

# Foster Care Review Board Core Curriculum Training

PRESENTED BY:

---

CARRIE MASON, ATTORNEY  
COURT IMPROVEMENT PROGRAM  
ADMINISTRATIVE OFFICE OF THE COURTS  
6/7/2022

# Foster Care Review Board Training Agenda

## Overview: What is FCRB

## Statutes and Rules

## The Review

---

PRESENTED BY THE

TENNESSEE COURT IMPROVEMENT PROGRAM

# Why Do We Have FCRB?

---

## **IV-E Federal Requirement:**

**Review hearings *must* be held with 6 months of custody and every 6 months thereafter to ensure progress is being made on the case plan.**

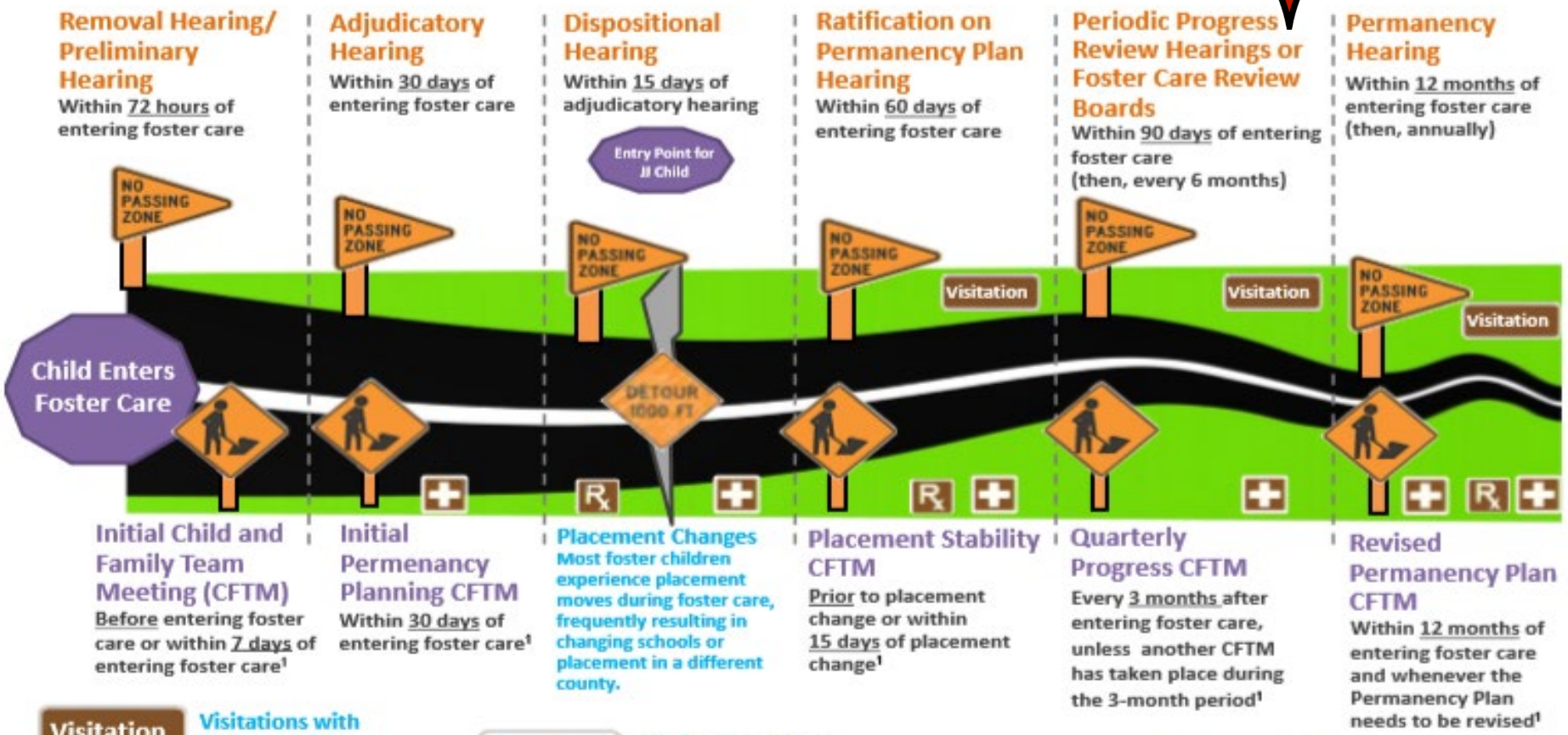
**42 U.S.C. § 675(5)(B); 45 C.F.R. § 1355.34(c)(2)(ii)**

**State is free to establish case reviews at an earlier point.**

**The permanency hearings / reviews must be held by a court or a court-approved administrative body.**

# THE ROADMAP

## Required Hearings for Children in Foster Care, Required DCS Meetings, and Other Common Events



**Visitations with Parents, Prior Caregivers, Relatives, and Siblings**  
 These visitations are crucial to timely permanency and maintaining relationships with parents, prior caregivers, relatives, and siblings not in foster care or in a different foster care placement.



**Physical Health or Mental Health Appointments**  
 These are routine doctor's visits, including pediatric appointments, dental appointments, medication management appointments, or appointments to address other physical or mental health concerns.



**Other Frequent Appointments, Including In-Home and Out-of-Home Therapeutic Services**  
 Sometimes, children in foster care have in-home therapeutic services several times a week, along with counselling appointments 1-4 times per month. Therapeutic visitation with parents or prior caregivers is also a common service.

# Foster Care Review Board

---

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

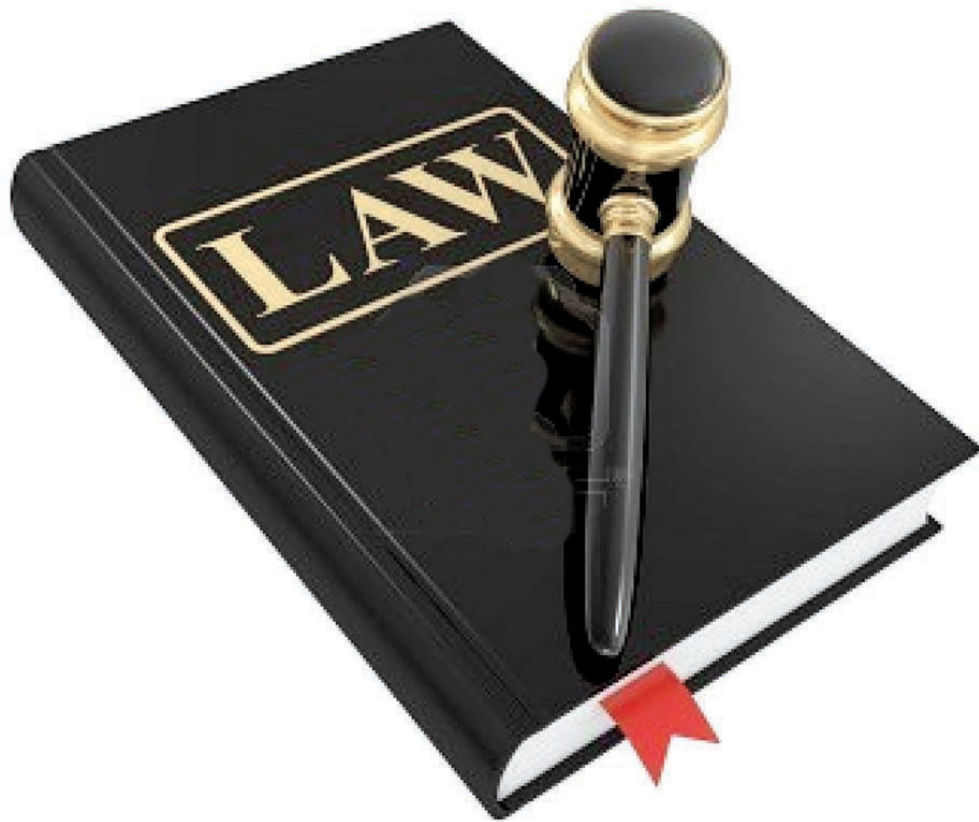
# Functions of the Board

---

**Serves  
quasi-judicial  
function**

# Nuts and Bolts

---



# 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 § 37-2-404**





# 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. TRJP 403(a).



# FCRB Notice Tennessee Requirements

---

**Board and DCS shall develop procedures to ensure board reviews occur timely 37-2-407(5)(b)**

Adequate notice must be provided to all team members, at least seven (7) calendar days in advance of the hearing if done by email, phone or in person and ten (10) calendar days in advance if notice is given by mail. Staff may use CS-0746, Meeting Notification Form to provide written notice to the team members. **DCS Administrative Policies and Procedures: 16.32**

**Any child in foster care and adjudicated delinquent or unruly should be provided notice.**



# 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 for the entire review with permission of all parties

**(4)** Board may hear from child outside the presence of the parties.

# Juvenile Court Foster Care Review Board Summary

Child's Name: \_\_\_\_\_ Docket Number: \_\_\_\_\_

Date of Review: \_\_\_\_\_  Initial Review  Subsequent Review

Permanency Goal(s)  Return to Parent  Exit Custody with Relative  Adoption

Permanent Guardianship  PPLA  w/ Relative  w/ Non Relative

1. Board Members Present: (Quorum of \_\_\_\_\_ is needed to proceed with the review.)

John Doe	<input type="checkbox"/> yes <input type="checkbox"/> no	Susie Q	<input type="checkbox"/> yes <input type="checkbox"/> no
John Doe	<input type="checkbox"/> yes <input type="checkbox"/> no	Susie Q	<input type="checkbox"/> yes <input type="checkbox"/> no
John Doe	<input type="checkbox"/> yes <input type="checkbox"/> no	Susie Q	<input type="checkbox"/> yes <input type="checkbox"/> no
John Doe	<input type="checkbox"/> yes <input type="checkbox"/> no	Susie Q	<input type="checkbox"/> yes <input type="checkbox"/> no

2. Parties Present

Mother	<input type="checkbox"/> yes	<input type="checkbox"/> no	Notice Provided	<input type="checkbox"/> yes	<input type="checkbox"/> no
Father	<input type="checkbox"/> yes	<input type="checkbox"/> no		<input type="checkbox"/> yes	<input type="checkbox"/> no
DCS	<input type="checkbox"/> yes	<input type="checkbox"/> no		<input type="checkbox"/> yes	<input type="checkbox"/> no
Child*	<input type="checkbox"/> yes	<input type="checkbox"/> no		<input type="checkbox"/> yes	<input type="checkbox"/> no

(\*Party if adjudicated delinquent or unruly)

Attorney	<input type="checkbox"/> yes	<input type="checkbox"/> no	Notice Provided	<input type="checkbox"/> yes	<input type="checkbox"/> no
Attorney	<input type="checkbox"/> yes	<input type="checkbox"/> no		<input type="checkbox"/> yes	<input type="checkbox"/> no
Attorney	<input type="checkbox"/> yes	<input type="checkbox"/> no		<input type="checkbox"/> yes	<input type="checkbox"/> no
Attorney/GAL	<input type="checkbox"/> yes	<input type="checkbox"/> no		<input type="checkbox"/> yes	<input type="checkbox"/> no

3. Other Persons Present

Foster Parent(s)	<input type="checkbox"/> yes	<input type="checkbox"/> no
Contract Agency Rep	<input type="checkbox"/> yes	<input type="checkbox"/> no
CASA	<input type="checkbox"/> yes	<input type="checkbox"/> no
Treatment Provider (Child)	<input type="checkbox"/> yes	<input type="checkbox"/> no
Court Facilitator (_____)	<input type="checkbox"/> yes	<input type="checkbox"/> no

Treatment Provider (Parent)	<input type="checkbox"/> yes	<input type="checkbox"/> no
School Rep	<input type="checkbox"/> yes	<input type="checkbox"/> no
DCS IL Specialist	<input type="checkbox"/> yes	<input type="checkbox"/> no
Other: _____	<input type="checkbox"/> yes	<input type="checkbox"/> no
Peer Advocate	<input type="checkbox"/> yes	<input type="checkbox"/> no

If foster parent was not present, was he/she provided with notice of today's review?  yes  no

## Findings

4. Is there a party whose identity or whereabouts are unknown?  yes  no  no Name(s): \_\_\_\_\_

If yes, what efforts have been made to identify or locate the missing party? \_\_\_\_\_

5. Placement

a. Where is the child currently placed and what is the date of placement? \_\_\_\_\_

e. Does the foster parent have the ability to make decisions regarding the child's day-to-day activities?

yes  no  na

**6. Health**

a. The EPSD&T Summary was reviewed by the board.

yes  no

i. If yes, have all referable conditions been addressed by the appropriate healthcare provider?

yes  no  na

b. What current medical/mental/dental health concerns that are not being addressed by a healthcare provider?

---

---

---

c. What are the results/recommendations from any health/mental health assessment or evaluation conducted on the child since the EPSD&T or last board review?

---

---

---

i. Have all the recommendations been implemented?

yes  no  na

d. Is the child currently taking any medication? (if no, skip to e)

yes  no

i. If yes, what side effects is the child experiencing, if any?

---

---

ii. Which doctor prescribes/monitors the medication? \_\_\_\_\_

Date of last visit with this doctor? \_\_\_\_\_

iii. For any new medication(s), was the baseline monitoring of the medication completed?

yes  no  na

e. Does the child's health needs restrict them from participating in age-appropriate activities?

yes  no  na

**7. Education**

**For children under the age of 3**

a. What age appropriate developmental milestones is the child meeting?

---

---

---

b. When was the child referred to TEIS? \_\_\_\_\_

i. If eligible, how are the recommendations from the IFSP helping the child be successful?

na

---

---

**For pre-school aged children only (ages 3-5)**

a. What educational instruction is the child receiving to prepare for kindergarten?  n/a

home setting  licensed home day care  licensed childcare center  preschool  Head Start

b. If the child will be five by the school's deadline, is the child ready to start kindergarten?  yes  no  na

i. If no, what additional assistance is needed to prepare the child?

Development of Interest/Hobby

Develop Social Skills

Occupational Therapy

Organized Educational Settings

Speech Therapy

# 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 – Permanency

---



**The path to permanency:**

**Return to parent**

**Exit Custody with relative/kin**

**Adoption**

**Permanent Guardianship**

**Planned Permanent Living Arrangement  
(PPLA)**

# FCRB Review - Safety

---

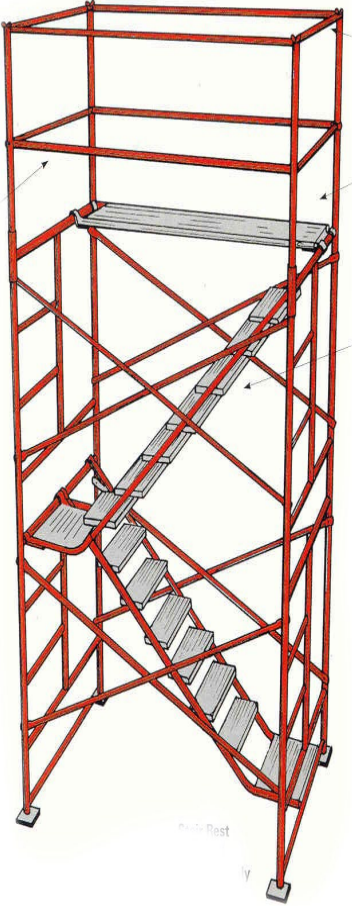
HOW DO WE DEFINE SAFETY?





# FCRB Review - Well Being Health

---



**Addressing health needs comprehensively**

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

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

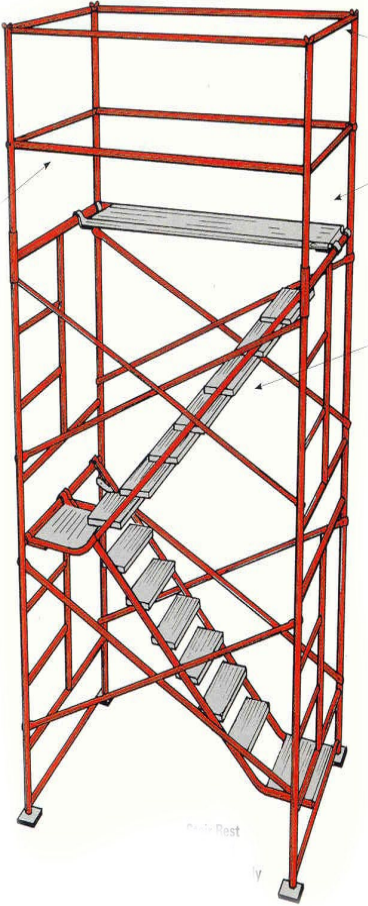
**Medication**

- 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**

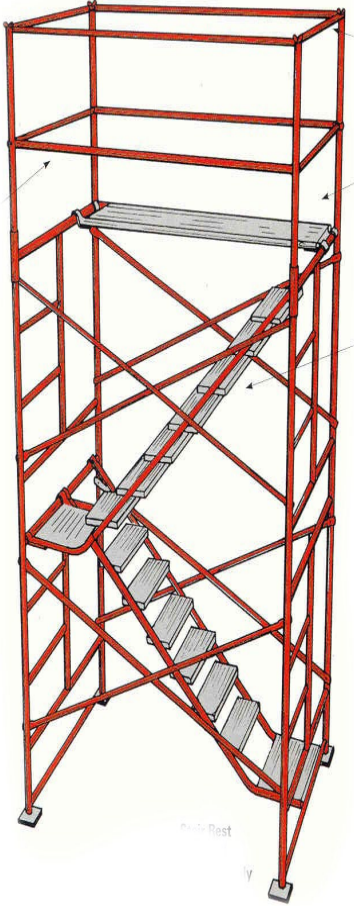
**IEP/504**

**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**

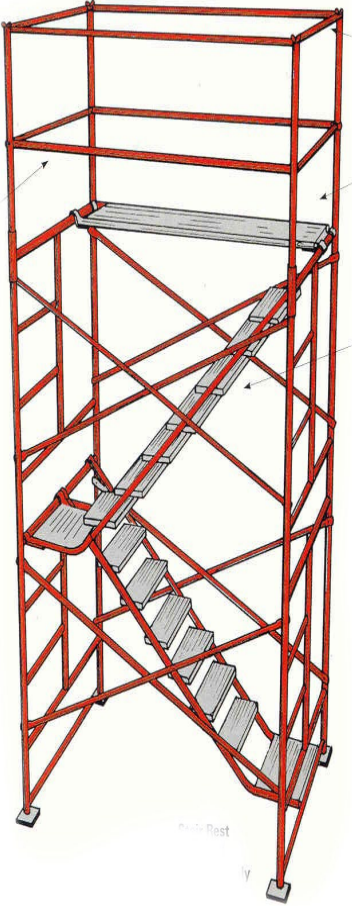
**Planning for the future**

**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

<https://www.youtube.com/watch?v=Gb8BGKqVVZM>



# Reasonable Efforts

---

**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 Must be Made:

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:

---

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



# Reasonable efforts:

---

“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

---

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

---

**Parental Responsibilities &  
Determining Compliance**

# Deliberation

---

**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

---

The board will announce its recommendations to the parties and set a date for the next review. Signatures from the parties present at the review are gathered on the summary form, with information about all present for the review.

TRJP 403



# FCRB Report and Recommendations to Judicial Officer

---

The court shall establish a procedure to receive the report from the foster care review board.

The report is advisory and must be submitted to the judge or judicial officer, who will review the form and recommendations within ten days following the review. Affirmed as an order of the court if in the child's best interest.

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

---

## Emergency

- To be heard by the judge within 72 hours (excluding non-judicial days)

## Non-Emergency

- To be heard by the judge within 30 days



# MOCK REVIEWS

---

**Jane Jones**

**Before the board: What additional information to do you need in order to make your recommendations, specifically related to *parental visitation and reasonable efforts?***

This is what your FCRB learns via the documentation provided ahead of review:

Jane Jones gave birth to her first child, Jake Jones, on December 31, 2019. Jane and Jake had been living with Jake's father Phillip Moore for about a year, when she began misusing drugs.

---

In April of 2021, Jane discovered that she was pregnant after being taken to a hospital for treatment of a possible drug overdose. While at the hospital she tested positive for methamphetamine, cocaine, and valium. Despite education from doctors, Jane used methadone purchased off the street illegally in the time period between April, 2021 and August of 2021, when she sought treatment at a methadone clinic. Shortly after Jane entered the treatment program, Ella was born prematurely at thirty-five weeks on September 1, 2021 at the hospital. Following her delivery, Ella began exhibiting distinct signs of opiate withdrawal that required medical treatment using phenobarbital. Jake and Ella were taken into the custody of the Department. Jake was immediately placed in foster care with Mr. and Mrs. Nelson, and Ella joined him there after she was discharged from the hospital. Jane normally visits the children once a week for two hours (supervised by FSW). She has had weekly visits for the last 12 weeks (Since mid-December 2021).

Jane is periodically drug screened at visits, when two women are available to take the screen. Screens have all been clean so far, but she has not been tested in two months. She has not had visits in several weeks. Other is FCRB by phone. Father is incarcerated and not present by phone or otherwise.

Additional Information, gathered during the review:

In December of 2021, Phillip was incarcerated on charges of drug possession and multiple DUIs.

---

DCS says they cannot screen Jane because she cannot be located. Jane knows she has been out of touch with the Department.

Since the children's removal, and Phillip's subsequent incarceration, Jane reported that she lost their housing. She has been staying with different friends in the area. She was able to make it to visits until about three weeks ago. Not having housing has been difficult.

Back in December, Jane told the Family Services Worker that since Phillip is incarcerated, she no longer has transportation.

Jane is willing to be screened, and is adamant that she is clean, and only needs a little help.

She needs help getting to visits and finding housing. She is very emotional in the review.

# Need to Know INFO

---

## 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\*\*](https://www.tn.gov/dcs/program-areas/qi/policies-reports-manuals/policiesprocedures.html)