

16.27 Notice of Removal from a Foster Home

Application: All Department of Children's Services Foster Care Services Employees and Contract Agencies

Authority: TCA 37-5-105, 37-5-106; 37-2-415; TCA 37-4-201-37-4-207; and P.L. 109-239 Safe and Timely Interstate Placement of Foster Children Act of 2006; TCA 37-4-101 et seq. Interstate Compact for Juveniles.

Standards: COA: PA-CFS 13

Commissioner:

Date:

Original Effective Date: 06/01/01
Current Effective Date: 12/15/21

Supersedes: DCS 16.27 08/27/19
Last Review Date: 12/15/21

Glossary:

- ◆ Significant Safety Concerns:
 - A risk to the physical or emotional well-being of a child that is already in the custody of the Department. The potential trauma that the child could experience by being moved is outweighed by the potential trauma of the child staying in the home. DCS has responsibility in making safe foster care placements and should give different consideration to changing foster care placements than is given when removing from a parent or guardian.

Policy Statement:

Any Department of Children's Services approved foster/kinship parent, or contract agency foster parent, which includes those parents providing placement and services to children subject to compliance with the Interstate Compact on the Placement of Children (ICPC), are entitled to a written notice of removal of children from their home when it has been determined that a child's placement requires a change. When the children have been placed in the foster home for 12 consecutive months, the parents are given fourteen (14) day written notice, unless a child's safety is at risk. Any placement decisions, including disruptions, are held within the context of a Child and Family Team Meeting (CFTM). Under certain conditions, foster parents have the right to appeal a DCS decision to remove the child from their foster home for placement in a different foster home, a facility or in an adoptive foster home.

Purpose:

To provide guidance for determining and planning a movement and identifying an appropriate, safe placement for children/youth.

Procedures:

A. Decisions Regarding Movement of Children from Foster Homes

1. Placement changes are discussed, and decisions made in the context of a Child and Family Team Meeting (CFTM), when at all possible. Placement moves from a foster home require that foster parents receive notice of removal, the reason of the removal and when the removal will occur each time a child is removed from their home. Notice is provided by form **CS-0450, Notice of Removal of a Child from a Foster Home**. **CS-0450** is not required prior when the court orders the movement of the child(ren)/youth and the team is unable to convene.
2. Only when a child/youth has been placed in a foster home for twelve (12) consecutive months or longer is the family given the fourteen (14) day notice of removal. During this time the foster home has the right to appeal the CFT's decision. Foster parents are provided form **CS-0403, Appeal for Fair Hearing** or form **CS-0583, Foster Parent Waiver of Right to Appeal the Removal of a Child**.
3. When a foster parent has determined the placement cannot sustain in their home, the foster parent will provide a written fourteen (14) day notice to the Department/CFT stating the reason for removal. The fourteen (14) day notice begins on the date the foster parent provides notice to the Department. If circumstances occur causing the family or child(ren) in question to be at immediate risk or harm, the written notice will not be required.

NOTE: Written notices shall be via letter or email. Phone text will not be accepted.

4. An Unplanned Placement Stability CFTM will be arranged as soon as possible, but no later than five (5) business days to discuss the request for removal and make every effort to stabilize the placement.
5. When the team is convened and decisions are made on the movement of child(ren)/youth, the outcome results in one of the following actions:
 - ◆ Planned move with consensus of the CFT;
 - ◆ Planned move without consensus of the CFT, with no significant safety concerns for harm;
 - ◆ Move without consensus of the CFT, due to significant safety concerns for harm.

B. Moves with No Significant Safety Issues

1. When there is a planned move with consensus of the team to move the child(ren)/youth, the below steps are followed:
 - a) Consideration to change the placement of a child/youth is discussed within the context of a CFTM and is scheduled, whenever possible, prior to the actual change of placement.
 - b) Form **CS-0747, Child and Family Team Meeting Summary** is used to document CFTM decisions. For guidance on discussions held within the CFT, utilize the [Child and Family Team Meeting Guide](#).
 - c) If the team recommends a placement change, the CFT determines when the child(ren)/youth is moved and how long the child(ren)/youth remains in the current placement prior to moving to the new placement. If the child(ren)/youth has been in the current placement for twelve (12) consecutive months the notice must be fourteen (14) days.
 - d) When the child has been in the home for twelve (12) consecutive months, notice of removal is given to the foster parent(s) by the Family Service Worker (FSW) utilizing form **CS-0450, Notice of Removal of a Child from a Foster Home**.
 - e) Upon removal, if the foster parent(s) choose to waive their right to appeal, the FSW obtains their signature on form **CS-0583, Foster Parent Waiver of Right to Appeal the Removal of a Child**, documents this effort in TFACTS and sends a copy to the following location within twenty-four (24) hours:

Department of Children's Services
Administrative Procedures Division
Plaza Tower-Metro Center
200 Athens Way, 2nd floor, Suite B
Nashville, TN 37243
Using FedEx or UPS 37228
Phone:615-741-1110
Fax:615-741-4518
 - f) When the child has NOT been in the home for twelve (12) consecutive months, Notice of removal is given to the foster parent(s) by the FSW utilizing form **CS0450, Notice of Removal of a Child from a Foster Home**.
2. When it is determined there is a planned move without consensus of the team to remove the child(ren)/youth and there are no significant safety concerns of harm, the following steps occur:
 - a) A CFTM is held to discuss the concern(s) and to determine whether or not a change of placement needs to occur. If it is determined the child(ren)/youth will be moved a transition plan is developed during the CFTM.
 - b) When the child has been in the home for twelve (12) consecutive months, notice of removal is given to the foster parent(s) by the FSW utilizing form **CS-0450**,

Notice of Removal of a Child from a Foster Home. Upon removal, if the foster parent(s) choose to waive their right to appeal, the FSW obtains their signature on form ***CS0583, Foster Parent Waiver of Right to Appeal the Removal of a Child***, documents this effort in TFACTS and sends a copy to the following location within twenty-four (24) hours:

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- ◆ If the foster parent(s) appeal the move, the transition plan and the move is placed on hold. DCS staff collaborates with the Administrative Procedures Division to determine next steps.
 - ◆ There is communication among team members about the appeal process and next steps.
 - ◆ Once the appeal is resolved, the hearing order/agreement is incorporated into the transition plan.
- c) When the child has NOT been in the home for twelve (12) consecutive months, Notice of removal is given to the foster parent(s) by the FSW utilizing form ***CS0450, Notice of Removal of a Child from a Foster Home.***

C. Moves with Significant Safety Issues

1. When there are significant safety concerns that rise to the level of involvement by the Special Investigations Unit (SIU), the following steps occur:
 - a) Once SIU receives a report, they make contact with the region by sending an initial notification via email and begin their investigation, according to DCS Policy [***14.10, Special Investigations Unit Child Protective Services Investigations.***](#)
 - b) If significant concerns are noted, SIU immediately contacts the Regional Administrator/Designee and Placement Services Division (PSD) to discuss concerns, the foster home and any history related to the case. If the consensus among the RA, SIU, and PSD is the child(ren)/youth need to leave the home until the investigation can be completed, this is counted as a placement move and the PSD enters the move into TFACTS. Once the safety concerns have been alleviated, the team makes the decision as to if the child(ren)/youth return to the original placement. Additional guidance for removal of the child(ren)/youth and any alternatives can be gained by consulting legal counsel, if needed.

Note: The foster parent, who is subject to a SIU investigation, is notified by the DCS investigator that they have a Regional Foster Parent Advocate available to assist and support them throughout the investigative process.

- c) When the child has been in the home for twelve (12) consecutive months, notice of removal is given to the foster parent(s) by the FSW utilizing form **CS-0450, *Notice of Removal of a Child from a Foster Home***. Upon removal, if the foster parent(s) choose to waive their right to appeal, the FSW obtains their signature on form **CS-0583, *Foster Parent Waiver of Right to Appeal the Removal of a Child***, documents this effort in TFACTS and sends a copy to the following location within twenty-four (24) hours:

**Department of Children's Services
Administrative Procedures Division
Plaza Tower-Metro Center
200 Athens Way, 2nd floor, Suite B
Nashville, TN 37243
Using FedEx or UPS 37228
Phone:615-741-1110
Fax:615-741-4518**

- d) When the child has NOT been in the home for twelve (12) consecutive months, Notice of removal is given to the foster parent(s) by the FSW utilizing form **CS0450, *Notice of Removal of a Child from a Foster Home***.
- e) A formal CFTM is convened as soon as possible, but is scheduled no later than twenty-four (24) business hours after the child(ren)/youth has left the home and the CFT convenes within three (3) business days after the child(ren)/youth has left the home.

Note: If there is a removal of the child(ren)/youth from the home, the CFT addresses any plans for getting the child(ren)/youth to school, any pending medical appointments, court hearings, arranged family/sibling visits, and/or other extracurricular activities during the CFTM. Planning is focused on minimizing the disruption of the child(ren)/youth's daily activities and creating the least amount of stress during the displacement.

2. If there are significant concerns that rise to the level of possible closure of the foster home, refer to Section B of DCS Policy [16.16, Denial, Closure, or Suspended Admissions of Foster Homes](#) for additional guidance.

D. Appeals

1. Filing the Appeal

- a) A foster parent who has had a custodial foster child in their home for a period of twelve (12) or more consecutive months has the right to appeal a decision by a representative of DCS to remove the child(ren)/youth from his/her home for placement in a different foster home or facility. This right does not apply, however, to removals necessitated by any of the following reasons:
 - ◆ Children returned to their parent(s) or legal guardian;
 - ◆ Children removed from the foster family home pursuant to a Court Order requiring the removal;
 - ◆ Children removed from the foster family home at the request of the foster parent(s).
 - ◆ The child/youth has been in the foster home for less than twelve (12) consecutive months.
- b) It is the responsibility of the assigned FSW to provide information to the foster parents and discuss the following steps on how to file the appeal:
 - ◆ Discuss and complete form CS-0450, Notice of Removal of a Child from a Foster Home, CS-0583, Foster Parent Waiver of Right to Appeal and CS0403, Appeal for Fair Hearing;
 - ◆ Provide a copy of forms, CS-0450, CS-0583, and CS-0403 to the Regional Administrator/Designee and relevant Contract Agency provider;
 - ◆ Scan and e-mail a copy of forms, CS-0450, CS-0583, and CS-0403 to the Administrative Procedures Division at EIDCS.AdministrativeProcedures@tn.gov, and
 - ◆ Place a copy of forms, CS-0450, CS-0583, and CS-0403 in the foster home file and mail to:

Department of Children's Services
Administrative Procedures Division
200 Athens Way 2nd floor Suite B
Nashville, TN 37243
Phone: 615-741-1110
Fax: 615-741-4518

2. Time limit for filing the Appeal

- a) Appeals from decisions to remove a child from a foster family are accepted only if they are filed within ten (10) business days after the mailing date of the written notice of the action unless good cause can be shown as to why the appeal could not be filed within the time limit.
- b) The 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.

3. Time Limitation

Exceptions may be specifically waived in writing by both the foster parent(s) and the Commissioner or his/her designated representative. The maximum time limit for processing an appeal regarding removal of a child/youth from a foster family home is forty-five (45) days. This time begins to run on the date the request for appeal is received by the department and ends on the date the Initial Order is entered/mailed to the foster parent(s).

Forms:

[*CS-0450, Notice of Removal of a Child from a Foster Home*](#)

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

[*CS-0583, Foster Parent Waiver of Right to Appeal the Removal of a Child*](#)

[*CS-0747, Child and Family Team Meeting Summary*](#)

Collateral Documents:

[*Foster Parent Bill of Rights, Page 33, Foster Parent Handbook*](#)

[*Protocol for Respite Care and Other Events*](#)

[*16.16, Denial, Closure, or Suspended Admissions of Foster Homes*](#)

[*14.10, Special Investigations Unit Child Protective Services Investigations*](#)

[*Child and Family Team Meeting Guide*](#)

[*ICPC Procedures Manual*](#)