

14.30 Relative Caregiver Program	
Application: Relative Caregiver Provider Staff and DCS Staff.	
Authority: TCA: § 37-1-186; T.C.A § 37-5-105, 2022 Tennessee Laws Pub. Ch. 785	Standards: COA: PA-CFS 5-6; PA-CFS 7.01-7.03; PA-CFS 9; PA-CFS 14.07
Commissioner:	Date:
Original Effective Date: 01/01/23 Current Effective Date: 12/01/23	Supersedes: 01/01/23 Last Review Date: 12/01/23

Glossary:

- ◆ Eligible Children
 - The children under the age of 18 who meet eligibility criteria to participate in the Relative Caregiver Program or the Relative Caregiver Stipend Program.
- ◆ Foster Care Board Rate
 - The regular board payment rate as determined by DCS for the payment to foster parents providing residential care to children in state custody.
- ◆ Relative Caregiver or Caregiver
 - An individual within a first, second, or third degree of relationship to the parent, or the stepparent of the child. This child must be under the relative caregiver's primary care, control, guidance, and supervision. Relationship is established by blood, marriage, or adoption.
- ◆ First, second, or third degree of relationship
 - A first-degree, second-degree, or third-degree relative of the individual, or of a dependent of the individual: a) First-degree relatives include an individual's parents, siblings, and children. b) Second-degree relatives include an individual's grandparents, grandchildren, uncles, aunts, nephews, nieces, and half-siblings. c) Third-degree relatives include an individual's great-grandparents, great grandchildren, great uncles/aunts, and first cousins.
- ◆ Relative Caregiver Participant, RCP Participant, or Participant
 - The relative caregiver and family participating in the relative caregiver program or the relative caregiver stipend program.
- ◆ "Relative Caregiver Stipend Program," "Stipend Program,"
 - The program defined by 2022 Tennessee Laws Pub. Ch. 785 and is a subset of the Relative Caregiver Program.

Policy Statement:

The Department of Children's Services administers this public/private collaboration designed to support children who are not able to be raised by their parents, and are being cared for by grandparents, aunts, uncles, and other extended family members via community-based agencies.

Purpose:

To ensure children and relative caregivers receive support and wrap around services to maintain supportive and stable environments for children.

Procedures:**A. Availability of Resources for Relative Caregivers**

The Department shall distribute information about available relative caregiver resources to the Administrative Office of the Courts for distribution to each court within the state that issues orders regarding child custody or guardianship. The Department shall also provide information regarding these resources to families receiving services from the Department.

- ◆ The Department administers the Relative Caregiver Program (RCP) and the Relative Caregiver Stipend Program.
- ◆ The Relative Caregiver Program provides case management and supportive services to eligible relative caregivers.
- ◆ The Relative Caregiver Stipend Program provides eligible families a monthly stipend payment equal to 50% of the full foster care board rate.
- ◆ RCP Providers should consult the RCP Operations Manual for expectations and training requirements.

B. Eligibility Guidelines to Participate in the Relative Caregiver Program

1. The Department or the Relative Caregiver Program Provider (RCP Provider) determines whether or not a family is eligible to participate in the RCP. In making an eligibility determination, the Department or RCP Provider verifies that the family meets the following eligibility criteria prior to enrolling a family into the RCP:
 - a) The child(ren) must reside in the home of the relative caregiver either through court order, power of attorney, or an informal agreement with the parents.
 - b) The relative caregiver must be willing to take part in a needs assessment via the Relative Caregiver Family Needs Scale, the Home Safety Checklist, or any other needs assessment required by the Department in addition to any safety and needs scales utilized by the provider.
 - c) The relative caregiver must agree to accept needed support services through the Relative Caregiver Program.
 - d) The relative caregiver must be able to provide a safe home for eligible children and be committed to providing that home as long as is necessary and appropriate.
 - e) A parent of the child may not reside in the home of the relative caregiver.
 - f) The relative caregiver must be within the first, second, or third degree of relationship to the parent or stepparent of the child. The relative caregiver must be related to the child through blood, marriage, or adoption.
 - g) The relative caregiver shall not have a total adjusted household income that exceeds twice the current Federal Poverty Guideline based on the size of the family unit. Household income will be determined by including the income of the relative caregiver, the spouse of the relative caregiver, and adult children of the relative caregiver who are living in the same home as the relative caregiver. The

relative caregiver family must not be receiving any type of DCS kinship payment or subsidy.

2. Eligibility for the Relative Caregiver Program does not guarantee eligibility for the Relative Caregiver Stipend Program.
3. The Department may waive these requirements for the non-stipend Relative Caregiver Program for good cause shown after determining in writing that doing so would be in the best interest of the child.
4. If the child(ren) is removed from the custody of the relative caregiver, then the relative caregiver will no longer be eligible for the Relative Caregiver Program.

C. Eligibility Guidelines to Receive the Relative Caregiver Stipend.

GENERAL ELIGIBILITY

In addition to Relative Caregiver Program eligibility, the Department or RCP Provider determines whether or not a family is eligible to participate in the Relative Caregiver Stipend Program. In making an eligibility determination, the Department or RCP Provider verifies that the family meets the following eligibility criteria prior to the family receiving the Relative Caregiver Stipend

- a) The child(ren) is currently not in state custody. If the child enters the custody of the Department, the relative caregiver is not eligible for the stipend for that child as long as the child is in custody.
- b) The relative caregiver is twenty-one years of age or older.
- c) The relative caregiver has been awarded custody of the child by a final order of a court acting with juvenile court jurisdiction.
- d) A parent of the child does not reside in the relative caregiver's home.
- e) The relative caregiver agrees to seek the establishment and enforcement of child support, including the naming of the father of a child for the purpose of paternity establishment.
- f) The relative caregiver is within the first, second, or third degree of relationship to the parent or stepparent of the child. The relative caregiver must be related to the child through blood, marriage, or adoption.
- g) The relative caregiver does not have a total adjusted household income that exceeds twice the current Federal Poverty Guideline based on the size of the family unit. Household income will be determined by including the income of the relative caregiver, the spouse of the relative caregiver, and adult children of the relative caregiver who are living in the same home as the relative caregiver.

NOTE: If all of the criteria to participate in the Stipend Program are not met, the family may still be eligible to participate in the Relative Caregiver Program, but will not receive a stipend.

INCOME DOCUMENTATION

When making eligibility determinations for the Relative Caregiver Stipend Program, the Department or RCP Provider requests documentation evidencing the income of the relative caregiver, the spouse of the relative caregiver, and adult children of the relative caregiver who are living in the home of the relative caregiver. The Department or RCP Provider will not approve an application for the Relative Caregiver Stipend Program unless sufficient documentation of all income is provided to the Department or RCP Provider by the relative caregiver.

Documentation of the following sources of income must be received and reviewed, as applicable:

- ◆ Gross earned income or money derived from work efforts. Examples of earned income would be wages, salaries, and commissions. Garnished or diverted wages are considered to be earned income;
- ◆ Income from self-employment or from other sources such as rental income and small business enterprises;
- ◆ Pensions;
- ◆ Social security benefits;
- ◆ Veteran's benefits;
- ◆ Military allotments;
- ◆ Unemployment compensation;
- ◆ Severance pay;
- ◆ Non-recurring lump sum payments such as windfalls, cash prizes, awards, income tax credits, stimulus payments, or other payments; □ Income from a trust fund; or
- ◆ Income from interest payments, dividends, annuities, and royalties.

PROOF OF RELATIONSHIP

When making eligibility determinations for the Relative Caregiver Stipend Program, the Department or RCP Provider requests documentation proving a qualifying relationship between the relative caregiver and the child. The Department or RCP Provider will not approve an application for the Relative Caregiver Stipend Program unless documentation of a qualifying relationship is provided to the Department or RCP Provider by the relative caregiver.

Documentation of a qualifying relationship includes the following:

- ◆ Birth certificates or copies of birth certificates;
- ◆ Hospital birth records;
- ◆ Juvenile Court or Family Court records that specify relationship;
- ◆ Copies of income tax returns listing the child as a specific relative;

- ◆ Hospital records that specify relationship;
- ◆ DCS or other state department records that specify relationship;
- ◆ Family Bible or other family records that are in ink and have not been altered;
- ◆ Trust documents if relationship is specified in document;
- ◆ Wills and deeds to property if the individual and relationships are specified;
- ◆ Written statements of physicians or midwives who attended the births and remember the names of persons involved;
- ◆ School records that specify relationship;
- ◆ Military records that specify relationship; or
- ◆ Other proof containing sufficient evidence of relationship as approved by the Department.

D. Redetermination for the Relative Caregiver Stipend

The Department or RCP Provider will redetermine eligibility for the Relative Caregiver Stipend every three (3) Months. If the relative caregiver does not cooperate in the redetermination process to ensure continuing eligibility, the Department or RCP Provider may terminate the stipend and close the RCP case.

1. The Department or RCP Provider will verify that participants receiving a stipend remain eligible.
2. DCS will provide guidance to RCP Providers on the requirements for participant redeterminations. The RCP Provider is responsible for gathering the necessary documents from the relative caregiver to support the approval of the participant's continued enrollment in RCP.
3. RCP Providers will provide to DCS all updated eligibility documents.
4. On an annual basis, the RCP Provider will provide to DCS, in the manner prescribed by the Department, all redetermination documents even if there have been no changes from the initial submission of the documents.
5. Eligibility for the stipend ends when the youth has reached the age of eighteen (18).

E. Guidelines for Client Intake and Service Plan Development

1. Families may be referred to the RCP by DCS, hospitals, the Department of Human Services (DHS), community mental health services, schools, juvenile or family courts, Community Services Agencies, private agencies, and other sources, including self-referrals. Self referrals are also allowable.
2. DCS and RCP Providers are responsible for determining whether or not an individual or family is eligible to participate in the program. An individual's eligibility

must be redetermined by the RCP Provider every three months. The RCP Provider must work to ensure that financial aid and services are provided to families in an equitable, lawful, compliant, and respectful manner. When families are determined ineligible, appropriate referrals for services will be made to ensure safety and permanence for children in relative care. DCS will monitor RCP Providers' determinations of eligibility. DCS also reserves the ability to conduct on site case file reviews of the RCP Providers.

3. A referral may be made to the RCP in the following ways:
 - ◆ By submitting the Relative Caregiver Program Referral form to the respective RCP Provider;
 - ◆ Calling the Relative Caregiver Hotline; or
 - ◆ Contacting the RCP Provider directly.
4. After a referral is received:
 - a) The RCP Provider initiates contact to schedule an initial face-to-face visit with the family after receipt of the referral.
 - b) The RCP Provider informs referent via email or telephone of family eligibility.
 - c) The RCP Provider documents contact with the family in the manner prescribed by DCS.
5. The RCP Provider and the family must collaboratively complete a Family Needs Scale, a family needs assessment, and develop a service plan.
6. In compliance with TCA § 37-1-403, if the RCP Provider believes it is not in the best interests of the child(ren) to remain in the home of the relative caregiver, appropriate steps must be taken to ensure the safety of the child(ren). These steps include making a report to the Child Abuse Hotline and notifying the RCP supervisor and DCS Central Office staff of the situation.
7. Once a service plan has been developed, the RCP Provider must help the family achieve the goals outlined in the agreed upon service plan.
8. The Family Needs Scale must be used by each RCP Provider as part of the initial assessment to assess family need.
9. A service plan may include, but is not limited to, the following types of referrals and services: individual counseling, respite care, legal services, financial aid, recreation, homemaker services, transportation, advocacy, support groups, training, mediation, family conferencing, case management, mentoring, childcare, and children's activity groups as needed for eligible families. These services may not duplicate services the family is already receiving.

F. Guidelines for Data Collection and Reporting.

1. Each Relative Caregiver Program Provider must maintain an accurate, confidential case file on each relative caregiver family participating in the program which documents participant identifying data, requests for services, and services provided.
2. All RCP Provider reports and statistics require backup documentation. This record keeping must be done on DCS-approved forms, contained within the case file, and made available to DCS.
3. Each RCP Provider must report program and financial data as required by DCS. Providers will submit financial data to DCS on a monthly basis on DCS approved forms. Each RCP Provider will provide expenditures by line item in the budget and maintain appropriate backup documentation of these expenditures at the program site.
4. The RCP Provider must submit monthly reports and financial invoices to DCS on DCS-approved forms. The RCP Provider must submit a report detailing achievement of outcomes set forth in the agency's contract, such as aggregated data for the number of persons served, cases closed, services provided, educational workshops provided, support groups provided, demographic summaries, placement reason by county, and graduated cases of caregivers and children

G. Financial Assistance to Individuals

1. Children and their relative caregivers may have special non-recurring needs for financial aid. Meeting these needs will enable families to provide safe, stable homes for their related children that support appropriate growth and development and good health. The RCP will provide financial support to all eligible families with the need for financial aid as funds permit.
 - a) Financial aid may be used to purchase a wide range of tangible items, supports, services, or other needs.
 - b) Financial aid may not be made that duplicates available existing supports.
 - c) All financial aid determinations will be based on written requests for assistance submitted by the RCP staff person to an RCP Provider designee. This written request must be contained within the case file.
 - d) Each RCP Provider should develop, utilize, and continuously update an inventory of available services and supports in their communities to ensure that Program funds are not used to duplicate existing services.
 - e) Each RCP Provider must maintain adequate support documentation in the case file to verify contracted and paid for services and expenses actually incurred.
2. Stipends provided to qualifying relative caregivers are for any caretaking function that best suits the support of the child's stability and upbringing. All other Relative Caregiver Program grant dollars that are provided as financial aid will be to support the permanency and well-being of the child with the caregiver.

H. Termination of Stipend Payments

1. The Department or the RCP Provider will terminate Relative Caregiver Stipend payments shall terminate when one of the following occurs:
 - ◆ Upon the relative caregiver's requests that the stipend terminate;
 - ◆ The relative caregiver's legal responsibility to the child ends;
 - ◆ The relative caregiver fails to complete the redetermination process;
 - ◆ If the child(ren) marry;
 - ◆ If the child(ren) die;
 - ◆ The child(ren) no longer meet the continuing eligibility criteria used to continue the Stipend;
2. If DCS determines that the relative caregiver was made eligible for the Stipend program in error, DCS reserves the right to terminate the Stipend due to error or oversight concerning the determination of eligibility for the Stipend Program.

I. Notification of Change

1. Relative Caregivers will notify the Department of Children's Services relative caregiver staff when there is a change in circumstances that warrants a modification or termination of the financial aid being received or the Stipend being received. This includes, but is not limited to, the child(ren) being removed from the care and custody of the relative caregiver and placed into the custody of another individual or entity.
2. In the event the relative caregiver becomes incapacitated or dies, the Relative Caregiver Stipend may be transferred to a successor relative caregiver if all eligibility criteria are met.

J. Appeals

Relative caregivers may appeal the Department's denial, termination, or modification of the child's stipend or the denial or termination of enrollment into the RCP.

Appeal of Denial, Termination, or Modification of the Stipend

1. If the Department or the RCP Provider determines that the stipend will be denied, terminated or modified, the Department or RCP Provider notifies the relative caregiver in writing within five (5) business days of the adverse action. A copy of form **CS-0403, Appeal for Fair Hearing**, is included in the written notice of adverse action.

2. The Department or RCP Provider informs the relative caregiver of the time frame they have to file an appeal, the process to file an appeal, and the fax number, mailing address, and email address to send the Appeal for Fair Hearing form.
3. Appeals from decisions to deny, terminate, or modify a stipend are accepted only if they are filed within ten (10) business days after the mailing date of the written notice of adverse action unless good cause can be shown as to why the appeal could not be filed within the time limit. Time limits are computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or legal holiday in which case the last day is the first day following a Saturday, Sunday, or legal holiday. Appeals are filed by sending a completed form CS-0403, Appeal for Fair Hearing, via email, mail, or fax to:

**Department of Children's Services
Administrative Procedures Division 2
00 Athens Way, 2nd Floor, Ste. B
Nashville, TN 37243
Fax: 615-741-4518**

Email: EI-DCS.AdministrativeProcedures@tn.gov

4. Relative Caregivers may appeal DCS's denial, termination, or modification of the receipt of the stipend by using the Department's Fair Hearing and Appeal Process. Relative Caregivers must appeal an adverse decision within ten (10) business days of written notice of adverse action. If adverse action is upheld, the appeal payments continued during the appeal period will be considered an overpayment and will be subject to recovery. The following are the steps in the appeal process:
 - a) If DCS determines the Stipend will be denied, terminated, or modified, the Relative Caregiver Provider must notify the relative caregiver, within five (5) business days, in writing of the adverse action. The ***CS-0403, Appeal for Fair Hearing***, form must be given to the relative caregiver at the same time as the notification.
 - b) The relative caregiver must be informed about the timeframe in which they have to file an appeal. They must also be provided with the fax number and mailing address to send the Appeal for Fair Hearing form.
 - c) The DCS Administrative Procedures Division (APD) will notify the appropriate DCS office if an appeal of the denial, termination, or modification of the stipend is received. Once notified by the APD, the DCS office must follow the APD's direction of that office to ensure due process protocol is followed.
 - d) DCS staff or the RCP Provider must complete an Appeal Summary as if directed to do so by the APD.

Appeal of Denial or Termination of Enrollment in the RCP

1. If the Department or RCP Provider denies or terminates enrollment in the RCP, the Department or RCP Provider informs the relative caregiver that the relative caregiver may request a review of the denial or termination of enrollment by DCS Central Office by informing the RCP Provider of their objection within ten (10) business days of the determination. If the relative caregiver provides an objection to the denial or termination of enrollment in the RCP within the timeframe, the RCP Provider notifies DCS Central Office of the objection via email.
2. Once DCS Central Office receives notice of the relative caregiver's objection to the denial or termination of enrollment in the RCP, DCS Central Office conducts a file review and makes a determination of whether the denial or termination will be upheld or modified within ten (10) business days from receipt of the objection. DCS Central Office will respond in writing to the relative caregiver with the outcome of the review as well as a justification for the determination. If the DCS Central Office file review upholds the denial or termination of enrollment in the RCP, a copy of form **CS-0403, Appeal for Fair Hearing**, is also included in the written notice of adverse action to the relative caregiver.
3. DCS Central Office informs the relative caregiver of the time frame they have to file an appeal, the process to file an appeal, and the fax number, mailing address, and email address to send the Appeal for Fair Hearing form.
4. Appeals from file review decisions to deny or termination enrollment in the RCP are accepted only if they are filed within ten (10) business days after the mailing date of the written notice of adverse action unless good cause can be shown as to why the appeal could not be filed within the time limit. Time limits are computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday, or legal holiday in which case the last day is the first day following a Saturday, Sunday, or legal holiday. Appeals are filed by sending a completed form **CS-0403, Appeal for Fair Hearing**, via email, mail, or fax to:

**Department of Children's Services
Administrative Procedures Division
200 Athens Way, 2nd Floor, Ste. B
Nashville, TN 37243
Fax: 615-741-4518**

Email: EI-DCS.AdministrativeProcedures@tn.gov

5. APD will notify the appropriate DCS office if an appeal of the denial or termination of enrollment in the RCP is received. Once notified by APD, the DCS office must follow APD's direction to ensure due process protocol is followed.
6. DCS staff or the RCP Provider must complete an Appeal Summary if directed to do so by APD.
7. If the child(ren) is removed from the custody of the relative caregiver, then the relative caregiver will no longer be eligible for the Relative Caregiver Program.

Forms:

[*CS-0403, Appeal for Fair Hearing*](#)

[*CS-0614, Relative Caregiver Program Determination of Financial Eligibility*](#)

[*CS-0616, Relative Caregiver Family Needs Scale*](#)

[*CS-0618, Relative Caregiver Program Family Information*](#)

[*CS-0619, Relative Caregiver Program Letter of Understanding*](#)

[*CS-0620, Relative Caregiver Program In-Home Service Plan*](#)

[*CS-0676, Home Safety Checklist*](#)

Collateral Documents:

None