



Tennessee Department of Children's Services

Protocol for Appeal of Child & Family Team Meeting (CFTM) Decision

Supplemental to DCS Policy: None

The Child and Family Team Meeting (CFTM) model is the main decision-making tool used by the Department, contract agencies and families to review and discuss case management related issues. It is possible that disagreements could occur regarding decisions made by the team. If Child and Family Teams are functioning as they should, *it will rarely be necessary to appeal CFTM decisions.*

It is the intent of the Department to maintain the integrity, structure and decision-making authority within the Child and Family Team. Effective teaming requires that every team member's perspective is heard and considered before a consensus is reached. This consensus indicates a resolution that can be conditionally endorsed by all team members, but does not necessarily reflect each individual team member's opinion. However, if a decision is made by the team that is contrary to what a contract agency believes to be in the best interest of the child, the contract agency may appeal that decision. Regions also will have the right to appeal a decision made by a contract agency that is contrary to the CFTM decision-making. Contract agencies will not be penalized for exercising this appeal right.

The appeal of a CFTM decision can ***only*** be requested to resolve the following issues:

- A child's type of placement
- A child's level of care;
- The continuation of a child's current services.

Youth fourteen (14) and older, their families, foster parents and GALs continue to have the right to appeal CFTM placement decisions involving levels 2, 3 and 4 through the TennCare appeal process.

Each child remains in his or her current placement throughout the appeal process and all members of the team must understand the placement plan before leaving the meeting.

Contract Agency Appeal Process - Regional Level

The contract agency must document their contention that the CFTM decision is contrary to the best interest of the child and family by using form [CS-1062, Tier II Request for Appeal](#). In order to ensure an efficient review of matters relating to a child, the following procedure will be followed:

1. The contract agency's intention to appeal is announced to the team before the meeting is concluded. However, all parties are afforded **one (1), 24-hour business day** cycle after the adjourning of the CFTM in which to lodge their request for appeal. The contract agency contacts the CFTM facilitator. If the CFTM did not require a facilitator, the Family Service Worker (FSW)/Juvenile Service Worker (JSW) for the case is contacted.

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2. Within **one (1) business day** of the CFTM, the facilitator (or if the facilitator is not present, the FSW/JSW) notifies the Team Coordinator (TC) for the case that an appeal has been requested. The TC contacts the contract agency either in person or by conference call.
 - ◆ If the issue can be resolved, the TC communicates the decision to the CFTM members associated with the case. The TC and Team Leader (TL) ensure the implementation of the decision via the FSW/JSW.
 3. If, after **three (3) business days**, resolution cannot be reached at the TC level, the Deputy Regional Administrator (DRA)/Regional Administrator (RA)/Statewide Juvenile Justice (JJ) Director is then engaged. The DRA/RA/Statewide JJ Director has **three (3) business days** in which to conduct a review of the case which includes contact with the contract agency making the appeal.
 - ◆ If resolution is reached at this level, the DRA/RA/Statewide JJ Director communicates the decision to the TC and in writing to the contract agency. The TC will then inform the CFTM members associated with the case. The TC will ensure the implementation of the decision via the FSW/JSW. Documentation of the resolution should be recorded in the TFACTS record.
- Note:** The DRA/RA/Statewide JJ Director may not delegate this responsibility unless there are unique and extenuating circumstances that prevent him/her from overseeing the review. In such a case, the case will be forwarded on to the state level appeal process for a decision.
4. If all the above-outlined steps in the regional process fail to produce a resolution, the contract agency may initiate further review in the form of a state level appeal, utilizing form [CS-1062, Tier II Request for Appeal](#). The procedure for this process is outlined below.

DCS Regional Appeal Process-Regional Level

The region documents their contention that the CFTM decision is contrary to the best interest of the child and family by using form [CS-1062, Tier II Request for Appeal](#). In order to ensure an efficient review of matters relating to a child, the following procedure is followed:

1. The region's intention to appeal is announced to the team before the meeting is concluded. However, all parties are afforded **one (1), 24-hour business day** cycle after the adjourning of the CFTM in which to lodge their request for appeal. The region contacts the CFTM facilitator. If the CFTM did not require a facilitator, the FSW/JSW for the case is contacted.
2. Within **one (1) business day** of the CFTM, the facilitator (or if the facilitator is not present, the FSW/JSW) will notify the Team Coordinator (TC) for the case that an appeal has been requested. The TC will then consult with the RA/Statewide JJ Director on the appeal to the contract agency's decision. The RA/Statewide JJ Director will have **three (3) business days** to review the information and convene a discussion with the contract agency regarding the contract agency's decision.

Note: The DRA/RA/Statewide JJ Director may not delegate this responsibility unless there are unique and extenuating circumstances that prevent him/her from overseeing the review. In such a case, the case will be forwarded on to the state level appeal process for a decision.

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3. If the meeting does not conclude satisfactorily the RA/Statewide JJ Director appeals to Central Office for a decision utilizing the same appeals process afforded to the contract agency.

Appeal Process - State Level

This process allows a CFTM decision to be reviewed by a Central Office multidisciplinary team. The Central Office multidisciplinary team's decision is final and all parties will comply with the recommendations. The Central Office multidisciplinary team is comprised of the: DCS Director of Psychology, Director of Placement and Provider Services, Director of Foster Care and Director of Permanency Planning or their designees.

The steps for requesting and conducting a State Level Appeal are as follows:

1. The contract agency/region notifies the CFTM facilitator (or the FSW/JSW assigned to the case in question) of their intention to request a State Level Appeal immediately after the Regional Appeal is completed.
2. The contract agency/region forwards, through their supervision, the Request for Appeal and supporting documentation to the Director of Placement and Provider Services and the Team Leader of the DCS Family Services Worker assigned to the case. This is submitted within **three (3) business days** of the regional and contract agency appeal meeting. The Team Leader ensures either the Regional Administrator/JJ Statewide Director as well as the Family Services Worker receives a copy of the Request for Appeal including all supporting documentation. The Team Leader also ensures that any additional case-related information is forwarded to the Director of Placement and Provider Services within **two (2) business days** from receipt of the Request for Appeal.
3. The Director of Placement and Provider Services will review the materials submitted and send to the Central Office multidisciplinary team.
4. During this appeal, the Central Office multidisciplinary team reviews the materials submitted, hears both the Department and the contract agency's position and makes a determination. This decision is made verbally during the meeting and followed up with a written explanation via form [CS-1061, Tier II Request for Appeal Documentation and Communication](#).
5. The DCS representative notifies the FSW/JSW of the results of the appeal. The FSW/JSW then notifies all members of the team of the outcome of the appeal.

DCS reserves the right to reconsider appeal decisions made through the above process at the request of the DCS Commissioner.

Documentation:

1. The results of any appeal of a CFTM Decision are documented in the child's electronic case record.
2. All information gathered through Regional or State Appeals of CFTM Decisions are shared with the Director of Permanency Planning and the Director of Placement and Provider Services for tracking and training purposes.