

## **1.26 Statutory and Federal Reporting**

**Application:** To All Department of Children's Services Employees

<b>Authority:</b> TCA 4-3-304, TCA 4-29-242 (a); TCA 10-7-303, TCA 37-1-406(k); TCA 37-1-603 (a); TCA 37-1-607; TCA 37-2-205(f)(3); TCA 37-2-411; TCA 37-2-601; TCA 37-2-411; TCA 37-3-111; TCA 37-3-804; TCA 37-3-501; TCA 37-3-604; TCA 37-3-804; TCA 37-5-105(3); TCA 37-5-105(4); TCA 37-5-105 (12); TCA 37-5-105 (15); TCA 37-5-105(17); TCA 37-5-106; TCA 37-5-112; TCA 37-5-124; TCA 37-5-128; TCA 37-5-129; TCA 37-5-519; Rule 12101-3; Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79)	<b>Standards: COA:</b> PA-AM 3.02, PA-AM 3.04, PA-AM 3.06, PA-AM 4.02, PA-AM 5.04; PA-PQI 1.01(a) (b), PA-PQI 6.04; PA-PQI 3.02, PA-PQI 3.04-3.05, PA-PQI 3.08
<b>Commissioner:</b>	<b>Date:</b>
Original Effective Date: 08/14/17 Current Effective Date: 01/03/19	Supersedes: 08/14/17 Last Review Date: 01/03/19
<b>Glossary:</b> None	

### **Policy Statement:**

The Department of Children's Services (DCS) has mandatory federal and state statutory requirements that shall describe the department's methods of improving performance, maintaining accountability, and ongoing progress toward identified goals. DCS provides regular, timely reports on operations, finances, and implementation of the long term plan and system-wide initiatives to the legislature, oversight entities, and the public at large, as appropriate.

### **Purpose:**

To fulfill federal and statutory reporting requirements, to participate in all mandated committee meetings and to create annual and strategic plans that provide a clear administrative picture of the department's functions.

### **Procedures:**

#### **A. Federal Reporting**

The Department of Children's Services (DCS) is required to publish plans, reports, and budget requests to appropriate federal entities according to Federal law.

1. **Child and Family Services Plan ("CFSP" or "Five-Year Plan")**: A narrative plan, which describes the department's vision, goals and objectives in relation to Federal Title IV-B funding from the Social Security Administration Act. This plan must include strategies to achieve goals and objectives based on Tennessee's performance during the Child and Family Service Review. The CFSP includes additional information as required by the Program Instruction.
2. **Annual Progress and Services Report (APSR)**:
  - a) A narrative report on progress made in meeting each goal and objective in the CFSP;
  - b) A report on any changes in Department goals and objectives;
  - c) A narrative description of the services to be provided in the upcoming year; and
  - d) All other program information as required by the annual Program Instruction.
    - ◆ The APSR is due annual on June 30th for the time period of July 1st – June 30th.
3. **Child Abuse Prevention and Treatment Act (CAPTA)/Criminal Justice Act (CJA)**  
Reports federal funding to States in support of prevention, assessment, investigation, prosecution, and treatment activities addressing child abuse and neglect. This report asks the state to report on the following annually:
  - a) The assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;
  - b) The assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;
  - c) The investigation and prosecution of cases of child abuse and neglect, including child sexual abuse and exploitation; and
  - d) The assessment and investigation of cases involving children with disabilities or serious health-related problems who are suspected victims of child abuse or neglect.
    - ◆ The CAPTA/ACJ report is due annually on May 31st.
4. **CFS-101 Annual Budget Request, Parts I, II and III**: A three (3)-page fiscal form used to request Title IV-B funds, and to show actual and projected expenditures (submitted with the CFSP or APSR). Part I and II reports estimated expenditures; Part III reports actual expenditures for the most recent two (2)-year grant period for which data is available.
5. **Status Report**: The ***SF 425A, Federal Financial Report Attachment*** fiscal form is used to report grant expenditures. An SF 425 must be submitted covering the first

twelve (12) month budget period (the “interim report”), and the entire grant period (the “final report”).

**6. Prison Rape Elimination Act (PREA):**

- a)** The agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- b)** The agency aggregates the incident-based sexual abuse data at least annually.
- c)** The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- d)** The agency maintains, reviews, and collects data, as needed, from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.
- e)** The agency also obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its residents.
- f)** Upon request, the agency provides all such data from the previous calendar year to the Department of Justice no later than June 30th.

**7. Children’s Bureau Disaster Information Collection Plan:** When a disaster or emergency event occurs that garners national media attention, the Administration on Children and Families Watch Desk submits a Request for Information to be submitted by the state designee through the Disaster Information Collection Plan. The DIC-P includes information about how the event impacted the Child Abuse Hotline, DCS Foster Homes, Contract Providers, and children/youth current in foster care. The state designee must complete the initial report and submit to the Children’s Bureau Regional Office within a specified amount of time (generally 4 hours), based on whatever information is available at that time. As new information comes in during the days following the initial request, the state designee must send an update to the Watch Desk.

**8. Title IV-E Plan:** A narrative plan that outlines how the Department will provide, in appropriate cases, foster care and adoption assistance, and guardianship assistance, under title IV-E of the Social Security Administration Act of 1935. This plan outlines how the Department agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances.

**9. Federal Program Improvement Plans:** The Department of Children’s Services may have a Child and Family Review Performance Improvement Plan or Title IV-E Performance Improvement Plan that must be submitted to the Children’s Bureau based on:

- a)** Findings from Child and Family Service Reviews which are based on the services outlined in the Child and Family Service Plan.

- b)** Findings from a Title IV-E Audit conducted by the Children's Bureau to determine under or overpayments of Federal funding.

**B. State Statutory Reporting Requirements and Mandated Committees**

- 1.** The DCS Office of Continuous Quality Improvement must:
  - a)** Develop and publish a comprehensive annual report by January 31st of departmental programs and statistics as set forth by Tennessee Code Annotated 37-5-105(4).
  - b)** Develop and maintain a strategic plan each July 1st that conveys how the department will achieve desired performance outcomes and where the department will concentrate its efforts during the period covered by the plan. The strategic plan will be updated timely and will include a status report on implementation strategies and identify new priority issues that have developed since the release of the plan; and
  - c)** Submit copies of the Annual Report and Strategic Plan, as appropriate, to the Governor's office, legislature, departmental units, juvenile courts, law enforcement, public defender's and prosecutor's offices, detention centers and other appropriate interested parties and agencies. The following information will be included in the Annual Report:
    - ◆ As set forth in TCA 37-5-105(15): A plan and recommendations regarding the requirements for extensive, detailed disposition of all allegations, by type, of child maltreatment and, by type, of disposition, and submit the plan and recommendations to the Judiciary Committee of the Senate and Civil Justice Committee of the House of Representatives, and the Tennessee Joint Task Force on Children's Justice/Child Sexual Abuse State Plan;
    - ◆ Judges Commitment Data Report as set forth in TCA 37-2-205(f)(3): County commitment data for the previous calendar year and a description of actions taken as part of the collaborative planning process;
    - ◆ Child Care Agencies Annual Report as set forth in TCA 37-5-519: Status of child care agencies within the state subject to its jurisdiction, accompanied by special comments and recommendations from Licensing;
    - ◆ As set forth in TCA 37-2-411: A report on foster care with statistics on the number of children in foster care, cost of foster care, and types of services being offered; and
    - ◆ Evidence-based Treatment and Probation Report as set forth in TCA 375-105(17).
- 2.** DCS must comply with state reporting requirements by law:

- a) Submit for review any new departmental policies to the Judiciary Committee of the Senate and Civil Justice Committee of the House of Representatives within sixty (60) days of adoption of policies as set forth in TCA 37-5-129;
- b) As set forth in TCA 37-1-603: Tennessee Joint Task Force on Children's Justice/Child Sexual Abuse State Plan: Develop a comprehensive state plan for detection, intervention, prevention, and treatment of child sex abuse. The State plan is developed through a joint task force consisting of agencies and programs identified by state law. The Plan is submitted to the General Assembly, appropriate committees, and the Governor by January 31 each odd numbered year;
- c) Severe Abuse Report to District Attorneys as set forth in TCA 37-1-406(k): After each severe abuse case; and
- d) As set forth in TCA 37-5-124: Report fatality or near fatality of:
  - ◆ Child in custody;
  - ◆ Child subject of ongoing investigation or was the subject of investigation within forty five (45) days preceding fatality or near fatality; or
  - ◆ Child whose fatality or near fatality resulted in investigation of the safety or well-being of another child in the home.

**Note:** Within ten (10) business days of an incident, DCS reports to members of the House of Representatives and Senate representing the child.

- 3. Records Holding Report: An annual report required by the Public Records Commission and the Secretary of State Records Management Division. The report reflects a full inventory of the volume of records stored within the agency. The reporting cycle covers the period of July 1st to June 30th of the following year. The required submission date varies yearly, but usually is submitted between July 31st and September 1st each year.
- 4. DCS is required to serve as a member of, appear before, or establish the following:
  - a) The Second Look Commission as set forth in TCA 37-3-804;
  - b) The Council on Children's Mental Health as set forth in TCA 37-3-111;
  - c) The Extension of Foster Care Services Advisory Council as set forth in TCA 37-2-601;
  - d) Appear before the Senate Judiciary Committee and House Civil Justice Committee to review the department's policies by March 1st each year as set forth in TCA 37-5-128; and
  - e) Establish the Children's Services Advisory Council as set forth in TCA 37-5105(12).

**Forms:**

***CFS-101 Annual Budget Request, Parts I, II and III*** (internal program form only)

**SF 425A, Federal Financial Report Attachment**

**Collateral Documents:**

None