



Department of **Children's Services**

2024 Legislative Report

Foster Care

PC 591

Sponsors:
Summary:

Trauma-Informed Training for Permanency Plans

Sen. Haile, Ferrell; Rep. Littleton, Mary

Permits a permanency plan for any child in foster care for six months or longer as a result of abuse or neglect that includes as a permanency goal the return of the child to the parent, to also include a requirement that the parent complete trauma-informed education before the child is returned to the parent. The department of children's services is authorized to work with nonprofit organizations to develop appropriate training materials for the trauma-informed education.

Effective Date:

July 1, 2025

PC 677

Sponsors:
Summary:

Tennessee Foster and Adoptive Parent Protection Act

Sen. Rose, Paul; Rep. Littleton, Mary

Enacts the "Tennessee Foster and Adoptive Parent Protection Act." The Act prohibits the department of children's services (DCS) from: (1) Requiring a current or prospective adoptive or foster parent ("parent") to affirm, accept, or support any government policy regarding sexual orientation or gender identity that conflicts with the parent's sincerely held religious or moral beliefs; (2) Denying a parent's eligibility to foster or adopt based, in whole or in part, upon the parent's sincerely held religious or moral beliefs regarding sexual orientation or gender identity; and (3) Establishing or enforcing a standard, rule, or policy that precludes consideration of a parent for a placement based, in whole or in part, upon the parent's sincerely held religious or moral beliefs regarding sexual orientation or gender identity. Such beliefs do not create a presumption that any particular placement is contrary to the best interest of the child. However, this does not preclude the department from considering the religious or moral beliefs of an adoptive or foster child or the child's family of origin, including in relation to the religious or moral beliefs of a prospective adoptive or foster parent, when determining the most appropriate placement for that child. These changes must be read in harmony with the duty of the department to make placements consistent with the best interests of the child.

Effective Date:

July 1, 2024

PC 642

Sponsor:
Summary:

Foster Parent Training and In-Service Training for State Employees

Sen. Haile, Ferrell; Rep. Martin, Greg

Allows for employees within the executive, legislative, or judicial branches of state government to participate in Tennessee foster parent training once for up to 25 hours, and annual in-service training for up to 8 hours without using paid time off.

Effective Date:

April 4, 2024

PC 574

Sponsors:
Summary:

Expands Eligibility for Reimbursement as a Relative Caregiver

Sen. Johnson, Jack; Sen. White, Dawn; Rep. Lamberth, William; Rep. Slater, William
Expands the eligibility for reimbursement as a relative caregiver by removing income limitations and including a relative caregiver that has been awarded custody by an order of any court, not just final custody. Requires that a relative caregiver cooperate with any child support proceedings brought by the department of human services.

Effective Date:

July 1, 2024

PC 699

Sponsors:
Summary:

Prohibits Immunization Requirement for Adoption or Fostering

Sen. Watson, Bo; Rep. Gant, Ron
Prohibits the department of children's services from requiring an immunization as a condition of adopting or fostering if an individual or member of an individual's household objects to immunization on the basis of religious or moral convictions.

Effective Date:

April 11, 2024

PC 945

Sponsors:
Summary:

Changes Current Law Relative to Birth Certificates

Sen. Haile, Ferrell; Rep. Leatherwood, Tom
Requires orders of adoption, readoption, or foreign recognition be reported to the division of vital records by the court clerk or the petitioner's attorney. This includes sending necessary documents for the issuance of a new birth certificate. Specifies conditions under which birth certificates may be amended to establish parentage, including acknowledgment of paternity forms, subsequent marriage of biological parents, and court orders. Establishes restrictions on amending birth certificates when another person is listed as the father or when an order of parentage has been granted on an unborn infant. Specifies requirements for adoption-related documents, including certified copies of adoption orders, certificates of adoption, and requests for new birth certificates by adoption. Outlines procedures for preserving legal documents pertaining to adoption, including sealing and storage in a fireproof vault, with provisions for opening sealed documents upon court order or directive from relevant authorities.

Effective Date:

July 1, 2024

Juvenile Justice**PC 611**

Sponsors:
Summary:

Required Notice for Discharge of a Child Committed to DCS

Sen. Lowe, Adam; Rep. Travis, Ron
Requires the commissioner of children's services to notify the committing court at least 15 days prior to the proposed discharge of a delinquent child who was committed to the custody of the department of children's services for an indefinite time.

Effective Date:

July 1, 2024

PC 1007

Sponsors:
Summary:

Blended Sentence for Serious Youthful Offenders

Sen. Taylor, Brent; Rep. White, Mark
Amends the definition of child to include a person under twenty-four for the limited purpose of remaining under the juvenile court's jurisdiction while serving a sentence as a serious youthful offender (SYO). Juveniles fourteen years or older shall be classified as serious youthful offenders for first or second-degree murder or attempt, for a second or subsequent adjudication of a serious offense, or if the district attorney general has asked the court to classify the child as a SYO and the child has been adjudicated delinquent for a serious offense. For a child that is found to be a SYO, then the court must impose a disposition or combination of dispositions that do not end until the SYO's nineteenth birthday. If the SYO is committed to the custody of DCS then they shall not be eligible for good time credits. In addition to this disposition, the court shall impose one of the following minimum additional dispositions to be served after the SYO turns nineteen years old and which ends on the SYO's twenty-fourth birthday: four years for a Class A felony or three years for a Class B felony. The Court must then stay this additional disposition. The Court shall conduct a

hearing within four months of the SYO's nineteenth birthday to determine whether the stayed additional sentence should be invoked. The Court shall consider whether the SYO has committed another delinquent act, engaged in conduct that creates a substantial safety risk, failed to meet conditions of supervision, and failed to attend school or obtain employment. If the Court finds any three of these exist, the Court shall invoke the additional disposition which may be served with the Department of Correction, but under no circumstances shall a SYO remain in DCS custody beyond their nineteenth birthday. Adds the right to a jury trial for those juveniles being accused of an offense which could classify them as a SYO. If the juvenile does not waive the right to a jury trial, then the jury trial must be conducted in the circuit or criminal court, but the disposition shall be imposed by the juvenile court.

Effective Date: January 1, 2025

PC 635

Sponsors:

Summary:

Child Tried as an Adult for Certain Offenses

Sen. Taylor, Brent; Rep. Grills, Rusty

Allows a juvenile court to transfer a child 15 years of age or older to be tried as an adult in criminal court for the offense of organized retail crime, theft of a firearm, or an attempt to commit such offense at that age. Mandates that juvenile courts must order confinement in local juvenile detention facilities or contracted juvenile detention facilities. The juvenile court may order confinement in an adult detention facility with the child separate and removed from adult detainees if the sheriff affirms that the facility has the ability to comply with requirements and does not exceed the facilities' capacity limits.

Effective Date: July 1, 2024

PC 721

Sponsors:

Summary:

Disclosing Student's Delinquent Acts to Schools

Sen. Watson, Bo; Rep. Martin, Greg

Increases from a Class C misdemeanor to a Class B misdemeanor the penalty for a student's parent, guardian, or legal custodian- including the department of children's services- for failing to report an adjudication that the student committed certain delinquent acts to the student's school principal or the principal's designee. This information must be provided within 30 days of the student's enrollment, return from suspension, expulsion or delinquency adjudication, or change in schools within state lines.

Effective Date: July 1, 2024

PC 866

Sponsors:

Summary:

JDC Visitation and Phone Calls

Sen. Johnson, Jack; Rep. Slater, William

Requires a child who has been admitted to a juvenile detention facility or youth development center, prior to being adjudicated for an alleged delinquent act, to be allowed at least one telephone call with the child's parent, guardian, or legal custodian and a 30-minute in-person visit within the first 24 hours. The call and visit must occur as soon as practicable following a request from the parent, guardian, or legal custodian, and may not be delayed more than 6 hours if the child is subject to disciplinary action or provide an explanation on how the child's action resulted in timely contact being withheld. Following the first 24 hours, but prior to being adjudicated, a child must be allowed 3 separate phone calls, and one in-person visit with the child's parent, guardian, or legal custodian.

Effective Date: May 1, 2024

PC 943

Sponsors:

Summary:

Parental Accountability Act

Sen. Taylor, Brent; Rep. Gillespie, John

Creates the "Parental Accountability Act," where the court may enter an order of restitution against a parent, legal custodian, or guardian of a child who has been found to be delinquent for a second or subsequent delinquent act for the expenses incurred by law enforcement responding to and investigating the act. The order must be no less an \$250 if the act would be a

misdeemeanor if committed by an adult, or no less than \$500 if the act committed would be a felony if committed by an adult and may not exceed \$1,000.

Effective Date: July 1, 2024

Child Safety

PC 559

Child Protective Teams – Data Sharing

Sponsors:

Sen. Haile, Ferrell; Rep. White, Mark

Summary:

Permits the district attorneys general conference, the administrative office of the courts, the Tennessee chapter of children’s advocacy centers, the department of children’s services, and law enforcement agencies to enter into data sharing agreements that allow for the sharing of information necessary to ensure compliance with statutory reporting requirements. Specifies that shared data retains its confidential status.

Effective Date: March 12, 2024

PC 565

Recording Required for Interrogation of Juvenile

Sponsors:

Sen. Lamar, London; Rep. Chism, Jesse

Summary:

Requires an audio or video recording to be made of any formal interview or interrogation of a child who has been taken into custody on suspicion that the child committed a delinquent act or unruly conduct unless a technical issue with the equipment or exigent circumstances prevents the recording.

Effective Date: July 1, 2024

PC 881

Prioritization of DCS Autopsies

Sponsors:

Sen. Powers, Bill; Rep. Littleton, Mary

Summary:

Requires the department of children’s services, county medical examiners, chief medical examiners, and facilities that perform autopsies to establish policies and procedures for the prioritization of the completion of final autopsy reports for fatalities of (i) any child in the custody of the department; (ii) any child who is the subject of an ongoing investigation by child protective services or has been the subject of an investigation by child protective services within the 45 days immediately preceding the child’s fatality or near fatality; or (iii) any child whose fatality or near fatality resulted in an investigation of the safety and well-being of another child in the home.

Effective Date: July 1, 2024

Legal

PC 613

Reclassifying Severe Child Abuse

Sponsors:

Sen. Johnson, Jack; Sen. Taylor, Brent; Rep. Lamberth, William; Rep. Littleton, Mary

Summary:

Refocuses the definition of severe child abuse on the status of the child and the injuries the child suffered. Courts will no longer need to locate the perpetrator or determine mental state to find that a child has experienced abuse. Courts must examine each individual who provided care for the child during the period of abuse to determine if the individual can be excluded as the perpetrator. If the individual cannot be excluded as the perpetrator, the Department will not place children in the home, unless the court finds sufficient evidence that the placement would be safe for the child. Expands the definition of severe child abuse to include the criminal offenses of involuntary labor servitude, trafficking persons for forced labor or services, and patronizing prostitution. Clarifies that child support is presumed token if it is less than the minimum established by Department of Human Services guidelines. This presumption may be rebutted by a preponderance of evidence.

Effective Date: July 1, 2024

PC 862

Sponsors:

Summary:

Effective Date:

Redefines Dependent and Neglected Child

Sen. Haile, Ferrell; Rep. Slater, William

Revises the definition of a dependent and neglected child to clarify that the criteria for dependence and neglect must be present at the time of the filing of the petition.

July 1, 2024

PC 799

Sponsors:

Summary:

Effective Date:

Limits on Reunification Treatment

Sen. Massey, Becky; Rep. Alexander, Rebecca

Revises law on child custody determinations in annulment, divorce, and other child custody proceedings. Requires courts to consider evidence of physical or emotional abuse to the child, the other parent or any other person, including siblings. The court may refer abuse issues to juvenile court. Judges involved in custody proceedings must undergo training on domestic violence or child abuse provided by experienced individuals who have assisted surviving victims of domestic violence, child abuse or child sex abuse, and be based on evidence-based research. Unless it is in the best interest of the child, the court shall not order reunification treatment if the court has found a parent or caregiver to have engaged in abuse, abandonment, or sexual offenses. An order of reunification must not sever contact with a non-abusive parent. The court shall consider a child's safety during and after reunification treatment and file written findings within 30 days of the close of the hearing, or within 5 days of an appeal or petition for certiorari.

April 23, 2024

PC 652

Sponsors:

Summary:

Effective Date:

Termination of Parental Rights Due to Substantial Noncompliance

Sen. White, Dawn; Rep. Butler, Ed

Requires the department of children's services (DCS) to petition to terminate parental rights within 90 days of a juvenile court's finding that the parent or guardian has been substantially noncompliant with the statement of responsibilities in the child's permanency plan.

July 1, 2024

PC 996

Sponsors:

Summary:

Effective Date:

Revises Current Law on Adoption and Foster Parents

Sen. Haile, Ferrell; Rep. Leatherwood, Tom

Makes various changes to adoption and foster parent law: (1) Specifies that certain provision's apply "at the time of the filing of a petition for termination of parental rights (TPR)" for children aged four years or more; (2) Specifies application "at the time of the filing of a petition for TPR" for children under four years old; (3) modifies abandonment and supplemental petitions for termination of parental rights; (4) revises the definition of "putative father"; (5) Adds a new requirement for out-of-state child-placing agencies or attorneys engaging with licensed entities in Tennessee for adoption services; (6) Amends items regarding permissible payments related to adoption; (7) Revises advice given to parents in adoption surrenders; (8) Modifies procedures for surrenders and adoptions; (9) Introduces new grounds for termination of parental rights; (10) Adds a provision concerning the presumption of knowledge of pregnancy; (11) Revises procedures for adoption interventions and appeals; (12) Makes amendments regarding necessary parties in adoption proceedings and consent requirements; (13) Updates requirements for consent from minors; (14) Revises procedures for adoption petitions; (15) Introduces new provisions regarding certified copies of adoption orders; (16) Makes amendments concerning expedited termination or adoption proceedings; (17) Introduces new provisions regarding filing appeals in TPR actions; (18) Makes amendments regarding jurisdiction in juvenile cases; (19) Makes amendments regarding the rights of foster parents to legal representation; and (20) revises procedures for incarcerated parents.

July 1, 2024

PC 885

Offense of Child Endangerment by a Parent or Custodian

Sponsors: Sen. White, Dawn; Rep. Littleton, Mary
Summary: Increases the penalty from a Class D felony to a Class B felony for a person who negligently, by act or omission, engages in conduct that places a child eight years of age or younger in imminent danger of death, bodily injury, or physical or mental impairment.
Effective Date: July 1, 2024

PC 1061

Families' Rights and Responsibilities Act

Sponsors: Sen. Haile, Ferrell; Rep. Faison, Jeremy
Summary: Enacts the "Families' Rights and Responsibilities Act," which allows all parental rights to be exclusively reserved to a parent of a child without obstruction by or interference from a governmental entity. Rights include: (1) Direction of upbringing; (2) moral and religious training; (3) all physical and mental healthcare decisions (including providing consent); (4) access and review of all health/medical records; (5) directing the education and have the right to make reasonable choices within public schools for their child's education; (6) inspecting and reviewing education records; (7) excusing the child from school attendance for religious purposes; (8) participating in parent-teacher association and organizations; (9) being promptly notified by an employee of the state if there is reasonable belief of abuse, neglect or any criminal offense has been committed against the child by someone other than the parent (unless doing so would interfere with a criminal or DCS investigation) (10) providing consent before biometric data is collected, stored, or shared; and (11) providing consent before any government entity can make a video or voice recording, unless pursuant to a court order, law enforcement investigation, forensic interview in a criminal or DCS investigation, security/surveillance of grounds, photo identification card, or a public event where there is no reasonable expectation of privacy; (12) additional medical rights. The rights do not authorize or allow an individual to abuse, neglect, or endanger a child. A parent whose rights have been burdened by a government entity in violation of this law may assert that violation as a claim or defense in any judicial or administrative proceeding. A parent may recover declaratory or injunctive relief and compensatory damages, including costs and attorney's fees. This section does not prevent DCS from carrying out its responsibilities under state law. Allows a parent to bring a civil cause of action to recover damages, attorney's fees, court costs, and other appropriate relief.
Effective Date: July 1, 2024

PC 952

Leaving a Minor Child in the care of a Sexual Offender

Sponsors: Sen. Haile, Ferrell; Rep. Gant, Ron
Summary: Specifies that a parent or guardian who knowingly allows their minor child to be under the care or supervision of a person who is required to register as a sexual offender commits a Class A misdemeanor.
Effective Date: July 1, 2024

Education

PC 1066

Opportunity Public Charter Schools

Sponsors: Sen. Haile, Ferrell; Rep. Sexton, Cameron
Summary: Defines an "opportunity public charter school" as a public charter school serving grades 6-12 in which at least 75 percent of the students are at-risk and provides (1) instruction in a traditional classroom setting or (2) a residential program that includes such instruction. The law details the criteria for at-risk student enrollment, the application process for sponsors, funding allocation, and accountability measures. A child in the custody of the department of children's services (DCS) may not enroll in an opportunity public charter school's residential program. If a child was enrolled in an opportunity public charter

school's residential program at the time when the student was placed in the custody of DCS, then the child may remain enrolled, or be re-enrolled at a later time.

Effective Date: July 1, 2024

PC 571

Revises the Instruction Required for the Family Life Curriculum

Sponsors: Sen. Taylor, Brent; Rep. Doggett, Clay

Summary: Revises the instruction required as part of a family life curriculum to include internet crimes against children involving sexting, sextortion and the exploitation of minors. Requires the Tennessee joint task force on children's justice and child sexual abuse, in consultation with the children's services advisory council, to annually recommend age-appropriate curricula to the department of education. Requires LEAs and public charter schools to annually provide to the department of children's services their: (1) contact information of the assigned and alternative child abuse coordinator; (2) contact information for employees providing curriculum; and (3) the curriculum selected by the LEA or public charter school.

Effective Date: July 1, 2024

General Administration, Fiscal, HR & Miscellaneous

PC 638

Removal of Provision Repealing the TN Zero to Three Court Initiative

Sponsors: Sen. Haile, Ferrell; Rep. White, Mark

Summary: Removes the statutory provision that would repeal the Tennessee Zero to Three Court Initiative on January 1, 2025.

Effective Date: April 4, 2024

PC 592

Sunset - Department of Children's Services

Sponsors: Sen. Roberts, Kerry; Rep. Ragan, John

Summary: Extends the department of children's services to June 30, 2026. Requires the department to submit quarterly written reports to the government operations committees during 2024 and 2025 to provide updates on the department's progress in addressing the findings set forth in the December 2022 performance audit report.

Effective Date: March 27, 2024

PC 515

Sunset - Standards Committee, Department of Children's Services

Sponsors: Sen. Roberts, Kerry; Rep. Ragan, John

Summary: Extends the standards committee, within the department of children's services to June 30, 2030.

Effective Date: March 1, 2024

PC 728

Newborn Safety Device Locations

Sponsors: Sen. Massey, Becky; Rep. Butler, Ed

Summary: Added emergency communication centers and nursing homes to the types of approved safe haven facilities. Clarifies that a "nursing home" is to be located in a county that does not have a hospital and must be approved by the health facilities commission for the installation of a newborn safety device. Clarifies that a fire station must be staffed continuously on a 24-hour basis every day by a licensed emergency medical services provider to be an approved location. Clarifies that a "newborn safety device" must be approved and located inside an approved location, or within view of their staff. Emergency communications centers without a newborn safety device may decline to receive possession of a newborn infant and, if they do so, will no longer be an approved safe haven location.

Effective Date: April 19, 2024

PC 1022

DCS to Submit Summaries of Policies and Guidelines Adopted

Sponsors: Sen. Oliver, Charlane; Rep. Chism, Jesse
Summary: Adds the government operations committees of the senate and house of representatives to the committees to which the department of children's services must submit new departmental policies or revisions within 60 days of adoption.
Effective Date: May 28, 2024

PC 837 **Amber Alert System up to Age 25**
Sponsors: Sen. Akbari, Raumesh; Rep. Love Jr., Harold
Summary: Raises the age for which America's Missing Broadcast Emergency Response (AMBER) Alert system may be utilized, from under 21 years old to under 25 years old.
Effective Date: May 1, 2024

PC 1068 **Committee on the Establishment of Incarcerated Parenting Plans**
Sponsors: Sen. Kyle, Sara; Rep. Hardaway, G.A.
Summary: Creates a committee to study the establishment of incarcerated parenting plans to facilitate ongoing relationships between incarcerated parents and their children within this state. The committee will report its findings and recommendations to the civil justice committee of the house of representatives and the judiciary committee of the senate by December 1, 2024, including any model incarcerated parenting plan and any proposed legislation.
Effective Date: May 28, 2024

PC 966 **Appropriations – Fiscal Year 2025**
Sponsors: Sen. Johnson, Jack; Rep. Lamberth, William
Summary: Makes appropriations for the 2025 fiscal year. The total state budget was about \$52.8 billion which includes over \$35 million in cost increases for DCS, bringing the Department's total budget to over \$1.3 billion annually. Included in the Department of General Services' budget was over \$233 million for new hardware secure facilities at John Wilder and Woodland Hills. Other increases include: \$11.4 million for private provider residential case management, \$10.8 million for specialized treatment foster homes, \$10.8 million for provider rate increases, and \$2.7 million for cost of living rate increases for foster care, adoption, and subsidized permanent guardianship.
Effective Date: July 1, 2024

PC 685 **Report on Juvenile Court Noncompliance Regarding Data Collection**
Sponsors: Sen. Walley, Page; Rep. Littleton, Mary
Summary: Requires the administrative office of the courts (AOC) to submit a report listing each juvenile court that is not in compliance with quality statewide data collection requirements. The report will include the dates of noncompliance and steps that could be taken to bring the court into compliance. The report must be submitted to the juvenile court judges of the courts that are not in compliance and the chairs of the judiciary committee of the senate and the civil justice committee of the house of representatives by October 1 of each year.
Effective Date: April 11, 2024

PC 634 **Revises provisions Related to State Procurement**
Sponsors: Sen. Johnson, Jack; Rep. Lamberth, William
Summary: Makes several changes relative to the procurement process. (1) adds a definition of "procurement file" and substitutes that term for 'all data' for purposes of inspection by respondents to solicitations; (2) increases from \$50,000 to \$100,000 the maximum amount for an informal procurement; (3) increases from \$10,000 to \$25,000 the maximum amount for a small purchase; (4) clarifies that CPO records are subject to public records request; and (5) requires a protesting

party to show clear and convincing evidence that the facts and grounds set forth in the protest warrant either of the following actions by the chief procurement officer: (i) the award of a contract to a protesting party; or (ii) the cancellation of a solicitation, whether in whole or in part.

Effective Date:

April 2, 2024