



Tennessee Department of Children's Services

## Protocol for Resource Eligibility Team (RET)

Supplemental to DCS Policies: 16.4 Foster Home Approval and 16.8 Responsibilities of Foster Homes

### **Section I: Background**

The Department of Children's Services (DCS) is subject to the rules and requirements set forth in 42 U.S.C. §672 and 45 CFR §1356.71. Known as Title IV-E of the Social Security Act (SSA), this statute sets forth standards for Federal payments for foster care and adoption assistance (sections 470-479a of the SSA). Failure to comply with these standards can result in the loss of federal funding for a limited period of time or for the duration of the foster care placement.

The [Title IV-E Foster Care Eligibility Review Guide](#), available on the [Administration for Children and Families website](#), provides a consistent and uniform approach for Federal and State, as well as Contract Provider staff, to use as a resource in complying with requirements of the Title IV-E program. The Guide contains policy and procedural guidance on adherence to all facets of Title IV-E compliance. It is intended to complement, not supplant, applicable statutory and regulatory provisions. In the event of conflict or inconsistency between the Guide and the statute or regulations, the latter govern.

In response to these Federal requirements, and to serve as a more effective steward of public funds, DCS has chosen to develop an internal infrastructure that will provide oversight for the eligibility of all Contract Agency foster home files. The following protocol will guide this process.

### **Section II: Overview**

In accordance with DCS and Contract Agency policy, Contract Agencies have full responsibility for ensuring the approval and continued eligibility of their foster homes. Contract Agencies must also adhere to all other applicable DCS policies, as well as the Provider Policy Manual, which outlines professional best practice. An agency's foster home is not considered approved and eligible to receive children for placement until **all** these State and Federal requirements are met.

In addition to the approval requirements mandated by both Tennessee Code Annotated as well as DCS policy and procedure, foster homes must also meet all applicable Federal requirements for eligibility. DCS has implemented an initiative to address this issue, the **Resource Eligibility Team (RET)**. This initiative will allow the Department the ability to maintain all documents relating to the IV-E eligibility of agency foster homes in accordance with Federal statute surrounding the State's draw-down of IV-E funding. Adhering to the Federal guidelines outlined in the IV-E Plan allows the Department to assure providers continued payment for services rendered.

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The Resource Eligibility Team (RET) will be responsible for reviewing and maintaining IV-E eligibility documents of each agency's foster home both initially (new homes) and biennially through the re-assessment process.

The RET will consist of a Program Manager, Program Coordinator and two Program Specialists. The positions will be a part of the Division of In-Home, Permanency & Independent Living Services. The Program Manager will supervise this process as well as the Program Coordinator and Specialist positions. The team will provide oversight and **confirmation** of Contract Agency resource eligibility.

**Section III: Possible Payment Recovery**

As stated earlier, agencies are responsible for assuring that their foster homes meet eligibility criteria for Title IV-E reimbursement. **RET is only concerned with receiving documentation that addresses Federal IV-E requirements. Please be aware that agencies will remain completely responsible for assuring and maintaining all foster home requirements as per DCS Policy and Contract Agency Policy.**

Payment recovery recommendations will be calculated for non-compliance under the following provision: If a child (or children) is/are placed in an agency-approved home and that home is later found by RET review to be ineligible, payment recovery recommendations will be made.

**Payment recovery will be calculated as follows:**

**(Per-Diem Rate) X (# of Children in the Home) X (Period of Ineligibility) =  
Payment recovery**

**Example: A foster home provides care for a sibling group of 3 with a per-diem rate of \$35.00 per child and the home was out of compliance for 4 days. Applying the formula above, the penalty would be assessed as follows.**

**\$35.00 (Per Diem) X 3 (Children in Home) = \$105.00**

**\$105.00 X 4 (Period of Ineligibility) = \$420.00 (Penalty).**

The length of the ineligibility period will be date-driven. Example: A home is approved (or re-approved) and declared by the provider to be ready for child placement on **10/01/07**. Then, a few days later during the subsequent RET review, it is discovered that a required background check is missing or incomplete. RET then notifies the provider of the discrepancy. If the provider fails to submit the required documentation to RET until **10/15/07**, the period of ineligibility will be the time frame from **10/1/07** through **10/15/07**.

**Section IV: Appeals of Recovery Recommendations**

Contract Agencies for whom recovery recommendations are made are afforded an avenue for redress by way of formal appeal. The following is the accepted process for the filing, handling and resolution of these appeals.

Recovery recommendations involving payments to providers for services rendered are made, in most cases, due to the following reasons:

1. A foster home is approved in **TFACTS** (by a provider), and children have been placed in the home, prior to all background checks required by DCS policy and IV-E safety requirements being completed.
2. The documentation required, by DCS policy or Federal IV-E guidelines, to support a home approval or re-assessment decision is incomplete and children are placed in the home for services.

In order to appeal payment recovery recommendations based on any of the above, the agency must submit clear evidence that the absent or late documentation was indeed completed prior to the approval date recorded in **TFACTS**. It must also be evident that the documentation was obtained prior to custodial children being placed in the home for services.

Appeals or requests to reverse an unapproved period in order to allow an agency to invoice for services provided must document that the approval period entry date was late due to no fault of the agency. System malfunctions in the Web Application that prevent timely data entry will be considered.

Appeal requests and documentation to support the appeal will be submitted and processed as follows:

1. Initial appeal requests and all collateral documentation shall be submitted to DCS' Office of Finance and Program Support (OFPS). Appeals must come in writing (either electronically or by mail) and must be submitted to OFPS no later than five (5) business days after the agency's receipt of the initial OFPS recovery notification. OFPS will then engage the Resource Eligibility Program Manager within 24 hours for review of the appeal documentation. The Resource Eligibility Program Manager will, in turn, bring this documentation to a Central Office Appeals Panel for discussion and resolution. If, after comprehensive review, the panel finds that documentation was indeed timely according to the established RET protocol, the payment recovery recommendation will be cancelled or reversed. However, if after comprehensive review, the panel finds that the appealing agency did not sufficiently appeal their case and documentation clearly shows the documentation was not completed timely, the appeal will be denied.
2. OFPS shall then immediately notify, in writing, the appealing agency notifying them of the appeal decision.

**Section V: Documenting Foster Home Approval**

**TFACTS** will be used in documenting the approval of foster homes.

**1. Initial Approval of New Foster Homes:**

- a) Contract Agencies will be responsible (as they currently are) for entering information into **TFACTS** regarding a new agency foster home. The Initial Foster Home assessment process will be in accordance with DCS Policy [16.4 Foster Home Approval](#) and as policy is amended from time-to-time. The Department will then consider the **agency-approved** home eligible to receive children.

**Note: Contract Agencies will not enter a foster home's approval into TFACTS until all pertinent DCS and Federal IV-E requirements for placement eligibility (all applicable background checks etc.) have been met. Failure to meet all requirements will result in ineligible placement of children and financial implications. (See Section III).**

- b) Background checks submitted for new foster home approval by an agency must not be dated before the begin date recorded in **TFACTS**.
- c) It is recommended that the period between the begin date and the approval date be no more than six (6) months to ensure that the most current background information is available at the time of approval.
- d) Agencies will up-load eligibility documentation into **TFACTS** prior to or at the time of foster home approval.
- e) If children are placed in an **agency-approved home** and that home is later found by RET review to be ineligible, payment recovery will be assessed (see Section III).

**2. Re-Assessment Process for Foster Homes**

- a) The biennial Foster Home Re-assessment process will be in accordance with DCS Policy [16.8 Responsibilities of Approved Foster Homes](#) and as policy is amended from time-to-time.
- b) Background checks identified in DCS Policy [16.8 Responsibilities of Approved Foster Homes](#) as being required for the biennial foster home re-assessment must not be dated more than **90 calendar days** prior to the foster home's assessment due date. Non-compliance with this provision will result in recommendations for payment recovery action.

**Section VI: Shared Home Agreements**

Shared Home Agreements are agreements between a DCS region and a Contract Agency for a specific child placement for a specific period of time. For re-classification of a DCS or Contract Agency home to Shared Home status, Central Office RET staff must be notified by submission of a DCS Shared Home Agreement.

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Documentation of ICPC Foster Homes will comply with the D-RET Protocol when a Contract Agency foster home is involved in the ICPC process.

**Note:** Re-assessments of all Shared Homes are the responsibility of the Contract Agency. It is also the Agency's responsibility to forward all re-assessment documentation to the partnering region in a timely manner. All re-assessment documentation will be maintained on file in hard-copy form by the partnering region.

**Section VII: Foster Homes Management**

1. Contract Agencies will enter into **TFACTS** the reason(s) for the termination of homes within their agencies.
2. Contract Agencies will also enter into **TFACTS** the reason(s) a foster home is requesting a transfer of supervision to another agency or closure of the foster home.
3. Before a foster home is transferred to the new supervising agency, the gaining agency will review the home's most recent approval documentation, and meet with the foster parent to ensure the transferring home meets their agency's standards of professionalism. Refer to the [Protocol for Re-Activation or Re-Classification of Foster Homes](#) regarding foster home transfers.
4. Contract Agencies are to notify RET at the time of closure of a foster home. The notification is to be sent as a memorandum on agency letterhead stating the foster home name, foster home ID number, the closure status (good or bad), the closure date, and the closure reason.

**Section VIII: Required Documentation**

As stated previously, RET will only be concerned with receiving documentation that addresses Federal IV-E requirements. Agencies will remain completely responsible for assuring and maintaining all foster home eligibility requirements set forth in DCS Policy and contractually agreed upon as per the Provider Policy Manual. Furthermore, the Department will consider a home designated "Approved" by an agency to be a home meeting all DCS requirements for approval. That home will then be considered eligible for placement.

All foster home eligibility documents will be maintained in **TFACTS** and must include the following documents:

**Studies & Forms:**

- ◆ Home Study (Initial assessments; Follow the [Protocol for Re-Activation or Re-Classification of Foster Homes](#) for re-activated homes);
- ◆ DCS Form [CS-0692, Foster Home Mutual Re-Assessment or Re-Activation](#)
- ◆ DCS Form [CS-0773, Foster Home Addendum](#) (when applicable).

**Background Checks:**

**Note: Searches must be conducted taking into account current, maiden and any other previous legal names for initial assessments. Searches for re-assessments are to be conducted using current legal name.**

◆ Local Law Enforcement Check

**Note: Local background checks for initial assessments must include the applicant's last six (6) months of residence. Any charges identified from this search for which there is no disposition must be clarified by obtaining additional documentation from the court of jurisdiction.**

◆ [National Sex Offender Registry Check:](#)

◆ [Abuse Registry Check:](#)

◆ DCS Database Search (Initial assessments; Follow the [Protocol for Re-Activation or Re-Classification of Foster Homes](#) for re-activated homes); and,

◆ TBI & FBI Fingerprint Check Results for all household members 18 years of age and older (Initial assessments; Follow the [Protocol for Re-Activation or Re-Classification of Foster Homes](#) for re-activated homes).

**NOTE: The above sites are the official Web sites to be used when conducting background checks.** Any agency accessing an internet service to complete the required background checks for potential foster parents and/or other adult household members is responsible for assuring that the provider being utilized accesses the internet searches listed above, at a minimum. Doing so will preclude the need for the provider to complete each individual internet search.

Failure to ensure and verify that the chosen internet service utilized uses the exact sites listed above for each check, will result in that check being considered invalid. This could potentially cause a home to be indentified as non-compliant and resulting in monetary penalties.

**Waivers:**

Each type of waiver requires review and approval by specific programmatic staff. Refer to instructions on Form [CS-0921, Waiver of Criminal Convictions, PATH Training Modifications, Non-Safety Issues and CPS Indications](#) regarding these requirements.

**Training:**

◆ PATH Completion Certificate (Initial assessments and re-activated homes; refer to DCS Policy [16.4 Foster Home Approval](#) regarding certificate expirations).