250-04-09-.04, continued)

(c) Casework Supervisor

1. The casework supervisor shall have a master's degree in social work and two years experience in the provision of foster care or adoption services. An equivalent degree in a related Children's Services field such as psychology or guidance and counseling may be substituted for the master's degree in social work. In that case three years of experience in foster care or adoption is required.

2. Each full time casework supervisor shall supervise no more than eight individuals.

(d) Caseworker

1. The caseworker shall provide casework services as set forth in 0250-04-09-.05: Placement Services to Children, Pregnant Women and Their Families.

2. The caseworker shall have graduated from an accredited four-year college or university. The degree shall include or be supplemented by 27 quarter hours in behavioral sciences, such as social work, psychology, and sociology. One year of casework experience can be substituted for the 27 quarter hours.

3. If there is only one caseworker, he or she shall meet the qualifications for the casework supervisor.

(e) Case aides and other assisting in service delivery shall have specific job assignments.

(f) Volunteers who work directly with children.

1. Volunteers, if used in direct services to children, must undergo a process of application to ensure that they are of such character, health, and competence as to meet the agency's needs.

2. Volunteers shall have the same qualifications as paid staff performing comparable duties.

3. A program of ongoing training and orientation to the philosophies and practices of the agency shall be provided each volunteer within the agency.

4. Adequate supervision of volunteers shall be provided by paid staff.

5. An individual file including the application to participate as a volunteer; and letters of reference shall be maintained by the agency on each volunteer.

(6) There may be child-placing agencies which are in the developmental stage or which limit their services to few children and their families. When it is not feasible for such an agency to employ full time casework staff, provision for part time casework staff shall be made in the following manner. There shall be ten hours per week of casework services for each increment of eight children being served. There shall be specific provision for weekly office hours and for emergencies. Part time staff shall meet the qualifications for full time staff.

(7) Whenever a child-placing agency has an adoptive or foster home study which is conducted by other than agency staff, or an adoptive or foster home placement which is supervised by other than agency staff, these services shall be provided by another licensed child-placing

(Rule 0250-04-09-.04, continued)

agency with whom there is a written agreement, or by written agreement with an individual who meets the qualifications for casework supervisor.

***Authority:**. T.C.A. §§ 4-5-226(b)(2); 14-10-104(4); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); and 71-3-504. **Administrative History:** Original rule certified June 10, 1974. Amendment filed August 20, 1974; effective September 19, 1974. Repealed and new chapter filed June 9, 1981; effective July 24, 1981. Amendment filed December 17, 1982; effective March 16, 1983. New rule filed November 30, 1988; effective January 14, 1989. Amendment filed July 1, 1993; effective September 14, 1993. Rule assigned a new control number, removed and renumbered from 1240-04-09-.04 filed and effective March 25, 1999.*

0250-04-09-.05 PLACEMENT SERVICES TO CHILDREN, PREGNANT WOMEN AND THEIR FAMILIES.

(1) Applicable to all recipients of foster care services to children, adoptive services to children and families, and/or maternity services in foster care.

(a) Admission and Discharge Policies and Procedures

The agency must have written policy and procedures for admission and discharge which must be available to all appropriate parties involved with the child.

1. Admission

Admission criteria must include the following:

(i) A description of the population served, defined needs of this population, and a description of agency services related to these needs.

(ii) A positional statement when appropriate that surrender for adoption is not a criteria for admission.

(iii) A defined preadmission summary which must require a written evaluation addressing the appropriateness of resident needs to agency services.

(iv) A description or agreed upon preplacement procedures which must include preplacement visits when feasible.

2. Discharge

Discharge policy must set forth the legal requirement that an adjudicated custody transfer may only be made through court action after proper investigation by a designated agency. Discharge criteria must require.

(i) A description of conditions under which a resident may be discharged.

(ii) A description of procedures for preparing a child for discharge to include designated time frames.

(iii) A documented discharge plan which addresses the resident’s continuing needs and planned services to meet these needs.

(iv) Provision for a written agreement assuming responsibility for the child to be signed by the resident’s legal custodian.

(Rule 0250-04-09-.05, continued)

(b) Admission of a child from another state shall be in accordance with the Interstate Compact on the Placement of Children and the Tennessee Child Sexual Abuse Law.

(c) Children or pregnant women shall be accepted by written application signed by the person or agency representative having legal authority to do so.

(d) Ongoing casework services with specific goals and time frames shall be part of the total services to children or pregnant women.

(e) The agency's policies regarding religious practices and gifts, visits, mail, and telephone calls between the child or pregnant women and their families shall be given to the family in writing prior to admission.

(f) Discipline: Agencies shall develop general discipline policy which identifies the type of children served, describes the anticipated behavioral problems of this population, sets forth acceptable methods of dealing with these behaviors, and details the required qualifications and training of staff working with the residents. All consequences of undesirable behavior shall be reasonable and consistent with the service plan for the resident. Discipline policies shall be explained to the parent or guardian and the child prior to admission.

1. All discipline must be reasonable and responsibly related to the child's understanding, need, and level of behavior. All discipline shall be limited to the least restrictive appropriate method and administered by appropriately trained staff.

2. Encouragement and praise of good behavior is often more effective than punishment, and is a must in disciplining a child. The child's acceptance of discipline and his/her ability to profit by it depends largely upon his/her feeling that he/she is liked, accepted, and respected.

3. Any discipline must be determined on an individual basis and be related to the undesirable behavior. Requiring children to accept the natural consequences of their acts may be a desirable experience provided consequences are not too drastic.

4. The agency shall have written policies and procedures prohibiting punishment which may adversely affect a child's health, physical, or psychological well being. A copy must be given to all residents, families, staff, and placing agencies. The following forms of punishment must not be used.

(i) Cruel and unusual punishment.

(ii) Assignment of excessive or inappropriate work.

(iii) Denial of meals, daily needs, and program provided by the individual service plan.

(iv) Verbal abuse, ridicule, or humiliation.

(v) Permitting a child to punish another child.

(vi) Chemical or mechanical restraints.

(vii) Denial of planned visits, telephone calls, or mail contacts with family.

(Rule 0250-04-09-.05, continued)

5. If corporal punishment is permitted, such policies and procedures must:

(i) Require the written consent of the parent, guardian, or legal custodian.

(ii) Require reporting of the corporal punishment incident to the agency's administration.

(g) An agency shall not engage in practices which exploit the rights of children or pregnant women in care. These persons shall not be identified in connection with publicity for the agency unless a positive value accrues to them.

(h) Children or pregnant women In foster care shall be visited monthly by the caseworker. At least quarterly, this visit shall take place at the home or facility where the child or pregnant woman is placed. Visits shall be documented in the case record.

(i) The agency shall be responsible for children's school attendance in accordance with Tennessee Law.

(j) Educational testing shall be provided when a need is indicated. The agency shall be responsible for making every reasonable effort to obtain testing and any indicated remedial services for the child.

(k) The agency shall respect the total heritage and religious preference of a child or pregnant woman in care.

(l) The agency shall make arrangements for each child to accumulate appropriate meaningful material such as photographs, clippings, artwork, and/or schoolwork which provide the child with tangible evidence of his/her foster care experience.

(m) The agency shall provide each resident with a clear definition of their rights, obligations, and responsibilities including confidential aspects of their placement.

(n) The agency shall conduct regular staffing sessions on each resident related to his/her progress future goals. These sessions shall include all appropriate personnel.

(2) SERVICES TO CHILDREN IN FOSTER CARE

(For children other than newborn infants being placed for adoption.)

(a) Services shall include:

1. Intake

2. Services to children and their families in their own home.

3. Placement and supervision in foster care.

4. Transitional preparation of child for placement.

5. Foster home studies, ongoing training, and long-term support plan.

6. Discharge

7. Follow-up services

(Rule 0250-04-09-.05, continued)

(b) An intake and case planning study shall be completed in order to determine if removal of the child from his own home or present placement is necessary. If possible, this should be completed prior to acceptance of the child and, in any event, shall be completed within 30 days of placement. The study shall include:

1. Information, as complete as possible, on the family situation. This information shall be obtained through interviews and from referral sources.

2. Information on the child's developmental and health history, physical condition, personality, school placements, and adjustment.

3. Evaluation of the past experiences and problems of the child to determine the service best suited to his/her needs.

4. Immediate and long-range goals in respect to assisting the child and his family, including discharge and follow-up.

(c) Except when an emergency exists, there shall be a planned procedure to prepare the child for placement, giving him time and opportunity to understand what is happening.

(d) Unless there has been a termination of parents' rights, the agency shall encourage regularly scheduled contacts between parent and the child, except where it has been judicially determined that the visits are detrimental to the child.

(e) Appropriate visitation shall also be arranged for sibling groups, or other extended family members.

(f) An agency shall provide a complete health program for the children including:

1. Screening for admission

(i) The agency shall obtain a report of a physical examination for each child. The examination shall be completed no more than six months prior to placement and no later than two weeks after placement.

(ii) The agency shall obtain a health history, including parental health history if available, and a record of immunizations.

2. Ongoing medical care

(i) Every child over three years of age shall have a dental examination every year and treatment as indicated.

(ii) Children in an agency's care shall be given physical examinations at the following intervals:

(I) Birth to six months - every six weeks

(II) Six months to one year - every three months

(III) One year to six years - every 12 months

(IV) Six years and above - every three years

(Rule 0250-04-09-.05, continued)

(iii) Children shall receive treatment from a physician when the need is indicated.

(iv) Children shall receive psychiatric or psychological services when a need is indicated.

(v) Children shall receive a sight and hearing evaluation within 45 days of placement.

3. A child shall have a complete physical examination within a month prior to an adoptive placement. A report of this examination shall be filed in the child's record.

(g) Each child in an agency's care shall have clothing of his own, for his exclusive use which is comparable in quality and variety to that worn by other children in the neighborhood.

(h) Funds shall be available to meet the incidental expenses of children in care, such as haircuts, school supplies, and allowances.

(3) SERVICES TO INFANTS IN FOSTER CARE AWAITING ADOPTION

(a) Casework services to the birthmother prior to the birth of the child and follow-up services after placement shall be available.

(b) Intake services and case planning for the infant shall include the following:

1. Information, as complete as possible, on the family background of the child and on the family situation.

2. Information, as complete as possible on the health history of the child's family.

3. Immediate goals in respect to the child and his birth family.

4. Goals in respect to follow-up services.

(c) The agency shall provide a complete health program for the child. An infant in care must have a complete physical examination within a week prior to an adoptive placement. Written reports on all medical examinations shall be in the record.

(d) The agency shall respect the total heritage and religious preference of the birth parent in the placement of an infant.

(4) MATERNITY SERVICES IN FOSTER CARE

(a) Services shall include:

1. Intake

2. Services to the pregnant women and their families in their own home.

3. Placement and supervision in foster care

4. Foster home studies

(Rule 0250-04-09-.05, continued)

5. Discharge

6. Follow-up services

(b) An intake and case planning study shall be completed by the caseworker before the pregnant woman is placed in a foster home. The study shall include:

1. Information, as complete as possible, on the family situation. This information shall be obtained through interviews and from referral sources.

2. Background information which will include physical description, family, social, and health history.

3. Evaluation of the past experiences and problems of the pregnant women to determine the service best suited to serve her needs.

4. Immediate and long-range goals in respect to assisting the pregnant woman and her family including discharge and follow-up.

(c) The pregnant woman shall receive regular prenatal care as prescribed by a physician.

(d) The pregnant woman shall receive health education appropriate to her needs which may include:

1. Hygiene of pregnancy

2. Preparation for childbirth

3. Infant and child care

4. Drug and alcohol use and abuse

5. Family planning

6. Sex education

7. Parenting education

(e) The agency shall make reasonable efforts to find the alleged father.

(f) The agency shall offer services to both the pregnant woman and the alleged father. These services shall include:

1. A clear definition of their rights, obligations, and responsibilities.

2. A clear definition of the confidential aspects of the services provided for them and their child, and of the opportunity available to them at any time to waive their right of privacy if their child, upon reaching the age of maturity, wishes to know more about them or to see them.

3. Help in making a decision and understanding the finality of the decision to terminate parental rights and responsibility of the decision to terminate parental rights and responsibilities and what the decision means to them and their child.

4. Help in relinquishing their child to the agency, in terminating their parental rights, and in separating from their child.

(Rule 0250-04-09-.05, continued)

5. Help in dealing with the finality of relinquishment of parental rights and the immediate plans for their own lives.

6. Post placement services, upon request.

7. Receipt of medical information of a familial or hereditary nature.

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104(4); 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); and 71-3-504.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed August 20, 1974; effective September 19, 1974. Repealed and new chapter filed June 9,1981; effective July 24, 1981. Amendment filed December 17, 1982; effective March 16, 1983. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.05 filed and effective March 25, 1999.*

0250-04-09-.06 CHILDREN'S AND PREGNANT WOMEN'S CASE RECORDS.

(1) The agency shall maintain records on all children and pregnant women regardless of whether the child or pregnant woman is in a foster home, group care home, or other arrangement.

(2) The records of children and pregnant women shall include the following items when appropriate and available. Efforts made to gather unavailable information must be documented.

(a) Face sheet with current addresses of the parents.

(b) A report of each child or pregnant woman's initial physical examination, current immunization record; and records of ongoing care received while in the home.

(c) Written permission for the agency staff to obtain emergency medical care signed by the person legally responsible.

(d) Information regarding coverage for medical expenses, e.g., insurance, Medicaid, etc.

(e) Correspondence.

(f) Legal documents including documentation of the agency's authority to give care.

(g) An intake and case planning study.

(h) Agency agreements or contracts.

(i) Record of school progress, if applicable.

(j) Narrative record of casework treatment, supervisory visits, conferences, and collateral visits. Entries shall be made at least quarterly, shall be dated, and shall identify the worker recording the information.

(k) Foster care plans and reports as required by Tennessee's foster care review laws.

(l) Verification of sexual abuse orientation.

(m) Information on the identity of the alleged father.

(Rule 0250-04-09-.06, continued)

(n) Background information on both parents including physical description, family, social, and health history.

(3) An infant being placed for adoption within three months will not require a separate case record.

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 14-10-115; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); 71-3-504; and 71-3-524.* ***Administrative History:*** *Original rule certified June 10, 1974. Amended: filed August 20, 1974; effective September 19, 1974. Repealed and new chapter filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.06 filed and effective March 25, 1999.*

0250-04-09-.07 FOSTER HOMES.

(1) Definition. A foster home is one providing substitute family care for a planned period of time.

(2) The primary consideration in foster care placement shall be the welfare of the child or pregnant woman rather than the needs of the foster parents.

(3) Any out-of-state placement or a child shall be in accordance with the Interstate Compact on the Placement of Children.

(4) Approval of Foster Homes

(a) The agency shall make a study of foster home applicants prior to approval of the home for use. The study shall be in writing before children or pregnant women are placed in the home.

(b) The foster home study shall be based on consideration of the following points.

1. Information obtained through interviews with all members of the family living in the home. There shall be at least one visit to the home.

2. The applicants' motivation to provide foster care.

3. The applicants' financial security.

4. Information obtained through contracts with references, including nonrelatives.

5. The physical and mental health of the foster parents and other family members.

6. The character, values, and ethical standards of the foster family.

7. The foster family's understanding of the need of children or pregnant women in foster care.

8. The foster family's ability to work cooperatively with the agency.

9. Health and fire safety conditions within the home.

10. Reserved.

(c) The foster home study shall include the caseworker's evaluation of the applicants' suitability as a resource and recommendations as to approval of the home.

(Rule 0250-04-09-.07, continued)

(d) When the foster home study is completed, the applicants shall be informed in writing as to the disposition of their application.

(e) If both foster parents are employed outside the home, it shall be with the knowledge and consent of the agency, and there shall be appropriate child care arrangements.

(f) The foster home shall be reevaluated annually in terms of the nine points listed in (4)(b) above.

(5) Maternity foster homes shall not have more than three (3) young pregnant women at one time. A foster home may have no more than six (6) foster children placed in a home. The foster home may exceed the six foster children maximum when:

(a) Exceeding the maximum would allow a parenting youth to remain with his/her child;

(b) Exceeding the limit would allow a youth with a meaningful relationship with a family to stay with the foster family or be placed with the foster family;

(c) Exceeding the maximum would allow a sibling group to remain together;

(d) Exceeding the maximum would allow for a family with special training or skills to care for a child with severe disabilities; or

(e) Exceeding the maximum is determined to be appropriate by the Department.

(6) The foster home shall have no more than two children under two years, including the foster parents' own children. With two children under two years, there shall not be more than four children in the home, including the foster parents' own children.

(7) The foster home shall not be used for placement by any other agency or individual except by written agreement by the agencies or individuals involved.

(8) The agency shall require foster parents to participate in case planning when in the best interest of the child.

(9) Agencies shall require foster parents to participate in ongoing training including parenting techniques and discipline and the detection, intervention, prevention, and treatment of child sexual abuse.

(10) Maternity foster homes shall also receive specialized appropriate training from the agency.

Authority: *T.C.A. §§ 37-5-105, 37-5-106, and 37-5-502.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed August 20, 1974; effective September 19, 1974. Repeal and new chapter filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Amendment filed July 1, 1993; effective September 14, 1993. Rule assigned a new control number, removed and renumbered from 1240-04-09-.07 filed and effective March 25, 1999. Emergency rule filed November 2, 2020; effective through May 1, 2021. Emergency rule expired effective May 2, 2021, and the rule reverted to its previous status. Amendments filed May 26, 2021; effective August 24, 2021.*

0250-04-09-.08 FOSTER HOME RECORDS.

(1) The agency shall maintain records for each foster home applicant.

(2) The foster home record shall contain:

(Rule 0250-04-09-.08, continued)

(a) A face sheet and sign application.

(b) A written study of the home, with documentation of time, place, and substance of interviews.

(c) Verification of physical health of the applicants.

(d) Documentation of all references contacted.

(e) Verification of marital status.

(f) All relevant correspondence.

(g) Written agreement outlining the responsibilities of the agency and foster parents regarding the conditions of placement.

(h) Narrative record of each placement in the home, including child's or young pregnant woman's name, age, date placed and reason home was selected.

(i) Periodic narrative recording which summarizes all contacts regarding the home, including supervisory visits and conferences. Entries shall be dated and shall identify the worker recording the information.

(j) Annual evaluation of the foster home.

(k) Reserved.

(l) Verification of child sexual abuse training in the detection, intervention, prevention, and treatment of child sexual abuse.

(m) Verification of Training.

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 14-10-115; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); 71-3-504; and 71-3-529.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed August 20, 1974; effective September 19, 1974. Repeat and new chapter filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Amendment filed July 1, 1993; effective September 14, 1993. Rule assigned a new control number, removed and renumbered from 1240-04-09-.08 filed and effective March 25, 1999.*

0250-04-09-.09 ADOPTIVE SERVICES.

(1) Definition. An adoptive home is one which is studied and evaluated in terms of its potential for offering permanent care to a child who shall be legally adopted by the applicants.

(2) The primary consideration in adoptive placements shall be the welfare of the child rather than the needs of the adoptive parents.

(3) All adoptive placements shall be in compliance with the adoption laws of Tennessee and with the Interstate Compact on the Placement of Children.

(4) Approval of Adoptive Homes

(a) The agency shall make a thorough study of the applicants before the home is approved. The adoptive home study shall be in writing before the placement of a child in the home.

(Rule 0250-04-09-.09, continued)

(b) The adoptive home study shall be based on consideration of the following points:

1. Information obtained through interviews with all members of the family living in the home. There shall be at least one visit to the home.

2. The applicants' motivation to adopt a child.

3. The applicants' ability to provide for the child.

4. Information obtained through contacts with references. References shall include members of the extended family as well as individuals who are not related to the applicants.

5. The character, values, and ethical standards of the applicants.

6. The physical and mental health of the applicants. The agency shall ascertain that the applicant have reasonably good health and average life expectancy so that the security of having parents is unlikely to be cut short before the child matures.

7. Except for the placement of special needs children, the agency shall require that the cause or childlessness be evaluated by a physician. This medical evaluation shall be included in the agency assessment of the motivation to adopt a child.

8. Health and fire safety conditions within the home.

(c) The adoptive home study shall include the caseworkers' evaluation of the applicants' suitability as adoptive parents, and recommendations as to approval of the home. The home study shall also include a face sheet. study references, health examinations, and verification of marital status.

(d) When the adoptive home study is completed, the applicants shall be informed in writing as to the disposition of their application.

(5) The adoptive parents shall be given nonidentifying information in writing about the child and the natural family which will help them understand the child-and his special needs, and help them answer questions that the child may have later about his natural parents and his background.

(6) The adoptive parents and the agency shall enter into a written agreement specifying the terms of placement.

(7) After placement, the caseworker shall visit in the home at least quarterly, until the adoption is finalized.

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); and 71-3-504.* ***Administrative History:*** *Original rule certified June 10, 1974. Amendment filed August 20, 1974; effective September 19, 1974. Repealed and new chapter filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.09 filed and effective March 25, 1999.*

0250-04-09-.10 ADOPTIVE HOME RECORDS.

(1) The agency shall maintain written records for each adoptive applicant.

(2) The adoptive applicants' record shall include:

(Rule 0250-04-09-.10, continued)

(a) A face sheet and signed application.

(b) Written study of the applicants, with documentation of time, place, and substance of interviews.

(c) Documentation of all references.

(d) All relevant correspondence.

(e) Physician's report on the current health of applicants, and any conditions that might affect the future health or life expectancy of the applicants.

(f) Verification of marital status.

(3) After placement of the adoptive home records shall include:

(a) All items listed under section (2) above.

(b) Copy of the presentation summary as outlined in 0250-04-09-.10(5)

(c) The agreement between the agency and the parents regarding the terms of the placement.

(d) Recording of postplacement supervisory visits and evaluation of the progress of the child in the home. Entries shall be dated and shall identify the worker recording the information.

(e) Legal documents including the petition to adopt.

(4) The merged adoptive records shall be forwarded to the Department for sealing within a year of the finalization of the adoption, unless mandated otherwise by law.

(5) The Department shall be notified within four months of any adoption disposition other than by finalization.

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 14-10-115; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); and 71-3-504.* ***Administrative History:*** *New rule filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.10 filed and effective March 25, 1999.*

0250-04-09-.11 INDEPENDENT LIVING PROGRAMS.

(1) Definitions

(a) "Independent living" means the placement of 16 or 17 year old youths in community based living facilities with the goal of achieving independent life in the community. Such facilities include family boarding homes, group care homes, and foster homes, or other approved arrangements supervised by in-house staff. Except for annual fire and health inspections, these facilities when operated by a CPA agency would not be held to the same standards as those facilities dealing with other residents not in independent living facilities.

(2) The agency shall develop a program statement which includes a description of the program, admission criteria, nature and frequency of supervision, and a provision for a periodic goal assessment.

(Rule 0250-04-09-.11, continued)

(a) Residents are being monitored in their program activities.

(b) Physical environment is safe.

(c) Health needs of the residents are met.

(4) There should be at least one in-house staff member for every 10 residents.

(5) Records shall include the following:

(a) Identifying information

(b) Intake study

(c) Individual service plan including:

1. Specification of services

2. Roles and responsibilities of involved parties

(d) Medical consents

(e) Foster care plan

(f) Medical information

(g) Authority to provide service

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); and 71-3-504.* ***Administrative History:*** *New rule filed June 9, 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.11 filed and effective March 25, 1999.*

0250-04-09-.12 OTHER AGENCY SERVICES.

(1) Any child-placing agency which operates a boarding home, group care home, family day care home, or group day care home as part of its program shall be responsible for determining that the facility is in compliance with the applicable standards promulgated and adopted by the Department.

(2) Records shall be kept on each boarding home, group care home, or day care facility operated by the agency. These records shall contain:

(a) Material relevant to health and fire safety inspection by the government agency conducting the inspection or by the agency staff person responsible for inspection when a government agency does not provide inspection.

(b) Narrative recording which shows that the standards have been officially reviewed and that requirements are being met at the facility. The recording shall reflect at least an annual review of standards.

(c) Any literature pertaining to the particular facility which is distributed to the public as means of promoting the facility or explaining its purpose.

(3) For facilities housing independent living programs, (2)(b) and (2)(c) above do not apply.

(Rule 0250-04-09-.12, continued)

Authority: *T.C.A. §§ 4-5-226(b)(2); 14-10-104; 37-5-101; 37-5-105; 37-5-106; 37-5-112(a); 71-1-105(12); and 71-3-504.* ***Administrative History:*** *New rule filed June 9. 1981; effective July 24, 1981. Repeal and new rule filed November 30, 1988; effective January 14, 1989. Rule assigned a new control number, removed and renumbered from 1240-04-09-.12 filed and effective March 25, 1999.*