



Department of
Children's Services

Guide to Full Disclosure of Permanency Options

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Table of Contents

Disclaimer	Page 3
Introduction	Page 3
Family Arranged Care	Page 4
Power of Attorney	Page 5
Legal Custody	Page 6
Relative Caregiver Program	Page 7
Kinship Foster Care	Page 8
Adoption	Page 9
Permanent Guardianship	Page 10
Subsidized Permanent Guardianship	Page 11

Disclaimer

The Tennessee Full Disclosure Permanency Guide is intended to educate Kinship Families, Caregivers, advocates, and the general public. This guide provides an explanation of services, benefits and other information for general information purposes. This information should not be construed as legal advice on any subject matter, nor is it intended to substitute for obtaining legal advice from an attorney. The Tennessee Full Disclosure Permanency Guide disclaims all liability for actions you take or fail to take based on any content in this guide. The use of this guide does not create an attorney-client relationship between you and the authors or contributors.

Introduction

There are many reasons why children can no longer be cared for by their parents. Parents may have a substance use disorder, mental illness, incarceration, or perhaps have even died. Placement with a family member who can provide safety, permanence, and well-being is preferred over placement with someone who has no connections to the child. The Department of Children's Services has an obligation to minimize the impact of trauma on children removed from their parents. Often trauma of separation is reduced when children are placed with relatives. It is in everybody's best interest if caregivers know the legal options and support services that are available to help them.

When a child comes to the attention of the department and is at-risk of or the victim of abuse or neglect and in need of out-of-home care, it is the responsibility of DCS staff to engage the family in identifying relatives who may be willing to serve as a placement resource. Whenever a relative is contacted about the possible placement of a child into their home, a discussion regarding the relative's legal options and support services will occur. Recognizing that the time of initial contact may be stressful, DCS staff will revisit this conversation several times with relatives, so you understand your options."

A video explaining the content of this Guide is available to you at <http://tn.gov/dcs/relativecaregiver>.

Family Arranged Care

Explanation of Permanency Option:

With family arranged care, the caregiver provides primary care of a child without any change in legal custody or legal responsibilities of the birth parents (i.e. Immediate Protection Agreement). This arrangement is an agreement between family members. The parents or caregiver can end this arrangement at any time.

Available Financial Assistance:

- The child may be eligible to receive TANF/Child Only Grant and TennCare (depending on income of child and relationship to the caregiver).

Other Considerations:

- The Department of Children's Services may not be involved with the child or the family if the family arranges care.
- The child will not qualify for monthly foster care board payments.
- The child will not have a caseworker through the department who can assist the caregiver with such things as enrolling the child in school and obtaining health care.
- The caregiver and child may receive community-based services, including services through the Relative Caregiver Program; such as support groups, recreation, and family advocacy. More information outlining these services can be found at:

<http://tn.gov/dcs/relativecaregiver>.

Power of Attorney

Explanation of Permanency Option:

Power of Attorney is a legal agreement between parent(s) and the relative caregiver(s) to transfer “temporary care giving authority” for medical and educational decision making in hardship situations. With power of attorney, the caregiver has a legal document to help them consent to health care and educational services on behalf of the child. The parents still have legal custody of the child and they or the caregiver can end the power of attorney at any time.

Available Financial Assistance:

- The child may be eligible to receive TANF/Child Only Grant and TennCare (depending on the child’s income and relationship to the caregiver).
- The child will not qualify for foster care board payments.
- DCS can provide a copy of a Power of Attorney form that the family can use to execute the agreement.

Other Considerations:

- There is no ongoing involvement with courts.
- The Department of Children’s Services may not be involved with the child or family if the relative provides care through a power of attorney.
- The child will not have a caseworker through the department who can assist the relative caregiver with such things as enrolling the child in school and obtaining health care.
- The caregiver and child may receive community-based services, including services through the Relative Caregiver Program; such as support groups, recreation, and family advocacy. More information outlining these services can be found at:

<http://tn.gov/dcs/relativecaregiver>.

Legal Custody

Explanation of Permanency Option:

Legal custody involves the caregiver being granted legal custody or guardianship by court order (juvenile, circuit, or chancery).

Available Financial Assistance:

- The child may be eligible to receive TANF/Child Only Grant and TennCare (depending on the income of child and relationship to the caregiver).
- The child will not qualify for monthly foster care board payments.

Other Considerations:

- Parental rights are not terminated.
- The Department of Children's Services may not remain involved with the child or family once the relative caregiver becomes the child's legal custodian or guardian through court, unless otherwise stated in the court order.
- The parents can go to court and ask to have legal custody restored to them, and the child returned to them.
- The child will not have a caseworker through the department who can assist the relative caregiver with such things as enrolling the child in school and obtaining health care.
- The relative caregiver and child may receive community-based services, including services through the Relative Caregiver Program; such as support groups, recreation, and family advocacy. More information outlining these services can be found at:

<http://tn.gov/dcs/relativecaregiver>.

Relative Caregiver Program

Explanation of Relative Caregiver Option:

While enrolled in the Relative Caregiver Program (RCP) the child is not in foster care and is in the custody of a relative who is related to them by blood, marriage, or adoption. Through the RCP program, children and relative caregivers receive supportive services geared toward prevention and maintaining the child within the family vs. entering foster care.

Available Financial Assistance:

- A monthly stipend may also be available for families that qualify.
- The child may be eligible to receive TANF/Child Only Grant and TennCare (depending on the child's income and relationship to the caregiver).
- The child will not qualify for monthly foster care board payments.

Other Considerations:

- The Department of Children's Services may not remain involved with the child or family.
- 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.
- The relative caregiver must be willing to take part in a safety/needs assessment, and be able to provide a safe home for eligible children.
- A parent of the child may not reside in the home of the relative caregiver.
- 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, approximately \$60,000 for a family of four. The income threshold varies based on household size. Information about Federal Poverty Guideline thresholds can be found here:
<https://aspe.hhs.gov/sites/default/files/documents/1c92a9207f3ed5915ca020d58fe77696/detailed-guidelines-2023.pdf>
- Eligibility for the Relative Caregiver Program does not guarantee eligibility for the Relative Caregiver Stipend Program.

More information detailing the Relative Caregiver Program can be found at:

<https://www.tn.gov/dcs/program-areas/prevention/relative-caregiver.html>

Kinship Foster Care

Explanation of Permanency Option:

Kinship Foster Care is when the child is in the custody of the Department of Children's Services and placed in the home of a caregiver or other adult with a significant relationship.

Available Financial Assistance:

- The child is eligible to receive monthly foster care board payments at the rate of \$14.12 per day as well as other services available through the Department of Children's Services, while the caregiver works to become an approved foster parent.
- The child may be eligible to receive the TANF/Child Only Grant (depending on the child's income and relationship to the caregiver) through the Department of Human Services (DHS) until board payments are approved.

Other Considerations:

- DCS will inform caregivers of their options prior to placement and that the department will be working to secure a permanent home for the child. DCS will also explain to the caregiver that if reunification with the parents is not a viable option for the child, then they can choose to pursue becoming a permanent home for the child, DCS will assess whether the caregiver meets the requirements and can assume legal responsibility for the child.
- The caregiver will undergo a background check, home study, and complete foster parent training classes to become an approved foster parent. There is an expedited process which gives the caregiver up to one hundred twenty (120) days to complete the training while the child is placed in the home, but the background check and home visit must be completed before placement.
- The caregiver is required to participate in meetings to ensure the child achieves permanency in a timely manner.

- The Department of Children’s Services and juvenile court will monitor how the child is doing in the home.
- Becoming an approved foster parent is the only way to access the subsidized permanent guardianship option.

Adoption

Explanation of Permanency Option:

In adoption, the caregiver becomes the permanent legal parent of the child. Parental rights are terminated or surrendered by the birth parents through the courts. All legal rights and responsibilities are transferred to the adoptive parent through the process of adoption.

Available Financial Assistance:

- Most children adopted from DCS foster care are eligible to receive a monthly adoption subsidy, TennCare, and reimbursement of legal expenses associated with finalizing the adoption up to \$1,500.
- The adoption subsidy is available to age eighteen (18), or in some instances age twenty-one (21), if the youth has a handicapping condition or disability, is attending secondary or post-secondary education, is employed at least eighty (80) hours per month, or participating in an employment readiness program.

Other Considerations:

- All legal rights and responsibilities are transferred to the adoptive parent through the process of adoption. Therefore, the child will no longer have a DCS caseworker.
- Parent’s rights are terminated or surrendered.
- Adoptive families are eligible for Post Adoption Support and Preservation Services at no cost to the adoptive family. Services include Individualized Counseling, Crisis Intervention, Support Group, Educational Resources, Relief Teams, Advocacy and Community Education.
- Childcare Assistance is available to families who adopt children from DCS foster care.

- Kinship families who adopt may be eligible for support services through the Relative Caregiver Program.
- Youth who are adopted, age sixteen (16) or older, will be eligible for education and training vouchers for higher education or other vocational training.
- Adoptive parents who receive adoption assistance are required to submit yearly medical/mental health or educational documentation verifying the adopted child's well-being.

Permanent Guardianship

Explanation of Permanency Option:

The caregiver or other adult with a significant relationship is granted permanent guardianship by court order in juvenile court.

Available Financial Assistance:

- The child may be eligible to receive TANF/Child Only Grant and TennCare (depending on income of child and relationship to the caregiver);
- The child will not qualify for monthly foster care board payments or subsidy payments.
- The caregiver and child may receive community-based services, including services through the Relative Caregiver Program. More information outlining these services can be found at: <http://tn.gov/dcs/relativecaregiver>.

Other Considerations:

- The Department of Children's Services does not remain involved with the child or family once the relative caregiver becomes the child's permanent guardian.
- Reunification with the parents and adoption are not in the child's best interests when seeking permanent guardianship.
- Parental rights may or may not be terminated, but can be limited by the court of jurisdiction.

Subsidized Permanent Guardianship

Explanation of Permanency Option:

Subsidized Permanent Guardianship (SPG) allows children in foster care to exit custody to their kinship foster family in the form of permanent guardianship when reunification and adoption are not appropriate.

Available Financial Assistance:

- SPG provides financial assistance through a monthly subsidy payment, TennCare, and the reimbursement of legal expenses associated with obtaining permanent guardianship.
- The SPG subsidy will be available to age eighteen (18) or in some instances age twenty-one (21), if the youth has a handicapping condition or disability, is attending secondary or post-secondary education, is employed at least eighty (80) hours per month, or participating in an employment readiness program.

Other Considerations:

- Parental rights may or may not be terminated. If not terminated, parental rights can be limited by the court of jurisdiction.
- The child must be in DCS custody and living in an approved kinship foster home for at least six consecutive months. Relative/Kin is defined as any person with whom a DCS custodial child is related by blood, marriage, or adoption, or with whom the child has had a significant relationship that existed prior to DCS custody, such as godparent, friend, neighbor, church member, minister, or teacher.
- Youth over the age of twelve (12) must be consulted about permanent guardianship arrangements.
- Youth who leave custody after age sixteen (16) via Subsidized Permanent Guardianship will be eligible for education and training vouchers for higher education or other vocational training.
- Permanent Guardians are eligible for Post Guardianship Support and Preservation Services at no cost to the family. Services include Individualized Counseling, Crisis

Intervention, Support Group, Educational Resources, Relief Teams, Advocacy and Community Education.

- The Department of Children's Services does not remain involved with the child or family.