

**RULES  
OF  
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES**

**CHAPTER 0250-01**

**PROCEDURES FOR RECOUPING FROM COUNTIES STATE FUNDS EXPENDED ON CHILDREN  
COMMITTED TO STATE CUSTODY IN EXCESS OF 300% OF THE AVERAGE STATE COMMITMENT  
RATE AND FOR COLLABORATIVE PLANNING WITH AFFECTED COUNTIES**

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**0250-01-.01 PURPOSE OF CHAPTER.**

The purpose of these rules is to provide, in compliance with T.C.A. § 37-2-205(f), rules and regulations to effectuate the provisions of subsection (f)(1)(A), particularly for recoupment of state funds expended for the daily cost of care of children committed by a county to state custody in excess of 300% of the average state commitment rate and for collaborative planning with a county believed likely to exceed 200% of the average state commitment rate.

**Authority:** T.C.A. § 37-2-205 and 37-5-105. **Administrative History:** Emergency rule filed March 8, 2010; effective through September 4, 2010.

**0250-01-.02 DEFINITIONS FOR PURPOSES OF THIS CHAPTER.**

- (1) Department or DCS means the Department of Children's Services.
- (2) County's Child Population means a population count based on the latest data provided by Department of Health (Latest U.S. Census Data).
- (3) Average State Commitment Rate Per Thousand Children means the total state child population (18 and under) divided by the total number of commitments for the fiscal year of either of two classes of children: dependent and neglected children and delinquent children. The average state commitment rate for each class shall be based upon the higher of 2007-2008 fiscal year average or the 2008-2009 fiscal year average.
- (4) Actual Daily Cost to the State means the actual amount of state dollars expended for a child's care while the child is in custody.
- (5) Duration of the Length of Stay means the period of time from the commitment of a child to DCS custody by any order of the juvenile court at any stage of a dependency and neglect or delinquency proceeding until the child is released from DCS custody by order of the court.
- (6) Collaborative Planning Process means the process by which the Department partners with a county and/or court when the county is believed likely to exceed 200% of the state average commitment rate.
- (7) Commitment Report means a bimonthly report that the Department shall provide electronically to each juvenile court judge and county executive that includes at least the following data: each county's total child population, the number for both dependent and neglected children and delinquent children at which the county's total commitments will

(Rule 0250-01-.02, continued)

exceed 300% of the average state commitment rate, and each county's total commitments to date for the current fiscal year.

- (8) Commitment means a child's placement into DCS custody by a juvenile court order at any stage of any dependency and neglect or delinquency proceeding, but does not include a removal of a child by DCS without court order.
- (9) Allocate Resources means to assign resources in planning based on a projection of how and where resources are likely to actually be expended; however, the allocation of resources in no way limits their actual expenditure. Allocation will not restrict any child's full and equal access to the best available services or the Department's final commitment of all necessary resources to fulfill its obligations to each child committed to state custody.

**Authority:** T.C.A. § 37-2-205 and 37-5-105. **Administrative History:** Emergency rule filed March 8, 2010; effective through September 4, 2010.

#### **0250-01-.03 ALLOCATION AND EXPENDITURE OF RESOURCES.**

- (1) As a planning measure, the Department shall project and allocate resources for children placed in state custody using a formula based on a county's child population and the average state commitment rate per thousand children.
- (2) The allocation of resources in no way diminishes DCS' obligation to pay for any child committed to DCS custody, regardless of whether any commitment exceeds either resources allocated or 300% of the statewide average commitment rate per thousand children.

**Authority:** T.C.A. § 37-2-205 and 37-5-105. **Administrative History:** Emergency rule filed March 8, 2010; effective through September 4, 2010.

#### **0250-01-.04 PROCEDURES FOR NOTIFYING AND BILLING COUNTIES FOR CHILDREN IN CUSTODY.**

- (1) DCS shall pay the full cost for each commitment of every dependent and neglected child or delinquent child committed to its custody.
- (2) Beginning July 1, 2009, DCS shall recoup from a county its actual paid-out daily cost for the duration of the length of stay for any child committed in excess of 300% of the average state commitment rate. The billing shall be sent to the County Executive. Billing for any fiscal year shall occur as soon as practicable after the close of that fiscal year. The county shall be billed for the state's actual daily cost during the fiscal year for any child committed in excess of 300% during that fiscal year or during a previous fiscal year. Thus, for example, if such a child is committed in fiscal year 2009-2010, the county will be billed after July 1, 2010, for the state's actual daily cost for caring for the child during fiscal year 2009-2010. If the child remains in custody in fiscal year 2010-2011, the county shall be billed after July 1, 2011, for the state's actual daily cost for caring for the child during fiscal year 2010-2011. Billing shall only be for the years during which T.C.A. § 37-2-205(f) remains in effect.
- (3) DCS shall provide a Commitment Report to the County Executive and the Juvenile Court Judge upon request or as appropriate to fulfill its statutory obligations.

**Authority:** T.C.A. § 37-2-205 and § 37-5-105. **Administrative History:** Emergency rule filed March 8, 2010; effective through September 4, 2010.

**0250-01-.05 PROCEDURES FOR INITIATING A COLLABORATIVE PLANNING PROCESS TO  
ADDRESS UNDERLYING PROBLEMS CONTRIBUTING TO OVER-COMMITMENT.**

- (1) DCS shall notify in writing the Juvenile Court Judge and the County Executive any time a county is believed to be likely to exceed two hundred percent (200%) of the State average commitment rate. DCS shall also notify the Chairman and the Executive Director of the Select Committee on Children and Youth and the Regional Administrator. DCS shall offer in said notification to initiate a collaborative planning process upon the request of the County Executive or the Juvenile Court Judge. The County Executive and the Juvenile Court Judge shall notify the Department in writing of the acceptance or rejection of the offer to initiate a collaborative planning process. Said notification shall be sent to the Commissioner of the Department of Children's Services. Said collaborative planning process shall include, but is not limited to, developing and implementing strategies to identify and address underlying problems contributing to over commitment that may exist in such county.
- (2) On or before January 15 of each year, DCS shall provide a report to the General Assembly listing the counties that have exceeded the state average commitment limits and the actions taken by DCS to comply with T.C.A. § 37-2-205.

**Authority:** T.C.A. § 37-2-205 and 37-5-105. **Administrative History:** Emergency rule filed March 8, 2010; effective through September 4, 2010.

**0250-01-.06 APPEALS.**

- (1) A county billed under these rules may appeal pursuant to the Administrative Procedures Act only the amount or validity of the bill.

**Authority:** T.C.A. § 37-2-205 and 37-5-105. **Administrative History:** Emergency rule filed March 8, 2010; effective through September 4, 2010.