

# FREQUENTLY ASKED QUESTIONS ABOUT NOTICES OF ACTION

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## 1. WHAT IS A NOTICE OF ACTION?

The Notice of Action (“NOA”) is how DCS informs TennCare eligible children in custody about their appeal rights regarding placements paid for with TennCare dollars. This notice is required by federal Medicaid law. (TennCare is the Medicaid agency for the state of Tennessee.)

## 2. WHAT DCS PLACEMENTS ARE PAID FOR WITH TENNCARE DOLLARS?

All types of placements in levels 2, 3, and 4 are paid for to some degree with TennCare dollars. As the level of care and therapeutic components increase, the cost covered by TennCare dollars also increases. For example, Level 4 is 100% paid for by TennCare dollars.

## 3. WHEN MUST DCS ISSUE A NOTICE OF ACTION?

Any time a CFTM placement recommendation involves moving a child TO or FROM a level 2, 3, or 4, an NOA must be issued. Also, when a child is moved into or out of a level 2, 3, or 4, before a CFTM is held an NOA must be issued. If there is going to be a delay in placing the child, this must be indicated on the NOA. (See the [Child and Family Team Meeting Guide](#); policy 16.31 at section B.12; and also, policy 16.46 at section K.2.)

## 4. ARE NOAs ISSUED for YOUTHS in DETENTION and YDCs?

Yes. An NOA is required if a placement recommendation is made for level 2, 3, or 4, while a youth is in detention or the YDC. In other words, if a youth is in detention or a YDC awaiting placement in a level 2, 3, or 4, then an NOA must be issued. These are generated when the CFTM summary recommending the level of care is entered in TFACTS. If there will be a delay in the level 2, 3, or 4, placement that must be indicated on the NOA.

**Note: an NOA is *not* issued when a delinquent youth is placed in a YDC, placed in detention temporarily while awaiting placement in a YDC, or placed in detention by law enforcement or the juvenile court.**

## 5. WHO COMPLETES AND DELIVERS THE NOA?

For placement recommendations made at the CFTM, the Family Service Worker (FSW)/Juvenile Service Worker (JSW) or Facilitator fills out the NOA (CS-0800) and makes copies for designated persons attending the CFTM. (See number 8 below.) A TennCare appeal form is always given along with the NOA.

A completed CS-0800 must be given to the Placement unit within 2 days of the CFTM or prior to the placement entry, whichever comes first. Placement staff will enter the information into TFACTS when the placement is made, to complete the NOA in TFACTS. If the family has already received this document in the CFTM, that will be marked when placement enters the NOA information. If the placement has already occurred, the NOA will be completed by the placement unit at the time of entry. *\*There may be others designated to complete the entry depending on the region.*

Completing the NOA in TFACTS triggers an NOA to be delivered to the TennCare Consumer Advocates. This also generates a NOAs to be printed off and mailed to persons not in attendance at the CFTM. NOA mailing is done by staff in the Office of Child Permanency.

## 6. WHO GETS A COPY OF THE NOTICE OF ACTION?

- Youths (age 14 or older)
- Biological parents (if TPR not done),
- GAL
- Child's attorney (some children have an attorney, some have an attorney and GAL)
- Current foster parents
- TennCare Consumer Advocates
- Other "involved adults"

The last category, "involved adults", is determined by the FSW/JSW and based on whether a person is currently involved enough to be included in decision-making about the child's care. A good rule of thumb is whether the person is a regular part of the CFT. Other "involved adults" can include former foster parents, other advocates such as CASA, and other adult relatives such as grandparents, aunts, uncles, adult siblings, etc.