



Tennessee Department of Children's Services

# Client's Rights Handbook



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Revised 04/2014

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## **A Note About This Handbook:**

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 needs;
- Methods for the hearing impaired clients and persons;
- Communication assistance for persons with special needs who have difficulty making their service needs known, and
- Considerate of literacy levels of clients and family.

A Family Service 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 Family Service 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, please ask for help. 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 (DCS) is mandated by Tennessee law to investigate such allegations. The Child Protective Services (CPS) Family Service Worker assigned to investigate the referral regarding your child/children 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.

If 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 substantiated**" if it is found that the abuse did occur and "**perpetrator substantiated**" if the individual alleged to have committed the abuse or neglect is found to be responsible.

### **Appeal Rights:**

If the allegation and perpetrator is "**substantiated**" the person who was substantiated 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 substantiated classification decision by the DCS Commissioner or her designee to determine if the investigation was properly classified as substantiated. Written notice of appeal must be received by the Commissioner or her designee within ten (10) working days of the notice of the substantiation.

### **If Your Child Has Been Committed to the Custody of DCS:**

There are three (3) main paths to state custody called a "committal status" under which a child can be placed into the legal and physical custody of DCS:

1. **Dependent and neglected or abused;**
2. **Delinquent** (also referred to as a juvenile justice child who has been found by the Court to have committed an offense which if committed by an adult would be a crime); or
3. **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 need 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 (1) hour and at least one (1) 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 thirty (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 remedy 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 (6) 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 DCS Family Service Worker is: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

The Team Leader is: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

The Team Coordinator is: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

The Regional Administrator is: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

DCS hours of operation are 8:00 a.m. - 4:30 p.m. If you have an emergency after hours, please contact:  
\_\_\_\_\_ Telephone Number: \_\_\_\_\_

The Tennessee Child Abuse Hotline, 1-877-237-0004, is available twenty-four (24) hours per day, seven (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 of the Court may order you and other family members to complete.
7. 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.
8. Stay in touch with your Family Service Worker. Be sure that the worker always has your current address and telephone number.
9. Provide you 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.
10. Visit and communicate with your child as agreed upon.
11. Communicate any concerns that you have to the Family Service Worker or to your lawyer.
12. Pay child support.

## **Family Service Worker's Responsibilities:**

1. Contact you for more information and to 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 CFTM to develop a plan which lists the steps you must take to have your child returned to you. This meeting should happen within thirty (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.
6. Inform you of health and medical appointments and assist with attendance and transportation when feasible.

## **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 CFTM and, to the extent possible, will reflect the consensus of the meeting's participants while still meeting DCS' responsibility to ensure safety, permanency, and well being for 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 six (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 CFTM. 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 Authorization for Routine Health Services for Minors form at the time the child enters state custody or no later than the initial CFTM. The form allows for the child to receive general medical treatment and Early Periodic Screening, Diagnosis and Treatment (EPSD&T) 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 require 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 "ordinary and necessary" to protect the child from harm and receiving the treatment is in the best interest of the child, DCS will give consent for the treatment. If the treatment is determined to be necessary but beyond the scope of authority outlined by the Court then DCS will seek legal judicial intervention.

Tennessee law presumes that a child age fourteen (14) 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 fourteen (14) year old or older child to refuse medical treatment or tests shall not be overridden by DCS or a parent giving consent for refused treatment if the provider has determined the child is mature enough to make the decision.

Children with serious emotional disturbances or mental illness who are sixteen (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 fourteen (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 legal 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, and 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 the 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 life-long 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' rights 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 an "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 twenty-one (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 may also mail requests for information to:

**Department of Children's Services**  
**Attn: Post Adoption Unit**  
**436 Sixth Avenue North**  
**8<sup>th</sup> Floor Cordell Hull Building**  
**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 situation described above. Parents' confidentiality is maintained as described in the "Confidentiality" Section of this handbook.

Birth parents have the right to participate in the CFTM 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 CFTM's 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.

## **Resolution of Grievances**

If you are dissatisfied with an action taken by DCS you should discuss the situation with your FSW. If the action is one taken by DCS pursuant to a court order or one which is the subject of pending judicial proceedings, DCS is obligated to follow the court's decision and cannot change the decision without going back to court. In such a situation, you should contact your attorney to discuss your concerns.

Grievances should first be addressed through the Child and Family Team Meeting (CFTM) process. If the issue cannot be resolved by through a CFTM, you can contact the DCS Customer Relations Hotline:

1. By e-mail at [DCS.Custserv@tn.gov](mailto:DCS.Custserv@tn.gov),
2. By phone at 1-800-861-1935, or
3. By mail at  
Department of Children's Services  
Customer Service Unit  
436 6<sup>th</sup> Avenue, North  
7<sup>th</sup> Floor, Cordell Hull Building  
Nashville, TN 37243

A customer service relations representative who has not been involved in your case can review your case and help work through grievances.

## **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 or mailed to you after the CFTM.

## 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 consequences of refusal may be adverse to your plans for your child's future.

You may request a CFTM 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.

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.

**Title VI of the Civil Rights Act of 1964, as codified in 42 U.S.C. § 2000d**, makes it illegal for people to be discriminated against on the basis of their race, color, or national origin in all programs, benefits, grants, and services. The Department of Children's Services ensures that its service programs and activities are offered without discrimination on the basis of race color or national origin which is inclusive of language assistance to provide meaningful services where there is a language barrier (**Limited English Proficiency**) due to national origin.

Additionally, the Department of Children's Services complies with **Title IX of The Education Amendments Of 1972**, as codified in **20 U.S.C. § 1681** and ensures that its educational programs and activities are offered without discrimination on the basis of sex.

The Department of Children's Services shall also comply with applicable requirements of **Section 504 of the Rehabilitation Act of 1973**, the Department of Human Resources Rules and Regulations, and any other applicable laws pertaining to disability non-discrimination.

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, sex, or disability in accordance with the above stated statutes you are encouraged to file a complaint with the DCS Office of Diversity Initiatives.

You must file a written complaint within one hundred eighty (180) days of the date of the 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**  
**Attn: Office of Diversity Initiatives**  
**436 Sixth Avenue North, 7<sup>th</sup> Floor**  
**Cordell Hull Building**  
**Nashville, TN 37243-1290**  
**Telephone: (615) 532-5552**

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

**Tennessee Human Rights Commission**  
**Attn: Director,**  
**530 Church St, #305,**  
**Nashville, TN 37219**  
**(615) 741-5825**

**-Or-**

**U.S. Department of Health and Human Services**  
**Attn: Director, Office of Civil Rights**  
**61 Forsyth Street, S.W.,**  
**Atlanta Federal Center, Suite 3B70**  
**Atlanta, GA 30303-8909**  
**Telephone: (404) 562-7886, (800) 368-1019**

## 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 complaint. 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 determines whether or not a child is dependent and neglected and then makes a disposition 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 differ 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 or 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 youth's placement.

**Custody:** The control of 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 TCA 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.

**Early Periodic, Screening, Diagnostic and Treatment Services (EPSD&T):** A Medicaid entitlement program for children under the age of 21. In Tennessee, EPSD&T benefits are provided by TennCare, the State's Medicaid agency. EPSD&T 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 Family Service Workers' concerns without alerting the people who are threatening to leave with the child.

**Family Crisis Intervention Program (FCIP):** 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. TCA 37-1-168

**Foster Care Review Board (FCRB):** An advisory body appointed by the 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 ninety (90) days of initial placement and within every six (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 parent(s) is (are) deceased. The Court may give guardianship to DCS following a termination of parental rights. DCS may, pursuant to TCA, act as 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 case manager. Such intervention focuses on choosing the least restrictive 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 a 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 the 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 (3) professional personnel and the youth who meet for the purpose of discussing diagnostic data, identifying problems and strengths, and formulating recommendations including the youth's placement(s).

## **Your Rights**

### **You have 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.
- Competent professional services, including an individualized written treatment or service plan, services based on the plan, periodic review and assessment of needs, and revisions to the plan including a description of services that may be needed for follow-up.
- 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's own condition and treatment.
- Refuse services and/or treatment in accordance with State and Federal laws.
- Appeal adverse actions of TennCare services (if TennCare eligible).
- 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.
- Confidentiality of your records.
- Review, upon request, your own records.
- Information regarding client's rights including a copy of this document and/or an explanation of client's rights in a language of your choice, to the extent possible, and access to an advocate to understand, exercise, and protect your rights.
- 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 Customer Relations at 1-800-861-1935 Monday through Friday between the hours of 8:00 a.m. - 4:00 p.m. CST.

### **Your Responsibilities are 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.
- Share any cultural, religious, health or special needs your child may have with DCS or its contract providers.
- Request medical, psychological and educational updates on your child.
- Visit and contact your child consistently and frequently (or as determined by the Court).
- Stay active and involved in your child's life.
- Notify your Family Service Worker of any changes in your life (e.g., address, telephone number, marital status, etc.). This includes circumstances such as your child 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.
- Keep appointments with your Family Service Worker, service providers and Court.
- Attend all scheduled meetings and participate in the development of the service or treatment plan for you and your child.
- Respond promptly to contacts, such as letters and telephone calls from your Family Service Worker.



- Locate your child after he or she has been removed from home, call the DCS office located in your area and ask for a supervisor or your child's specific Family Service Worker. Hours of operation are Monday through Friday between the hours of 8:00 a.m. - 4:00 p.m. CST. Youth Development Centers operate twenty-four (24) hours per day.



Tennessee Department of Children's Services

# Acknowledgment of Receipt of Client's Rights Handbook

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

Mother:		Date:	
Father:		Date:	
Guardian:		Date:	
Youth:		Date:	
Other:		Date:	

**-For DCS Staff Only-**

I have explained the contents of this handbook to the clients listed above and provided a copy of the handbook on this date: \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
Printed Name of DCS Employee

\_\_\_\_\_  
Signature of DCS Employee

The Tennessee Department of Children's Services' mission is fostering partnerships to protect children, develop youth, strengthen families and build safe communities.

*Check the "Forms" Web Page for the current version and disregard previous versions. This form may not be altered without prior approval.*  
Distribution: Child Case File  
Child Welfare Benefits Counselor  
Adoptive Family

