TN Department of Children's Services

To: Office of Child Safety Employees
Office of Child Programs Employees
Office of the General Counsel Employees

From: Scott J. Modell, Ph.D., Deputy Commissioner
Sherri Hale, Deputy Commissioner
Douglas E. Dimond, General Counsel

Date: July 18, 2016

Re: New Immediate Protection Agreement Form

In order to maintain the consistency of practice across the regions, the Department's Immediate Protection Agreement (IPA) form has been updated. The new forms contain the following statement:

"The undersigned understand that this document is not a court order. It is a voluntary agreement between the signed parties."

It was determined that certain regions were not willing to provide copies of IPAs to hospitals because of concerns about confidentiality and liability. The Deputy Commissioners of Child Safety and Child Programs, in addition to the General Counsel, all believe that the addition of this language to the IPA form put any party, including hospitals, on notice that the signed IPA form does not rise to the level of a court order, nor should it be enforced as a court order. The new language reiterates to the parties that this agreement is voluntary and does not have the same effect as a restraining order, custody order, or any other type of court order.

These new IPA forms are to be used immediately by any DCS employee implementing a non-custodial safety placement under Policy 14.9. In addition, these new IPA forms shall be given to any hospital that requests a copy of the IPA. It is the belief of the Deputy Commissioners and the General Counsel that if the hospital believes that obtaining a copy of an IPA would benefit the treatment and safety of the child, then the hospital should receive a copy. It should be noted that the IPA should only contain information related to the placement, contact, and visitation between the child and the parents/caregivers. All information related to requested services, assessments, or evaluations should be placed on the Family Permanency Plan, and not the IPA.

In order to demonstrate the voluntary nature of IPAs, any DCS employee implementing an IPA with a family shall not advise the family that a child may be removed into the legal custody of DCS and placed into foster care if the IPA form is not signed or the family does not agree to the non-custodial safety placement. Doing so will likely remove the perception that a parent or caregiver voluntarily agreed to the non-custodial safety placement. The DCS employee must also have a conversation with the parent/caregiver and the non-custodial safety placement about the anticipated timeframes of the safety placement and explain that the agreement is voluntary.