

# Foster Care Review Board Training for Tennessee Attorneys

PRESENTED BY:

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## Foster Care Review Board Training Agenda

**Overview: What is FCRB**

**Statutes and Rules**

**The Review**

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PRESENTED BY THE  
TENNESSEE COURT IMPROVEMENT PROGRAM

## Foster Care Review Board

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**A board of  
citizen volunteers  
appointed by the  
juvenile court judge.**

## Functions of the Board

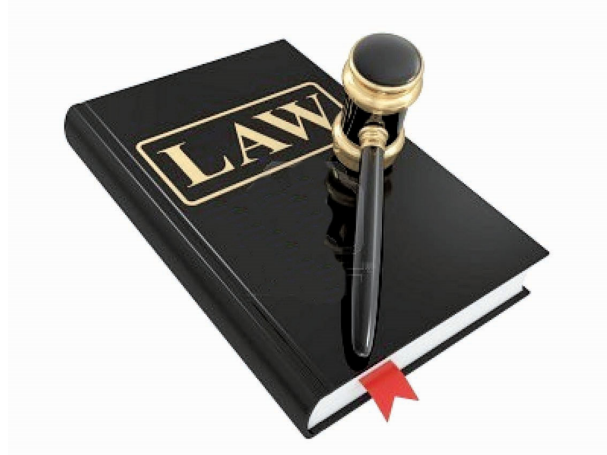
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**Serves  
quasi-judicial  
function**

## Part I- Nuts and Bolts

### Why Do We Have FCRB?

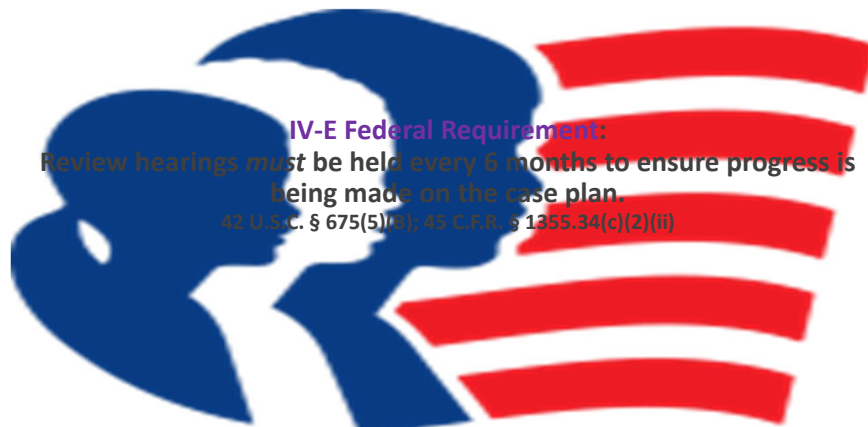
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## Part I- Nuts and Bolts

### Why Do We Have FCRB?

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## FCRB Timing Tennessee Requirements

Permanency Plan reviews must occur in compliance with federal law ninety (90) days after placement in foster care and at least every six (6) months after that. The reviews may be by the judge or by the FCRB. TN Code § 37-2-406



## FCRB Notice Tennessee Requirements

Court determines date & location of review and notices DCS 14 days in advance. Notice of the review and the right to attend & participate must be given to parents, (unless no parental rights), parent's attorney, the guardian ad litem (GAL) and/or attorney for the child, foster parents, prospective adoptive parent, relative caregiver, and the child-party 10 days before review. Board and DCS shall develop procedures to provide notice. Any child in foster care and adjudicated delinquent or unruly should be provided notice. TRJP 403(a).



## FCRB Procedure per Rule 403

### (d) Conduct of the Review :

- (1) The board shall use a summary form to gather information
- (2) Information provided to the board shall only come from persons before the board during the review or from documentation provided by the parties
- (3) Only the parties, their attorneys, the child, and GAL/ Atty for child have the right to be present during the entire review. Necessary persons may be present with permission of all parties
- (4) Board may hear from child outside the presence of the parties.

## FCRB Content of Review Tennessee Requirements

At each review, the FCRB determines and reports on:

- Appropriateness of Permanency Goals
- Safety of Placement
- Well Being (Health and Education)
- Visitation
- Reasonable Efforts
- Compliance of Parties

Rule 402(b) JRPP



# FCRB Review - Safety

HOW DO WE DEFINE SAFETY?



# FCRB Review - Permanency



The path to permanency:

Return to parent

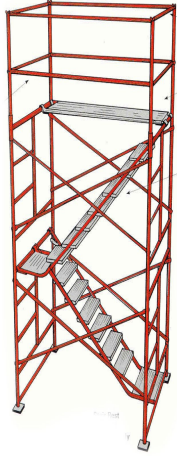
Exit Custody with relative

Adoption

Permanent Guardianship

Planned Permanent Living Arrangement  
(PPLA)

## FCRB Review - Well Being Health



**Addressing health needs comprehensively**

**Medical, dental, mental, vision, nutritional**

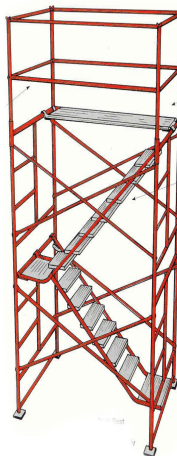
- Annual and follow-up appointments
- Specialists
- Aides/devices

**Medication**

- Protocol

**Cross sections with other well-being domains**

## FCRB Review - Well Being Education



**Addressing education needs comprehensively**

**Progressing with educational goals**

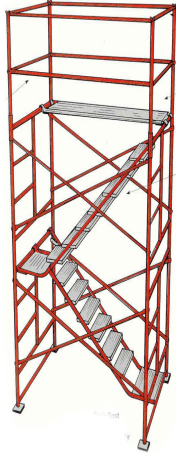
- Grades
- Attendance
- Credits
- Additional Supports

**IEP/504**

**Extracurricular**

**Cross sections with other well-being domains**

# Well-Being IL Skills/Transition Planning



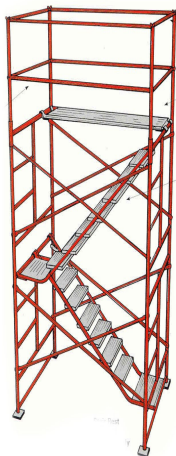
Addressing independent living needs comprehensively  
Skill sets needed to transition from secondary education

Planning for the future

Funding for normalcy and extracurricular activities

Cross sections with other well-being domains

# FCRB Review - Visitation



Addressing visitation needs comprehensively

Purpose of visitation

- Maintain/strengthen relationship
- Teach skills
- Establish relationship

Quality of visitation

- Location
- Frequency/duration

Cross sections with other domains



## Reasonable Efforts

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### **Tennessee law defines as:**

“The exercise of reasonable care and diligence by the Department to provide services related to meeting the needs of the child and the family.”

T.C.A. § 37-1-166(g).

## Reasonable efforts:

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Should be reasonably related to the reasons the child came into custody or that prevents the child from safely returning home.

## Reasonable Efforts Must be Made:

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1. To prevent the need for removal of the child from the child's family,
2. To make it possible for the child to return home,
3. To place the child in a timely manner in accordance with the permanency plan, and
4. To complete whatever steps are necessary to finalize the permanent placement of the child if continuation of reasonable efforts is determined to be inconsistent with the permanency plan for the child (TCA § 37-1-166)

## Reasonable efforts:

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“Reasonable efforts entail more than simply providing parents with a list of service providers and sending them on their way. The Department’s employees must use their superior insight and training to assist parents with the problems the Department has identified in the permanency plan, whether the parents ask for assistance or not.” In re C.M.M. (Tenn. App. 2004)

## Reasonable Efforts to Reunify Not Required

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Reasonable efforts shall not be required if a court has determined that any of the following apply:

The parent has subjected the child or any child in the household to aggravated circumstances, including any of the following:

Abandonment of a child or an infant

Aggravated assault

Aggravated kidnapping or especially aggravated kidnapping – Aggravated child abuse and neglect

Aggravated sexual exploitation of a minor or especially aggravated sexual exploitation of a minor

Aggravated rape, rape, rape of a child, or incest

Others at TCA § 36-1-102(9); 37-1-166)

## Reviewing the Parties' Progress

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### **Parental Responsibilities & Determining Compliance**

## Deliberation

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**403 (e):** The board shall deliberate to develop recommendations. All deliberation shall occur outside the presence of the parties, their attorneys, and other persons present for the review.



## FCRB Report and Recommendations

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The report of the FCRB shall contain:

- Its findings and recommendations regarding the efforts and progress made by DCS to carry out the permanency plan.
- Other recommendations the board chooses to make regarding the child.
- The date of the next review.

A copy of the report shall be provided to DCS and to the child's parent(s) with rights, parent's attorney, the GAL and/or attorney for the child and the child-party.

TRJP 403



## FCRB Report and Recommendations to Judicial Officer

The report is advisory and must be submitted to the judge within ten days following the review. The court shall establish a procedure to receive the report from the foster care review board.  
TN Code § 37-2-404; TRJP 403(h)



## FCRB Direct Referral

The board may make a direct referral to the court, including its findings and recommendations, under two circumstances:

- When issues in the case present risk of harm and **directly** compromise the health, safety or welfare of child. Referral must be heard by the judge/ magistrate within **72 hours** excluding non-judicial days.
- When conditions persist that interfere with permanency goals and these conditions indirectly or chronically compromise the health, safety or welfare of child. Referral must be heard by the judge/ magistrate within **30 calendar days**. T.C.A. §§37-2-406(c)(1); TRJP 403(i)

## Direct Referrals

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### Emergency

- To be heard by the judge within 72 hours

### Normal

- To be heard by the judge within 30 days

## Need to Know INFO

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### CIP Contact Information

- [Carrie.Mason@tncourts.gov](mailto:Carrie.Mason@tncourts.gov)
- <http://www.tncourts.gov/programs/court-improvement>

### DCS POLICIES CAN BE FOUND

- <https://www.tn.gov/dcs/program-areas/qi/policies-reports-manuals/policiesprocedures.html>