

	Tennessee Department of Children's Services <b>Protocol for Resource Eligibility Team (RET)</b>
	<b>Supplemental to DCS Policies: 16.4 Foster Home Approval and 16.8 Responsibilities of Foster Homes</b>

## **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 Agency 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 IVE 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 foster home files. The following protocol will guide this process.

## **Section II:    *Overview***

In accordance with DCS policy, DCS regional staff as well as Contract Agencies have full responsibility for ensuring the approval and continued eligibility of their foster homes adhering to all other applicable policies, protocols and manuals regarding best practice. A foster home is not considered approved and eligible to receive children for placement until **all** 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 allows the Department the ability to maintain all documents relating to the IV-E eligibility of 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 DCS and Contract Agency foster parents' continued payment for services rendered.

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Both DCS regional and Contract Agency staff are responsible for completing the required IV-E eligibility documents and uploading the information directly into TFACTS for each foster home both initially (new homes) and biennially through the re-assessment process.

The RET team provides oversight and **confirmation** of all foster home IV-E eligibility.

### **Section III: Foster Homes Management**

The Department's SACWIS system, Tennessee Family and Children Tracking System (**TFACTS**) documents the approval, denial, and closure of foster homes.

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

- a) DCS regional and Contract Agency staff are responsible for entering information into **TFACTS** regarding a new foster home. The Initial Foster Home assessment process is in accordance with DCS Policy [16.4 Foster Home Approval](#) and as policy is amended from time-to-time.

**Note: A foster home's approval into TFACTS will not be entered 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 VI).**

- b) Background checks submitted for new foster home approval is not 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) DCS regional and Contract Agency staff up-load the required eligibility documentation into TFACTS prior to or at the time of foster home approval.
- e) DCS regional and Contract Agency staff notify Central Office RET via high priority email (coded red) that the home is ready for confirmation in TFACTS. The Central Office RET staff have three (3) business days to initially review the documentation entered in TFACTS and confirm the eligibility of the home.

**Note: (DCS only)** No placement of children in an initial DCS foster home shall occur prior to Central Office RET confirmation. Only after confirmation by Central Office RET will the foster home be eligible to receive children.

**(Contract Agency only)** If children are placed in an **agency-approved home** and that home is later found by Central Office RET review to be ineligible, payment recovery will be assessed (See Section VI).

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

- a) The biennial Foster Home Re-assessment process is in accordance with DCS Policy [16.8 Responsibilities of Approved Foster Homes](#) and as policy is amended from time-to-time.
- b) DCS regional and Contract Agency staff up-load the required eligibility documentation into TFACTS prior to or at the time of foster home approval.
- c) DCS regional and Contract Agency staff notify Central Office RET via regular email that the home is ready for confirmation in TFACTS.

**Note:** Background checks identified in DCS Policy [16.8 Responsibilities of Approved Foster Homes](#) as being required for the biennial foster home reassessment must not be dated more than **90 calendar days** prior to the foster home's assessment due date.

## **3. Closures**

- a) DCS regional and Contract Agency staff enter the reason(s) for the termination of homes into **TFACTS**
- b) DCS regional and Contract Agency staff enter the reason(s) a foster home is requesting a transfer of supervision to another agency or closure of the foster home into **TFACTS**.
- c) DCS regional and Contract Agency staff notify Central Office RET at the time of closure of a foster home. The email notification includes the foster home name and ID number. Uploading the closure notice into TFACTS under the last home assessment would be best practice.

## **4. Foster Home Transfers**

Before a foster home is transferred to the new supervising agency, the gaining agency reviews the home's most recent approval documentation and meets 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.

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## **5. Technical Support**

- a) Field Customer Care Representatives (FCCRs) are responsible for providing support to DCS regional and Contract Agency staff regarding SSN issues, person merges and foster home merges.
- b) Central Office RET staff are responsible for providing support to DCS regional and Contract Agency staff regarding data clean-up functions within TFACTS involving, but not limited to, the correction of names, address changes, foster home transfers, duplicated entries, assistance with entry and approval of household members and other corrective actions necessary to ensure accuracy of the database.

### **Section IV: 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 are notified by submission of a DCS Shared Home Agreement.

**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 V: Foster Homes Management ICPC Cases (DCS staff only)**

DCS regional staff are responsible for entering information regarding Interstate Compact for the Placement of Children (ICPC) foster homes into TFACTS. Refer to the [DCS ICPC Practices and Procedures Manual](#) regarding data entry or completing and submitting an ICPC [referral](#).

### **Section VI: IV-E Non-compliance Payment Recovery and Corrective Action**

#### **Contract Agencies only:**

Agencies are responsible for assuring that their foster homes meet eligibility criteria for Title IV-E reimbursement. **Central Office 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 the [Provider Policy Manual](#).**

Payment recovery recommendations are 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 are made.

**Payment recovery is calculated as follows:**

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

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**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 is 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**. **Appeal Process**

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:

- 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.
- 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 is submitted and processed as follows:

1. Initial appeal requests and all collateral documentation are submitted to DCS' Office of Finance and Program Support (OFPS). Appeals come in writing (either electronically or by mail) and are submitted to OFPS no later than five (5) business

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days after the agency's receipt of the initial OFPS recovery notification. OFPS engages the Resource Eligibility Program Manager within 24 hours for review of the appeal documentation. The Resource Eligibility Program Manager brings 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 is 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 is denied.

2. OFPS then immediately notifies, in writing, the appealing agency notifying them of the appeal decision.

### **DCS Regions Only**

#### **Corrective Action**

1. Due to the critical nature of the information involved, the gathering and maintenance of D-RET Foster Home safety documentation is expected to be performed in a timely and efficient manner. An office's inability to consistently meet the database maintenance guidelines set forth in this protocol is considered an indication of the need for additional training for that office. It is also possible that this consistent inability to meet D-RET guidelines could result in increased Central Office monitoring as well as increased and more stringent instances of Internal Audit for the affected office.
2. Repeated failure to adhere to the above-outlined protocol may also result in progressive individual corrective action for those responsible. If no other avenue for change proves effective in addressing the situation, regional management may utilize individual one-on-one conferences and other corrective means to address the situation. Any action of this type must conform to current and recognized DCS Policy and Procedure.
3. Regional management may also employ more rigid disciplinary actions in cases where individuals display chronic instances of non-compliance. Any actions of this type must also follow the progressive steps outlined in the Rules of the Tennessee Department of Personnel Chapter 1120-10 "Disciplinary Action". These steps may include, but are not limited to, oral as well as written warnings.
4. When payment is made to homes found to be in non-compliance after D-RET review, the Department is subject to full restitution of those payments to the federal government. After these payments made in error have been identified, the amount to be returned is calculated and returned to the federal government by the DCS Office of Finance and Program Support. This information is also forwarded to each

respective Regional Administrator for review and possible disciplinary action for those responsible.

**Section VII: Required IV-E and Non IV-E Documentation for RET Packet**

Central Office RET is concerned with receiving documentation that addresses Federal IV-E requirements and DCS Policy and protocol requirements. DCS regions and Contract Agencies remain completely responsible for assuring and maintaining all foster home IV-E eligibility requirements set forth in DCS Policy and contractually agreed upon as per the [Provider Policy Manual](#). A home designated “Approved” by a DCS region or Contract Agency is considered to be a home meeting all requirements for approval. That home is then considered eligible for placement.

All foster home eligibility documents are maintained in **TFACTS** and include the following documents:

**Studies & Forms:**

- ☐ Home Study (Initial assessments) Follow the [Protocol for Activation or Re-Classification of Foster Homes](#) for re-activated homes);
- ☐ [Profile for Parenting Study \(POPS\) Tool](#)
- ☐ DCS Form [CS-0692, Foster Home Mutual Re-Assessment or Re-Activation](#)
- ☐ DCS Form [CS0702, Foster Home Approval](#) letter
- ☐ DCS Form [CS-1018, Foster Home Extension Request](#) (when applicable);
- ☐ DCS Form [CS0773, Foster Home Addendum](#) (when applicable)

**Background Checks:**

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

- ☐ [Local Law Enforcement Check/County Court Check](#)

**Note: Local background checks for initial assessments must include the applicant’s last six (6) months of residence.**

**Any charges identified from the Local Law Enforcement/County Court search for which there is no disposition must be clarified by obtaining additional documentation from the court of jurisdiction.**

- ☐ [National Sex Offender Registry Check](#) (All results must be verified as the applicant or not the applicant)
- ☐ [Abuse Registry Check](#) (All results must be verified as the applicant or not the applicant)

- DCS Database Search form only – no supporting documentation (Initial assessments; Follow the [Protocol for 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 [Protocol for Activation or Re-Classification of Foster Homes](#) for re-activated homes).

**Note: Any charges identified from the TBI & FBI Fingerprint Check for which there is no disposition must be clarified by obtaining additional documentation from the court of jurisdiction.**

**Note: The above registry 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 precludes 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, results in that check being considered invalid. This could potentially cause a home to be identified as non-compliant, 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, Pre and In-Service Training Requirements, Non-Safety Issues and CPS Indications](#) regarding these requirements.

**Training:**

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