



Administrative Policies and Procedures: 14.20

Subject:	Orders of Reference
Authority:	TCA 37-5-105 (3); 37-5-106
Standards:	None
Application:	All Department of Children's Services Child Protective Services Employees
Policy Statement:	
The Department of Children's Services shall complete an <i>Order of Reference</i> as required upon request by the Courts.	
Purpose:	
To conduct a study of a child's (or children's) situation that requires a form CS-4252, Non-Custodial/Order of Reference Home Study Summary to aid the court in decision-making with issues of child placement and legal custody and submit to the court by a given date. Orders of reference may involve allegations of child abuse or neglect, or the court may inquire about the circumstances of a specific child or children.	
Procedures:	
A. Responding to Orders of Reference Alleging Abuse/Neglect	<ol style="list-style-type: none"> When the court issues an order of reference alleging abuse or neglect, the request is assigned to CPS. The case is also reported to the Child Abuse Hotline. Upon the receipt of the order of reference the Case Manager researches all DCS records (paper files and TFACTS) to determine if there is a past history on the child, parents/caretakers and petitioner. The Case Manager completes a CPS investigation or assessment as applicable, based on policy requirements. In the event the CPS case requires an alternative placement, the least restrictive intervention will be completed and filed with the court. Based on the findings of the CPS case, if no legal intervention is needed, form CS-4252, Non-Custodial/Order of Reference Home Study Summary will be submitted to the court for review. A copy of form CS-4252, Non-Custodial/Order of Reference Home Study Summary will be uploaded under the proposed custodians name, in SCWIS/CWIS once completed and signed.

	<p>Note: The approved custodians will be added to the SCWIS/CWIS CPS case relationship status noted.</p>
<p>B. Responding to Orders of Reference That Do Not Meet CPS Criteria, by Policy</p>	<ol style="list-style-type: none"> 1. The Order of Reference request is routed to the Court Liaison Team Leader (TL) to be opened in SCWIS/CWIS as a non-custodial episode and noting that it is an Order of Reference. 2. The TL for the Court Liaison enters an opening case summary with the information being requested: <ul style="list-style-type: none"> ◆ Name & DOB of child/ren; ◆ Name, DOB & contact information of the current custodian; ◆ Name, DOB & contact information of the proposed caregiver; ◆ Upcoming court date, and court where the case will be heard; ◆ Any information provided that could be helpful; and ◆ Name of Court Liaison who will be assigned the case. 3. The assigned Case Manager/Court Liaison will contact the parties involved to notify them of assignment and schedule home visits no more than forty-five (45) days prior to the court date. 4. The assigned Court Liaison will complete form CS-4252, Non-Custodial/Order of Reference Home Study Summary which includes: <ul style="list-style-type: none"> ◆ An interview with the child/ren and visit to their current home; ◆ An interview with the current custodian; ◆ An interview with the proposed caregiver and a visit to their home; ◆ Interview with all household members in the proposed caregiver's home; ◆ Background checks on the proposed custodian and household members: <ul style="list-style-type: none"> ○ Local background check ○ Tennessee Sex Offender Registry check ○ National Sex Offender check ○ TFACTS/DCS history checks ○ Tennessee Felony Offender Registry check 5. The TL will review and approve form CS-4252, Non-Custodial/Order of Reference Home Study Summary. 6. A copy will be uploaded into SCWIS/CWIS under the proposed custodian's name. 7. The TL will enter a closing summary in SCWIS/CWIS prior to ending the assignment/case closure to include any significant concerns or strengths of the home.

	<p>8. The Court Liaison will file form CS-4252, Non-Custodial/Order of Reference Home Study Summary with the court, prior to the court hearing or per local court rules.</p>
<p>C. Orders of Reference on Open CPS/FSS/Foster Care Cases Without Allegations of Abuse or Neglect</p>	<ol style="list-style-type: none"> 1. The TL for the Court Liaison will contact the TL overseeing the current open case involving the child/ren identified in the Order of Reference. 2. If the current open case is expected to close prior to the court hearing, the Order of Reference will be assigned to the CM/CL responsible in their county/region. If the case remains open, the assigned Case Manager (FSS, CPS, FC) will complete the order of Reference. 3. If the Order of Reference is assigned to the Case Manager with the open case, the proposed custodian will be added to the case and an administrative review/case consultation will be added with the following information: <ul style="list-style-type: none"> ◆ Name & DOB of child/ren; ◆ Name, DOB & contact information of the current custodian; ◆ Name, DOB & contact information of the proposed caregiver; ◆ Upcoming court date, and court where the case will be heard, ◆ Any information provided that could be helpful. 4. The assigned Case Manager will make contact with the parties involved to notify them of assignment and schedule home visits no more than forty-five (45) days prior to the court date. 5. The assigned Case Manager will complete form CS-4252, Non-Custodial/Order of Reference Home Study Summary which includes: <ul style="list-style-type: none"> ◆ An interview with the child/ren and visit to their current home, ◆ An interview with the current custodian, ◆ An interview with the proposed caregiver and a visit to their home, ◆ Interview with all household members in the proposed caregivers home, ◆ Background checks on the proposed custodian and household members: <ul style="list-style-type: none"> ○ Local background check ○ <u>Tennessee Sex Offender Registry</u> check ○ <u>National Sex Offender</u> check ○ TFACTS/DCS history check ○ <u>Tennessee Felony Offender Registry</u> check 6. The TL will review and approve form CS-4252, Non-Custodial/Order of Reference Home Study Summary.

	<p>7. A copy will be uploaded into TFACTS under the proposed custodians name, who will be added to the current open case as other adult involved/their relationship.</p> <p>8. The Case Manager will file form CS-4252, Non-Custodial/Order of Reference Home Study Summary with the court, prior to the court hearing per local court rules.</p>
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Forms:	<p><u>CS-0559, Authorization for Release of Information of HIPAA Protected Health Information TO and FROM the Department of Children’s Services and Notification of Release</u></p> <p><u>CS-0687 Criminal History and IV-E Eligibility Checklist</u></p> <p><u>CS-0741, Database Search Results</u></p> <p><u>CS-0751, Background Clearance Check- Local Criminal History</u></p> <p><u>CS-4252, Non-Custodial/Order of Reference Home Study Summary</u></p>
Collateral Documents:	<i>None</i>

Glossary:	
Term	Definition
Order of Reference:	Refers to a Court order requesting DCS to conduct a study of a child’s (or children’s) situation and requiring a written report to the Court on a given date. Orders of reference involve allegations of child abuse or neglect, or they may simply inquire about the circumstances of a specific child or children.
Code X III Name Check	A criminal background check used by social service agencies authorized under an approved state statute to receive criminal record information for the emergency placement of children where the child’s health and safety may be endangered. A Code X should only be competed on an Order of Reference where a petition is filed by DCS and DCS is recommending a foster care, kinship, or non-custodial third-party placement.