



**STATE OF TENNESSEE
TENNESSEE COMMISSION ON CHILDREN AND YOUTH**

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TCCY Legislative Committee

TCCY Conference Room
Andrew Johnson Tower, Ninth Floor
February 17, 2010
1:00 p.m.

MINUTES

Committee Members Present

Diane Neighbors, Chair
Natasha Blackshear
Joshua Conner
Beverly Cosley
Tim Goldsmith
Susan Lawless-Glassman
Tim Perry
Mary Anne Poe

Committee Members Absent

Denise Hobbs-Coker
Scott Meltzer

Staff Present

Linda O'Neal, Exec Dir
Sumita Banerjee
Pam Brown
Dana Cobb

Lindsey Cody
Kathy Daniels
Rodger Jowers
Dustin Keller
Richard Kennedy
Steve Petty
Patty Ray
Elaine Williams
Gwendolyn Wright

I. Welcome and Introductions – Diane Neighbors, Chair

Chair Neighbors welcomed Committee members and staff to the meeting calling the meeting to order at 1:00 p.m.

II. Overview of Legislative Process – Linda O'Neal

O'Neal reported staff review all bills introduced and identify those impacting children for the Legislative Report. In consultation with central office staff and regional coordinators, the bills to be tracked through the Legislative Update are identified. Through this same process, the bills for positions are identified and staff prepares recommended positions for the Legislative Committee. The minutes from the meeting reflect the actions taken to support or oppose individual bills and the reasons for the position.

III. Review of Legislation and Recommendations of TCCY Positions – Diane Neighbors

Chair Neighbors asked O'Neal to go through the legislation bill by bill. The following are the actions of the committee.

ALCOHOLIC BEVERAGES

SB 3563 **Sales of alcoholic beverages to persons under age.** Establishes an additional \$500
HB 3563* fine for alcoholic beverage retailers and licensees and beer permit holders for
[\(Full Text\)](#) selling alcoholic beverages or beer to any person under 21 years of age. (S: Ketron;
H: Rowland)

TCA Secs. 39-15-0400; 57-03-0000; 57-03-0406; 57-04-0000; 57-04-0203; 57-05-0000; 57-05-0301

TCCY Staff Recommended Position: SUPPORT – REASON: As the agency responsible for administering Federal Enforcing Underage Drinking Laws (EUDL) funds in Tennessee, TCCY recognizes the importance of appropriate and effective strategies to reduce underage drinking. Increasing the fines for selling alcohol to underage buyers is a strategy that should encourage retailers to be more vigilant in ensuring purchasers are of legal age.

MOVED TO SUPPORT, COSLEY; SECONDED PERRY. UNANIMOUS.

CRIMINAL LAW

CHILD ABUSE

SB 1653 **Child abuse offenders not eligible for probation or parole.** Adds child abuse and
HB 1304* child neglect or endangerment, as well as aggravated child abuse and aggravated
[\(Full Text\)](#) child neglect, to the list of those offenses for which a convicted defendant is not
eligible for probation, parole, or deferral of proceedings. (S: Burks; H: Jones S.)

TCA Secs. 36-00-0000; 37-00-0000; 39-00-0000; 40-00-0000; 40-35-0313; 49-00-0000; 71-00-0000

TCCY Legislative Position from 2009: OPPOSE – REASON: Though TCCY strongly supports efforts to protect children and pursue appropriate prosecution for child abuse perpetrators, it opposes legislation that prohibits probation in all cases of child abuse and neglect or endangerment or aggravated child abuse and neglect or endangerment. There are cases where child abuse is an episodic, one time occurrence, highly unlikely to be repeated. These could include cases of serious, toxic stress, post-partum psychosis or other unusual circumstances. To absolutely prohibit probation in child abuse and neglect or endangerment cases is not in the best interests of children and the preservation of families. Courts need discretion to permit probation in appropriate cases to preserve families, facilitate permanence and avoid unnecessary state custody. If this legislation were amended to be limited to sexual offenses as included in SB 1542 (except for statutory rape), or also linked with convictions for domestic violence, TCCY would support such prohibitions on

probation.

(SB 1542 sexual offenses: sexual battery and aggravated statutory rape)

SB 3267 **Tennessee Child Abuser Registration Act of 2010.** Enacts the "Tennessee Child
HB 3412* Abuser Registration Act of 2010" which creates within the TBI a registry of
([Full Text](#)) persons who have been convicted on or after January 1, 2011, of child abuse or
child sexual abuse. Requires the registry to be made available for public inquiry via
the Internet. (S: Harper; H: Brown)

TCA Secs. 37-00-0000; 39-00-0000; 40-00-0000

TCCY Staff Recommendation Position: OPPOSE – REASON: Though TCCY strongly supports efforts to protect children and pursue appropriate prosecution for child abuse perpetrators, it opposes legislation establishing a Child Abuse Registry. Cases involving sexual offenses already result in convicted perpetrators being placed on the Sex Offender Registry. There are cases where child abuse is an episodic, one time occurrence, highly unlikely to be repeated. These could include cases of serious, toxic stress, post-partum psychosis or other unusual circumstances. Placing adults on a Child Abuse Registry not only embarrasses them, more importantly it embarrasses the child or children who were subject to the abuse. Many times families overcome an incidence of abuse and are reunified and have no long-term endangerment to the children. Placing the parents on a Child Abuse Registry is not conducive to rehabilitation and reunification. It potentially makes children vulnerable to abuse by others who target them because their parents are on such a registry.

MOVED TO OPPOSE GOLDSMITH; SECONDED POE. UNANIMOUS

SB 1744 **Crime Free School Zone Act.** Enacts the "Crime Free School Zone Act."
HB 1129* Provides increased criminal penalties for specified offenses occurring on school
([Full Text](#)) grounds or within 1000 feet of a school, public library, recreational center or park.
Offenses include drug and sexual offenses, felonies involving deadly weapons
and carjacking. (S: Marrero; H: Hardaway)

TCA Secs. 39-00-0000; 39-17-0432; 40-00-0000; 40-35-0100; 49-00-0000

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY supports efforts to reduce crime in areas frequented by children. However, it is concerned enhanced penalties for crimes committed within 1000 feet of the specified facilities would result in substantial increase in disproportionate minority contact and confinement because in many areas where there are large numbers of poor people, and minorities are disproportionately poor, almost every spot in the community is within this range. Similar legislation in Chicago had a disproportionate negative impact on minority communities.

**MOVED TO OPPOSE, COSLEY; SECONDED GOLDSMITH.
UNANIMOUS.**

SB 2395 **Aggravated rape of a child.** Adds aggravated rape of a child to the list of
HB 2438* offenses for which a juvenile can be transferred from juvenile court to adult court.
([Full Text](#)) Broadly Captioned. (S: Black; H: Maggart)

TCA Secs. 37-00-0000; 37-01-0134; 39-00-0000; 40-00-0000

TCCY Legislative Position: SUPPORT – REASON: TCCY supports this legislation that would result in the offenses set out in the statute for transfer being consistent with violent sexual offenses required under Adam Walsh Act.

**MOVED TO SUPPORT, PERRY; SECONDED GOLDSMITH.
UNANIMOUS.**

FORFEITURE

SB 2665 **Forfeitures of property: sexual offenses against a minor.** Provides that real or
HB 2752* personal property used to commit a sexual offense against a minor will be
([Full Text](#)) forfeited if the offense occurs on or after July 1, 2010. (S: Burks; H: Swafford)

TCA Secs. 39-00-0000; 39-11-0703; 39-13-0530; 39-17-1008; 40-33-0000; 40-33-0101

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to put in place a judicial mechanism to implement forfeiture of property used in the sexual abuse of children. Legislation authorizing such forfeiture was passed in 2006, but has never been implemented because there was not a clear administrative mechanism for this. Establishing a judicial mechanism as a part of the adjudication of offenders is an effective way to implement this forfeiture legislation.

MOVED TO SUPPORT POE; SECONDED COSLEY. UNANIMOUS.

SB 3503 **Child abuse prevention services.** Changes the amount of time Prevent Child
HB 3117* Abuse Tennessee must provide child abuse prevention services in order to
([Full Text](#)) administer grant funds from six months to one year. (S: Burks; H: Jones S.)

TCA Secs. 37-00-0000; 39-13-0000; 39-13-0530; 40-00-0000

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports legislation to better clarify procedures for the implementation of forfeiture of property used in the sexual abuse of children. Legislation authorizing such forfeiture was passed in 2006, but has never been implemented because there has not been a clear administrative mechanism for this. Clarifying the process to

implement this forfeiture legislation is a positive step toward ensuring the procedures from forfeiture can be allocated as provided by the 2006 legislation.

**MOVED TO SUPPORT GOLDSMITH; SECONDED PERRY.
UNANIMOUS**

ADAM WALSH ACT/JUVENILE SEX OFFENDER REGISTRY

SB 2725
HB 2789*
[\(Full Text\)](#)
Creates a violent juvenile sexual offender registry. Creates a violent juvenile sexual offender registry. Defines a violent juvenile sexual offender as a person 14 years of age or more but less than 18 years of age who has been adjudicated delinquent in this state for any act that, if committed by an adult, constitutes a violent juvenile sexual offense. Specifies that when a violent juvenile sexual offender becomes 18 years of age, such offender shall become a violent sexual offender. (S: Black; H: Maggart)

TCA Secs. 37-40-0000; 49-55-0000; 37-01-0153; 40-28-0201; 40-39-0201; 40-39-0202; 40-39-0203; 40-39-0204; 40-39-0206; 40-39-0207; 40-39-0213; 40-39-0214; 40-39-0215; 55-50-0353

SB 2838
HB 2849*
[\(Full Text\)](#)
Juvenile Sexual Offender Registry. Creates a violent juvenile sexual offender registry. Requires juveniles 14 to 18 years of age adjudicated delinquent for commission of offenses of aggravated rape of a child, rape of a child, aggravated rape, and attempt to commit any such offense to register with the sex offender registry as a violent juvenile sexual offender upon reaching age 18. (S: Stewart E.; H: Cobb T.)

Senate Co-Sponsor: Ketron
TCA Secs. 37-01-0153; 37-40-0000; 40-28-0201; 40-39-0201; 40-39-0202; 40-39-0203; 40-39-0204; 40-39-0206; 40-39-0207; 40-39-0208; 40-39-0211; 40-39-0213; 40-39-0214; 40-39-0215; 49-00-0000; 55-00-0000; 55-50-0353

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY opposes legislation placing juveniles who have not been transferred to criminal court and adjudicated as adults on the sex offender registry. Juvenile courts currently consider the seriousness of the offense and have the authority to transfer youth to criminal court in the most egregious cases, and if convicted in criminal court these serious offenders will be placed on the sex offender registry.

TCCY opposes registration of juvenile sex offenders for the following reasons:

- There is no evidence that community notification reduces sex offense recidivism or increases community safety.
- Children whose conduct involves sexually inappropriate behavior do not

pose the same threat to public safety as do adults.

- Children are more responsive to treatment than adults and are less likely to re-offend if provided appropriate treatment. Their motivation for success in treatment would be reduced if they are automatically on a sex offender registry regardless of their success in treatment.
- The National Center on Sexual Behavior of Youth reports the sexual recidivism rate for juvenile sex offenders to be as low as five percent.
- Children who offend have fewer numbers of victims than adult offenders, and on average, children who offend engage in less serious and aggressive behaviors than adults.
- Most children who offend can be safely maintained in the community under supervision by probation officers and be treated in outpatient treatment programs.
- More than 9 out of 10 times the arrest of a child for a sex offense is a one-time event.
- As many as 1/3 of sexually abused children will demonstrate some sort of sexual problem in response to their own abuse.
- Public registration and community notification requirements can complicate the rehabilitation and treatment of these youth. In some cases in other states, children who are required to register have been harassed at school, forcing them to drop out.
- The stigma that arises from community notification serves to exacerbate the poor social skills many children who offend possess, destroying the social networks necessary for rehabilitation. Education itself is vital to reducing the risk of further criminal behavior.
- Because residence restrictions are tied to registration status, there will likely be an emergent housing crisis for these youth when they turn 18 because they will be prevented from living with their families or in other community placements due to proximity to schools, parks, and places where children congregate. This could result in them being forced to drop out of school because the majority of 18-year-old youth have not graduated from high school.
- Registration will disrupt families and communities because it does not just stigmatize the child; it stigmatizes the entire family, including parents and other children in the home. There is great concern registration requirements will almost certainly decrease parental willingness to report or seek help for children's sexual behavior problems when they understand the result will be placement on the sex offender registry, a serious concern because many instances of inappropriate sexual behavior occur within the family/extended family.
- The limitations on where these children could live may result in them being forced to live in circumstances where they are in close proximity to adult sexual offenders. In some areas, placement of youth on the sexual offender registry has resulted in them being targeted as potential victims by pedophiles.

- There are concerns about the lack of access to adequate legal representation for children in Tennessee, increasing the potential for an unjust adjudication.
- Costs for juvenile courts to implement this legislation would be substantial and have generally not been adequately acknowledged in fiscal notes.
- Advances in brain imaging and research validates the importance of treating children differently from adults and providing them opportunities to avoid unnecessary stigma and receive services to enable them to become productive citizens.
- There is substantial litigation regarding these requirements all across the country, and passage of registration legislation would almost certainly result in litigation in Tennessee. While legal questions are pending, it seems inappropriate to pass legislation guaranteed to result in costly litigation in Tennessee.

TCCY recognizes the seriousness of juvenile sexual offenses and the need for more effective intervention and treatment for children with sexual behavior problems. These needs are not met by registration legislation. Tennessee should work toward providing evidence-based interventions that promote positive outcomes for children and families and improve community safety.

MOVED TO OPPOSE PERRY; SECONDED COSLEY. UNANIMOUS.

SB 3459
HB 3376*
[\(Full Text\)](#)

Harboring a runaway. Establishes the offense of harboring a runaway and specifies that a violation of such offense is a Class A misdemeanor. (S: Stewart E.; H: Cobb T.)

TCA Sec. 39-15-0400

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY opposes legislation creating an offense of harboring a runaway. Children sometimes run from abuse and often run to other family members. Some programs are specifically set up to serve as a “runaway shelter” to provide a safe refuge for children who feel compelled to runaway. Establishing an offense like this potentially jeopardizes the safety of children who need to be harbored until the issues that lead to their runaway behavior can be addressed.

MOVED TO OPPOSE PERRY; SECONDED COSLEY. UNANIMOUS.

SB 3504
HB 3115*
[\(Full Text\)](#)

Juvenile records requirements. Makes certain changes to juvenile records requirements for law enforcement and juvenile courts and deletes the juvenile records task force. (S: Burks; H: Jones S.)

TCA Secs. 08-04-0000; 08-04-0115; 37-01-0000; 37-01-0133; 37-01-0153; 37-

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports this legislation to implement the recommendations of the Juvenile Records Task Force. The recommendations establish appropriate guidelines for submission of fingerprint and adjudication information to the Tennessee Bureau of Investigation for youth adjudicated delinquent for serious offenses. This would result in more consistent reporting to TBI from all across the state, while now TBI generally only receives information from Davidson and Shelby Counties. The legislation also requires notice to youth adjudicated or pleading guilty for the enumerated offenses that the record of their adjudication may serve as a bar to future employment with vulnerable populations and could adversely impact other future activities such as higher education or military service.

**MOVED TO SUPPORT POE; SECONDED GOLDSMITH.
UNANIMOUS.**

EDUCATION

SB 2482* **Annual report on pre-K program to be posted on Internet.** Requires the office of early learning in the department of education to post its annual report on the voluntary pre-K program on its Web site. (S: Gresham; H: Coley)
HB 3737
[\(Full Text\)](#)

TCA 49-6, 49-6-108(6)

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports this legislation as submitted that would put the annual Office of Early Learning report regarding the number, location, types of providers and number of at risk students served on its web site. However, the caption of the bill opens all of Title 49, Chapter 6, Part 1 relative to voluntary Pre-K. Therefore this bill should be watched closely to be sure it is not amended to undermine the current voluntary Pre-K program.

**MOVED TO SUPPORT GOLDSMITH; SECONDED BLACKSHEAR.
UNANIMOUS.**

SB 3276 **Scheduling of parent-teacher meetings.** Urges LEAs to consider the work schedules and needs of working parents when scheduling parent-teacher meetings. (S: Burks; H: Brown)
HB 3411*
[\(Full Text\)](#)

TCA Secs. 49-00-0000; 49-06-7002

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation encouraging consideration of the needs of working parents

when scheduling parent-teacher meetings. Parental involvement in the education of their children is important for their success, but if conferences are only scheduled during times they must work, their possibilities for participation are substantially reduced. (NOTE CAPTION: "AN ACT to amend Tennessee Code Annotated, Title 49, relative to education." Need to watch to be sure the legislation is not transformed into something else.)

**MOVED TO SUPPORT PERRY; SECONDED BLACKSHEAR.
UNANIMOUS.**

SB 3312
HB 2493*

Task force on truancy. Requires any parent of a truant student to attend counseling, mentoring, or parenting classes. Requires truant students to receive counseling or mentoring. Creates task force on truancy and establishes guidelines, procedures and membership for such task force. (S: Kelsey; H: Hardaway)

TCA 49-06-3000; 49-06-3007

TCCY Staff Recommended Position: SUPPORT WITH AMENDMENTS

– **REASON:** TCCY supports all appropriate activities to identify strategies to reduce truancy. More parental involvement may be one solution, but the legislation should be amended to say a parent "may" be required instead of "shall" be required to participate in certain responses to truancy. Juvenile courts should have discretion regarding whether it is appropriate to require parental participation in counseling, mentoring or parenting classes in individual cases. Additionally, if this legislation is passed establishing a state level task force on truancy, a representative of the Commission on Children and Youth should be a member of the task force. TCCY staff are currently participating with an interdepartmental group focused on the dropout problem, and based on the first meeting of the group, truancy will be a major focus. The current group does not meet the membership requirements of this legislation, but may be an appropriate group to address the concerns that lead proposal of this legislation.

**MOVED TO SUPPORT WITH AMENDMENTS GOLDSMITH;
SECONDED BLACKSHEAR. UNANIMOUS.**

FAMILY LAW

SB 2213
HB 0677*
[\(Full Text\)](#)

Avin and Preston Law - court-ordered supervised visitation. Requires the court, in all cases of court-ordered supervised visitation, to demonstrate that unsupervised visits could do irreparable harm to the child. Prohibits a parent from being suspended from visitation due to inability to pay for a specified visit. Sets forth payment guidelines for such supervisor. Sets maximum cost for a necessary facility for such visitation at \$40/hour. . (S: Ford O.; H: Cooper B.)
House Co-Sponsors: DeBerry J.; Jones U.; Turner M.; Jones S.; Hardaway; Pruitt

TCA Secs. 36-06-0300; 36-06-0301

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY opposes legislation that would limit court orders for supervised visitation to cases where “unsupervised visits would cause irreparable harm to the child.” This standard is too restrictive and could result in substantial, but not irreparable, harm to children. The standard for ordering supervised visitation should be the best interests of the child. Many counties do not have a “certified” supervised situation center, making implementation of this legislation impractical in many cases. TCCY also does not believe it is appropriate for the General Assembly to establish a maximum fee of \$40 for facilities providing supervised visitation as this could be less than the cost to the facility/agency and result in the loss of options for court ordered visitation. On the other hand, in some cases, \$40 could be too high for individual supervision. Courts should determine who bears the costs of supervised visitation, with them typically charged to the parent who must be supervised.

MOVED TO OPPOSE, COSLEY; SECONDED POE. UNANIMOUS.

SB 2341
HB 2372*

Adopted child removed from home by DCS. Specifies that no adoptive parent of a child that has been removed from the home by the department of children's services for reasons other than dependency or neglect shall be required to pay for the care of such child while in custody. (S: Overbey; H: McCord)

TCA 36-01-0000; 36-01-0100; 37-01-0000

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY

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supports this legislation to encourage adoption of children in custody by including a provision in law that exempts such parents from child support requirements if the child must be returned to state custody for reasons other than dependency or neglect. The prospect of having to pay child support could be a deterrent to persons who would otherwise consider adopting older children and/or younger children with substantial behavioral problems for fear of the financial impact if they are not able to manage the child and his/her mental health or other behavioral problems.

**MOVED TO SUPPORT GOLDSMITH; SECONDED PERRY.
UNANIMOUS.**

AOC COURT IMPROVEMENT PROGRAM LEGISLATION

SB 2584
HB 2627*
[\(Full Text\)](#)

Child custody placement: preponderance of the evidence. Specifies that the court's child custody placement recommendation must be based on a preponderance of the evidence. (S: Black; H: DeBerry J.)

TCA Sec. 37-01-0129

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation requiring rulings in hearings on placement of children in DCS custody be based on a preponderance of the evidence. Current law does not state the evidentiary standard, so this legislation was brought forward to ensure courts are consistent in the standard they apply in these cases. This legislation is recommended by the Administrative Office of the Courts' Court Improvement Project Steering Committee.

**MOVED TO SUPPORT POE; SECONDED LAWLESS-GLASSMAN.
UNANIMOUS.**

SB 2585
HB 2628*
[\(Full Text\)](#)

Award of child guardianship: court's required findings. Establishes that a court must find that the department of children's services or licensed child-placing agency has made reasonable efforts to place a child for adoption and the child's best interests are satisfied before awarding guardianship to a permanent guardian. (S: Black; H: DeBerry J.)

TCA Sec. 36-01-0113

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation that will require agencies to attempt to find permanent adoptive homes for youth before placing them in permanent guardianship. This legislation would require that if a child is placed in permanent guardianship it must be in the child's best interest. This legislation is recommended by the Administrative Office of the Courts' Court Improvement Project Steering

Committee.

MOVED TO SUPPORT GOLDSMITH; SECONDED LAWLESS-GLASSMAN. UNANIMOUS.

SB 2587
HB 2630*
[\(Full Text\)](#)

Permanency plans for foster care. Makes certain changes regarding permanency plans for foster care, including giving parents the right to attend and participate in foster care permanency plan reviews and changing the suggested membership of foster care review boards. (S: Black; H: DeBerry J.)

TCA Secs. 36-01-0000; 36-01-0113; 36-01-0117; 37-02-0000; 37-02-0402; 37-02-0403; 37-02-0404; 37-02-0405; 37-02-0406; 37-02-0409

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports this legislation to clean up language in various statutes related to foster care, including substituting “permanency plan” for “plan of care,” “magistrate” for “referee,” and “foster care review board” for “advisory board on foster care.” It also clarifies the rights of parents, parents’ attorneys, guardians ad litem and children who are parties to notice and the opportunity to be present for foster care review board meetings and to receive copies of reports and board recommendations. It also clarifies the requirements for composition of foster care review boards and procedures for their interface with the juvenile court, including reducing the timeframe for a review of their recommendations when safety is a concern. This legislation is recommended by the Administrative Office of the Courts’ Court Improvement Project Steering Committee.

MOVED BLACKSHEAR; SECONDED PERRY. UNANIMOUS.

SB 2701
HB 2765*
[\(Full Text\)](#)

Tennessee Second Look Commission. Creates the "Tennessee Second Look Commission." The commission shall review an appropriate sampling of cases involving a second or subsequent incident of severe child abuse in order to provide recommendations and findings to the general assembly regarding whether or not severe child abuse cases are handled in a manner that provides adequate protection to the children of this state. Specifies that the commission shall report its findings to the general assembly by January 1, 2011 and annually thereafter. (12 pp.)

(S: Burchett; H: Tindell)

House Co-Sponsors: Armstrong; Harwell; Montgomery

Amendment: House Government Operations Committee amendment 1 requires members of the commission to serve on the commission as long as they hold the positions. House Government Operations Committee amendment 2 terminates the TN Second Look Commission on June 30, 2012. House Government Operations Committee amendment 3 requires the commission to adopt and implement a policy related to conflicts of interest.

TCA Secs. 04-00-0000; 04-29-0235; 08-00-0000; 10-00-0000; 37-00-0000;
37-03-0000

TCCY Staff Recommended Position: SUPPORT – Reason: TCCY supports efforts to improve the child protective services system in Tennessee. If this legislation were to pass, the TCCY executive director will actively participate on the Commission and work toward identification of strategies to improve child protective services. TCCY is not clear a Second Look Commission would make a substantial difference or is the most appropriate strategy for identifying improvements in the child protective services system in Tennessee, but if this Commission is put in place, the Commission would also support administrative responsibility being assigned to it. Data suggests 204 children experienced second or subsequent sexual or serious abuse last year, a number that may justify a Second Look Commission.

MOVED TO SUPPORT ESTABLISHING A SECOND LOOK COMMISSION, BLACKSHEAR; SECONDED PERRY. UNANIMOUS.

MOVED TO SUPPORT ATTACHING ADMINISTRATIVE RESPONSIBILITY TO THE COMMISSION IF APPROPRIATE STAFF AND FUNDING ARE PROVIDED GOLDSMITH; SECONDED PERRY. UNANIMOUS.

SB 2750
HB 2698*
[\(Full Text\)](#)

Modifying existing residential schedules in parenting plan. Restricts the modification of an existing residential schedule in a permanent parenting plan prior to a final hearing unless the parents agree to the modification or the court determines that such modification is in the best interest of the child. (S: Kelsey; H: Dennis)

TCA Secs. 36-06-0400; 36-06-0405

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation clarifying the judicial procedure for modifying the residential schedule in a permanent parenting plan.

MOVED TO SUPPORT POE; SECONDED LAWLESS-GLASSMAN. UNANIMOUS.

SB 2797*
HB 2992
[\(Full Text\)](#)

Medical and social history to be collected on foster child. Requires a child-placing agency, in addition to completing the permanency plan, to collect as much information as possible to complete a medical and social history on a foster child within 30 days of foster care placement. (S: Henry; H: DeBerry J.)

TCA Secs. 36-01-0113; 37-02-0403

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to require the Department of Children’s Services to collect thorough family and medical information on children who enter foster care. This process could help parents better understand the seriousness of their situation when children are placed in state custody. It would provide extended family information that could assist in identifying relative placements. It would also provide thorough medical information to better meet the needs of the child while in custody and essential medical history information should the case result in termination of parental rights and placement of the child for adoption.

**MOVED TO SUPPORT PERRY; SECONDED BLACKSHEAR.
UNANIMOUS.**

EQUAL PARENTING

SB 2881
HB 2916*
[\(Full Text\)](#)

Equal parenting time. Requires the court, at any hearing to determine custody of a minor child, to order that the child get equal time with each of the child’s parents unless the court finds by clear and convincing evidence that one or both of the parents are unfit to care for the child. Authorizes a court to direct that an investigation be conducted for the purpose of assisting the court in making a custody determination when a parent has been proven to be unfit. (S: Bunch; H: Bell) House Co-Sponsors: Campfield; Hardaway

TCA Secs. 36-06-0100; 36-06-0101

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY strongly supports the involvement of both parents in the lives of their children, but TCCY opposes legislation that requires a child get equal time with each parent unless the court finds “by clear and convincing evidence that one (1) or both of the parents are unfit to care for the child.” Proving a parent is unfit is too high a standard for child safety. Efforts to meet this standard will result in a requirement to present proof of individual circumstances that may be embarrassing to children. There are reasons, in the best interests of children, when the amount of time spent with each parent might vary even though a parent is not “unfit.” The Commission believes shared parenting is in the best interests of children when the parents have agreed to such an arrangement, and supports the current presumption for this arrangement when parents have so agreed. In the absence of such an agreement, there should be no presumption

in favor of equal time or shared parenting and no requirement to prove one parent unfit to avoid equal time. Parents who have not been able to agree on equal time parenting as a custody arrangement are unlikely to be able to agree on the day-to-day decisions that must be made for their children. Custodial decisions for children should be based on the best interests of the child, as provided by current Tennessee law that provides neither a preference nor a presumption for any type of custody except what is in the best interest of the child, unless parents have agreed to joint custody. In the absence of such an agreement, custody should be based on the determination of which parent is better positioned to protect the best interests of the child. TCCY could support amendments that would clarify that custody decisions begin on a level playing field, but cannot support legislation that would create a presumption for equal parenting when parents have not agreed.

SB 3443
HB 2442*
[\(Full Text\)](#)

Equally and Fair Parenting Act Enacts the "Equal and Fair Parenting Act". Creates a rebuttable presumption that equally shared parenting is the custody arrangement in the best interest of a child. Establishes that a preponderance of the evidence is required to overcome this presumption. (S: Tate; H: Hardaway)

TCA Secs. 36-06-0100; 36-06-0101

TCCY Staff Recommendation Position: OPPOSE – REASON: TCCY strongly supports the involvement of both parents in the lives of their children, but opposes legislation that creates a rebuttable presumption for equally shared parenting unless the parties have agreed to such a custodial arrangement. The Commission believes shared parenting is in the best interests of children when the parents have agreed to such an arrangement, and supports the current presumption for this arrangement when parents have so agreed. In the absence of such an agreement, there should be no presumption in favor of equal time or shared parenting. Parents who have not been able to agree on shared parenting as a custody arrangement are unlikely to be able to agree on the day-to-day decisions that must be made for their children. Custodial decisions for children should be based on the best interests of the child, as provided by current Tennessee law that provides neither a preference nor a presumption for any type of custody except what is in the best interest of the child, unless parents have agreed to joint custody. In the absence of such an agreement, custody should be based on the determination of which parent is better positioned to protect the best interests of the child. TCCY could support amendments that would clarify that custody decisions begin on a level playing field, but cannot support legislation that would create a presumption for equal parenting when parents have not agreed.

MOVED TO OPPOSE BLACKSHEAR; SECONDED LAWLESS-GLASSMAN. UNANIMOUS.

OVERCOMMITMENT

SB 2974
HB 3020*
[\(Full Text\)](#)
Cost of children placed in state custody. Removes provision of the law that allocates resources for children placed in state custody based on a county's child population and average state commitment rate per thousand children. (S: Black; H: Jones S.) House Co-Sponsor: Hackworth

TCA Secs. 37-00-0000; 37-02-0205

SB 3017
HB 3081*
[\(Full Text\)](#)
DCS - payment for children in state custody. Deletes provision that require the department of children's services to pay for children in state custody based on a county's child population and the average state commitment rate per 1,000 children. (S: Stewart E.; H: Fraley)

TCA Secs. 37-02-0000; 37-02-0205

SB 3424
HB 3536*
[\(Full Text\)](#)
DCS payments for children in state custody. Repeals the requirement for the department of children's services to allocate resources based on population up to 300 percent of the population and a charge to the counties for a surplus population. (S: Finney L.; H: Maddox)

TCA Secs. 37-02-0000; 37-02-0205

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports efforts to work with counties to provide more appropriate prevention and intervention services to meet the needs of children and families and avoid the need for state custody. TCCY also supports legislation to repeal 2008 legislation that requires counties to pay the costs of care for children in custody in excess of a certain percentage of the average state commitment rate. Such provisions have the potential to endanger children and place inappropriate pressure courts and counties. Decisions on state custody should be made based on the best interests of the child without consideration of the financial impact on counties. Factors that influence custody rates are not always within the control of the courts, and meth labs are one example of variable impact across the state. Because in many cases it is a very close call whether an individual child should be adjudicated dependent, neglected, abused, or unruly, or delinquent, this legislation could result in adjudications based on commitment rates rather than the best interests of children. If counties are close to over commitment rates for children adjudicated delinquent, it could result in inappropriate transfer of children for trial as an adult in order to avoid costs to the county as the state would then be responsible for costs if the child is convicted as an adult. Research is clear: transfer to adult court should be avoided whenever possible as the long term outcomes are better for children who are served in the juvenile justice system. Children who are transferred recidivate at higher rates and

commit more violent offenses.

MOVED TO SUPPORT GOLDSMITH; SECONDED LAWLESS-GLASSMAN. UNANIMOUS.

SB 3842*
HB 3807
[\(Full Text\)](#)

Collaborative planning process: percentage lowered. Lowers the threshold for triggering the collaborative planning process from 200 percent to 150 percent in any county. (S: Kyle; H: Turner M.)

TCA Secs. 37-02-0200; 37-02-0205

TCCY Staff Recommendation Position: Support – REASON: TCCY supports lowering the threshold at which DCS begins to work with counties in danger of committing more children than above the state average. TCCY supports efforts to work with counties to provide more appropriate prevention and intervention services to meet the needs of children and families and avoid the need for state custody. TCCY also supports legislation to repeal 2008 legislation that requires counties to pay the costs of care for children in custody in excess of a certain percentage of the average state commitment rate. Such provisions have the potential to endanger children and place inappropriate pressure courts and counties. Decisions on state custody should be made based on the best interests of the child without consideration of the financial impact on counties. Factors that influence custody rates are not always within the control of the courts, and meth labs are one example of variable impact across the state. Because in many cases it is a very close call whether an individual child should be adjudicated dependent, neglected, abused, or unruly, or delinquent, this legislation could result in adjudications based on commitment rates rather than the best interests of children. If counties are close to over commitment rates for children adjudicated delinquent, it could result in inappropriate transfer of children for trial as an adult in order to avoid costs to the county as the state would then be responsible for costs if the child is convicted as an adult. Research is clear: transfer to adult court should be avoided whenever possible as the long term outcomes are better for children who are served in the juvenile justice system. Children who are transferred recidivate at higher rates and commit more violent offenses.

MOVED TO SUPPORT BLACKSHEAR; SECONDED GOLDSMITH. UNANIMOUS.

ADOPTION

SB 3000*
HB 3424
[\(Full Text\)](#)

DCS - reasonable effort to establish home for child. Deems DCS as having made a reasonable effort to establish a suitable home for a child if the department's efforts have exceeded the efforts of the child's parent or guardian. (S: Barnes; H: Litz)

House Co-Sponsor: Hackworth

TCA Secs. 36-01-0102; 37-02-0402

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY believes parents should be responsible for taking appropriate steps to regain custody of their children when the children are placed in the custody of the Department of Children’s Services. This legislation changes the presumption of reasonable efforts to place the burden on the parents rather than the Department of Children’s Services, and such a shift in the presumption is not appropriate. Whether or not parents have taken reasonable steps should be determined based on all the facts in each individual case, not based on a presumption regarding what the Department of Children’s Services has done.

MOVED TO OPPOSE GOLDSMITH; SECONDED LAWLESS-GLASSMAN. UNANIMOUS.

SB 3001*
HB 3423
[\(Full Text\)](#)

Establishing of paternity. Prohibits a man from being a legal parent based solely on blood and DNA testing, but such testing may be a basis for a court of competent jurisdiction to establish paternity. . (S: Barnes; H: Litz) House Co-Sponsor: Hackworth

TCA Sec. 36-01-0102

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to clarify a DNA test alone does not automatically establish paternity. The test may be the basis for a court order establishing paternity, but does not in itself establish paternity. This makes clear to fathers they must take the next step and have a court officially declare them to be the father of a child.

MOVED TO SUPPORT POE; SECONDED GOLDSMITH. UNANIMOUS.

SB 3002*
HB 3427
[\(Full Text\)](#)

Parent’s legal and moral obligation to support child. Establishes that parents have a presumed legal and moral obligation to support their children. (S: Berke; H: Hackworth) House Co-Sponsor: Litz

TCA Sec. 36-01-0102

TCCY Staff Recommended Position: SUPPORT with AMENDMENT–REASON: TCCY supports legislation making clear in the law that every parent is presumed to know they have a legal and moral obligation to support their children. This legislation should be amended to add “visit” so the law creates the presumption parents know they should both support and visit their children. This has been a side issue in some termination of parental rights cases, and this

legislation eliminates the question.

**MOVED TO SUPPORT WITH AMENDMENT GOLDSMITH;
SECONDED PERRY. UNANIMOUS.**

SB 3003*
HB 3428
[\(Full Text\)](#)

Administrative fee - termination of parental rights. Charges a \$50 administrative fee to defendants in a termination of parental rights case that are provided court-appointed counsel. Specifies that failure to pay will not result in loss of counsel but may be included as evidence of a lack of financial responsibility in such cases. (S: Berke; H: Hackworth) House Co-Sponsor: Litz

TCA Sec. 40-14-0103

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY supports legislation establishing a requirement for parents to contribute to their legal representation in termination of parental rights cases. They can already charge this in juvenile court. However, this legislation places this authority in criminal law, and if such a requirement is going to be explicitly included in the statute for other courts, it should be placed in Title 36. It also should not be mandatory, but at the discretion of the court. The enhancement language also should not be included.

**MOVED OPPOSE BLACKSHEAR; SECONDED LAWLESS-
GLASSMAN. UNANIMOUS.**

SB 3004*
HB 3426
[\(Full Text\)](#)

Spouse of relative is legal relative. Adds the spouse of any legal relative to the definition of "legal relative" and "related" with regards to adoption. (S: Berke; H: Hackworth) House Co-Sponsor: Litz

TCA Sec. 36-01-0102

TCCY Staff Recommended Position: SUPPORT – REASON: TCCY supports legislation to include persons related by marriage as a "legal relative." This expansion of the definition of a legal relative may be of great assistance in facilitating permanency for children who might otherwise be involved with the state custody system. It also recognizes the reality of existing blended families.

**MOVED TO SUPPORT BLACKSHEAR; SECONDED LAWLESS-
GLASSMAN. UNANIMOUS.**

SB 3007
HB 2478*
[\(Full Text\)](#)

Mandatory commitment periods of child delinquents to DCS. Requires a court to order any child found to be a delinquent to the following mandatory minimum periods of commitment to DCS: three months for the child's first adjudication, six months for the second adjudication if the child is 15 years or younger, nine months for second or subsequent adjudication if the child is 16 years or older. Requires the child to serve day for day for the specified period or

until the child reaches 19 years of age. (S: Jackson; H: Turner M.)

TCA Secs. 37-01-0100; 37-01-0131; 39-17-0400

TCCY Staff Recommendation Position: OPPOSE – REASON: TCCY supports appropriate and effective interventions for children who are adjudicated delinquent for offenses involving controlled substances, including methamphetamine. However, TCCY is opposed to legislation that would impose mandatory minimum lengths of commitment to the custody of DCS for delinquent activities similar to mandatory minimum sentences imposed in criminal court. The purpose of Juvenile Court in Tennessee is rehabilitation, and many cases in juvenile court have mitigating circumstances calling for alternative sentencing. Under current law, juvenile courts can impose a determinate sentence for a child until his/her 19th birthday for a serious offense, or impose an indeterminate commitment where the youth is released from custody subject to the court's approval, upon completion of goals in their individualized permanency plan. Automatic commitment of children to DCS custody is not an evidence-based practice, and TCCY has consistently supported the provision of evidence-based interventions. TCCY supports current law that gives the juvenile court the authority to take all the facts and circumstances into account and render a disposition in the best interests of children and community safety.

**MOVED TO OPPOSE BLACKSHEAR; SECONDED POE.
UNANIMOUS.**

SB 3101
HB 3114*
[\(Full Text\)](#)

Foster care services for persons aging out of program. Extends the age limit for a person to qualify for foster care from 18 years of age to 21 years of age if that person is enrolled in a secondary or tertiary educational institution, employment program, works for at least 80 hours per month, or is incapable of working due to a disability as long as that person was in foster care on his or her 18th birthday. (S: Marrero; H: Jones S.)

TCA Secs. 37-00-0000; 37-01-0102; 37-01-0103; 37-02-0400

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports legislation to bring the state into line with requirements for eligibility for federal funding under the Fostering Connections Act. The purpose is to provide easier and better access to services for young adults who have aged out of state custody. Young adults would benefit from being able to enter, exit and re-enter post-custody services easily and as many times as necessary until they are beyond the age of eligibility for post-custody services. Young adults who have been in state custody need and deserve these services to provide them with opportunities to mature into productive citizens. Brain research demonstrates the importance of ongoing support to young adults as full frontal lobe

development, the site of judgment, is not complete until around age 24 and data suggests the age of complete independence from parental support is now typically around age 24 or 25. People typically support their own children far beyond the age of 18, when most youth have not even graduated from high school. In addition to other services and supports, young adults who have aged out of state custody would benefit greatly from continued TennCare/Medicaid coverage until they are 21. Without this continued coverage, the only way for them to access TennCare is if they are female and become pregnant. Public laws and policies should encourage good health and appropriate family planning rather than providing the disincentive of becoming pregnant in order to access health coverage. Helping former foster youth negotiate the transition from custody to adulthood and self-sufficiency should be supported.

MOVED TO SUPPORT POE; SECONDED PERRY. UNANIMOUS.

SB 3130
HB 3021*
[\(Full Text\)](#)

Child abuse - multi-level response system. Removes district attorney general from those who shall form an independent local advisory board in any county in which the multi-level response system, which is used to protect children from abuse, is operating. (S: Burks; H: Jones S.)
Senate Co-Sponsor: Ketron

TCA Secs. 37-05-0000; 37-05-0607

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports eliminating the requirement for the district attorney general (DA) to participate in the Community Advisory Boards (CAB) established by the multiple response legislation. Typically, the DAs do not participate in these kinds of community planning and coordination efforts. This has created unnecessary stress for others involved with the CAB because of concerns they are not in compliance with the statute. Participation of the remaining members of the CAB should provide for the inclusion of the appropriate parties for community planning for prevention of and response to child abuse and neglect.

MOVED TO SUPPORT GOLDSMITH; SECONDED COSLEY. UNANIMOUS.

SB 3225*
HB 3454
[\(Full Text\)](#)

Permanent school records to be forwarded to DCS. Requires the permanent educational records for students who have been in state custody to be forwarded to DCS, in the event the department provider agency school ceases operations or the department no longer contracts with the agency. (S: Harper; H: Curtiss)
Senate Co-Sponsor: Overbey

TCA Secs. 37-00-0000; 37-03-0000; 49-00-0000

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY

supports legislation to ensure children in foster care can access their educational records. These records can be important for former foster youth to pursue future opportunities related to college or work. If provider agencies cease operations, the Department of Children's Services is the most appropriate repository for a former child's educational records that would have been housed with the provider agency.

MOVED TO SUPPORT BLACKSHEAR; SECONDED LAWLESS-GLASSMAN. UNANIMOUS.

SB 3405
HB 3422*
[\(Full Text\)](#)

Advertisements by out-of-state adoption agencies. Clarifies that an advertisement in TN for the placement of children for adoption in another state by an agency, including a private, domestic adoption agency, not licensed in this state must prominently state that the agency or individual is not licensed to do such business in this state. (S: Barnes; H: Litz)

TCA Secs. 36-00-0000; 36-01-0108

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports legislation clarifying the current requirement for those advertising for or charging fees for adoption services in Tennessee to be licensed in the state and subject to state licensing laws and policies. This legislation clarifies the law applies to private, domestic adoption agencies and provides increased protection and professionalism for all parties in the adoption triad.

MOVED TO SUPPORT PERRY; SECONDED LAWLESS-GLASSMAN. UNANIMOUS.

SB 3444
HB 2443*
[\(Full Text\)](#)

Change in physical custody of child at school. Requires a school official to verify identity of person seeking physical custody of a child at school or day care when presented with such person's certified copy of a valid court order before releasing the child to his or her custody. (S: Tate; H: Hardaway)

TCA Secs. 36-06-0100; 36-06-0105

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports legislation adding to the requirement for change of physical custody of a child at school that the school not only verify the person seeking custody has a court order placing custody of the child with such person, but also verifying the identity of the person seeking custody.

MOVED TO SUPPORT COSLEY; SECONDED PERRY. UNANIMOUS.

SB 3544*
HB 3917
[\(Full Text\)](#)

Temporary assistance for dependent children. Allows a legal guardian with a dependent residing in the state to be eligible for temporary assistance. (S: Ketron; H: Carr)

TCA Secs. 71-03-0100; 71-03-0154

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports expanding eligibility for receipt of public assistance to children who are living in Tennessee with a caretaker relative or legal guardian. TCCY supports maximum assistance to public assistance for low income children in Tennessee to better provide the necessary services and supports for these children to have better opportunities for success in school and to become productive citizens. Federal requirements for eligibility for federally financed assistance may prove prohibitive to the passage of this legislation at this time.

**MOVED TO SUPPORT BLACKSHEAR; SECONDED PERRY.
UNANIMOUS.**

SB 3638*
HB 3753
[\(Full Text\)](#)

Parental help line run by Prevent Child Abuse TN. Urges all public transportation buses to promote a parental help line run by Prevent Child Abuse Tennessee. Requires LEAs to distribute information on such help line to students and their parents. Also requires child care facilities to distribute information on the help line to children who attend the facility and the children's parents. (S: Henry; H: Jones S.)

TCA Sec. 37-10-0000

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports this legislation that establishes low/no cost strategies to provide information about the availability of free parenting and child abuse prevention assistance to as many parents across Tennessee. Distributing the information through the local schools and child care providers is a good strategy for getting this information to parents.

**MOVED TO SUPPORT COSLEY; SECONDED LAWLESS-
GLASSMAN. UNANIMOUS.**

SB 3777
HB 3556*
[\(Full Text\)](#)

Court-appointed special advocates: possible requirements. Allows a juvenile court to order court-appointed special advocates to attend meetings on the child's behalf when the guardian ad litem cannot attend. (S: Bunch; H: Bell)

TCA Secs. 37-01-0100; 37-01-0149

**TCCY Staff Recommendation Position: OPPOSE/SUPPORT WITH
AMENDMENT – REASON:** TCCY opposes legislation permitting juvenile courts to “order” Court Appointed Special Advocate (CASA) volunteers to

attend meetings. This legislation could put the CASA volunteers dangerously close to practicing law without a license. Children's cases should not be delayed because of inaction on the part of a GAL, but an appropriate response to this concern is not ordering CASAs to essentially substitute for the GAL. If the legislation were amended to say "may also encourage" rather than "order," it would be acceptable. It would be acceptable to encourage CASAs to attend meetings, and in fact many time CASAs do attend such meetings. However, issuing such an "order" is not appropriate.

**MOVED TO OPPOSE/SUPPORT WITH AMENDMENT POE;
SECONDED BLACKSHEAR. UNANIMOUS.**

SB 3802*
[\(Full Text\)](#)

Child care agencies: changes in age groups and ratios. Revises and deletes certain provisions concerning age groups and ratios in child care agencies. (S: Marrero)

TCA Sec. 71-03-0502

TCCY Staff Recommendation Position: OPPOSE – REASON: TCCY opposes legislation to change the law regarding the definition of a "toddler" for child care purposes. Changing the definition of toddler from 30 months to 36 months. The current age in the rules and regulations is also 30 months. This change in law could result in an increase in costs to centers because of requirements for lower ratios for children between 30 and 36 months of age and also result in higher costs for families. TCCY supports quality child care and appropriate child care ratios but does not support this change in the current economic climate. Recommendations for such changes in child care law and rules and regulations should originate through the child care licensing process.

**MOVED TO OPPOSE LAWLESS-GLASSMAN; SECONDED
BLACKSHEAR. UNANIMOUS.**

SB 3865*
HB 3850
[\(Full Text\)](#)

Membership of children's services advisory council. Increases membership of children's services advisory council from 15 members to 17 members. Also increases the members' term length from three to four years. Requires council to make an annual report to the commissioner and to the governor detailing the council's work for the previous year. (S: Kyle; H: Turner M.)

TCA Secs. 37-05-0000; 37-05-0105

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports changes in the membership of the Children's Services Advisory Council to add members. It also supports the requirement for the Council to make an annual report to the Commissioner and Governor detailing its work for the previous year. The TCCY executive director is a member of the Council.

**MOVED TO SUPPORT BLACKSHEAR; SECONDED GOLDSMITH.
UNANIMOUS.**

HR 0237

Amendments and revisions to TN Rules of Juvenile Procedure.

Approves amendments and revisions to the Tennessee Rules of Juvenile Procedure. (H: Coleman)

House Status: House Judiciary deferred to 03/02/2010.

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports the amendments and revisions in the Tennessee Rules of Juvenile Procedure. These are the result of recommendations that have been processed through the Administrative Office of the Courts Court Improvement Committee. This Committee carefully reviews current statutes and rules court decisions and strives to recommend changes for clarity and best practice. The TCCY executive director is a member of the Committee.

**MOVED TO SUPPORT LAWLESS-GLASSMAN; SECONDED
GOLDSMITH. UNANIMOUS.**

GOVERNMENT ORGANIZATION

SB 2458

HB 2471*

[\(Full Text\)](#)

Sunset - council on children's mental health care. Extends the council on children's mental health care to June 30, 2014. (S: Watson B.; H: Lynn)

TCA Secs. 04-29-0200; 04-29-0231; 04-29-0235; 37-03-0100

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports continuation of the Council on Children's Mental Health (CCMH). Administrative responsibility for the CCMH is assigned to TCCY and the TCCY executive director co-chairs the Council with the Commissioner of the Department of Mental Health and Developmental Disabilities. The Council has moved forward with its mandate to develop a plan for implementation of a system of care to improve the Tennessee children's mental health system. The original timelines for Council activities extend until 2014, and this "sunrise" legislation extends the Council through its statutory charge so it can complete the work envisioned.

MOVED TO SUPPORT PERRY; SECONDED COSLEY. UNANIMOUS.

SB 2466

HB 2467*

[\(Full Text\)](#)

Sunset - sex offender treatment board. Sunsets the sex offender treatment board on June 30, 2011. (S: Watson B.; H: Lynn)

Amendment: Senate Government Operations amendment 1 extends the sex offender treatment board for three years.

TCA Secs. 04-29-0000; 04-29-0231; 04-29-0232; 39-13-0700

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports the continuation of the sex offender treatment board. This board provides important leadership for developing a plan to more effectively respond to sex offenders with effective treatment to enhance community safety. The board is an important leader and advocate for evidence-based treatment for sex offenders.

MOVED SUPPORT GOLDSMITH; SECONDED POE. UNANIMOUS.

SB 2973
HB 2878*
[\(Full Text\)](#)

Abolishes select committee on children and youth. Abolishes the select committee on children and youth. (S: Black; H: Casada)

TCA Secs. 03-15-0000; 03-15-0510; 09-04-0000; 09-04-0213; 09-05-0000; 37-00-0000; 37-01-0182; 37-01-0607; 37-02-0205; 37-02-0601; 37-03-0115; 37-03-0116; 37-03-0501; 37-03-0604; 37-03-0703; 37-05-0105; 37-05-0121; 37-05-0125; 37-05-0128; 37-05-0129; 37-05-0603; 37-05-0604; 39-13-0000; 39-13-0530; 49-01-0200; 49-01-0206; 68-00-0000; 68-01-0125; 68-11-0251; 68-140-0521; 68-142-0103

TCCY Staff Recommended Position: OPPOSE – REASON: TCCY strongly opposes abolishing the Select Committee on Children and Youth. The Select Committee plays an extremely valuable role by serving as a vehicle to bring together members of the Tennessee Senate and House to study concerns about services for children in Tennessee and to develop strategies and support legislation to improve outcomes for Tennessee children and families. The Select Committee leadership has been especially important in passing child protective services multiple response system legislation and for the SJR 799 study to improve children’s mental health. It provides critical leadership for improving services for children in Tennessee. Examples of leadership from the Select Committee include the multiple-response child protective services legislation, resource mapping, and current work on transitioning youth from state custody and improving child protective services.

MOVED TO OPPOSE COSLEY; SECONDED GOLDSMITH. UNANIMOUS.

GOVERNMENT REGULATION

SB 3867*
HB 3826
[\(Full Text\)](#)

Child care agencies that receive subsidy funds. Removes present law provisions that require the department to periodically visit child care facilities that receive subsidy payments and that lay out specific guidelines and benchmarks for the department to financially evaluate child care agencies receiving subsidy payments of \$75,000 or more annually. Instead states that the

commissioner and the comptroller may, in their discretion, conduct audits of the records of any child care providers as they determine necessary to verify that the expenditures by a child care provider of state or federal child care subsidy funds are being made according to state or federal requirements. (S: Kyle; H: Turner M.)

TCA Sec. 71-03-0502

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports this legislation to clarify requirements of the Department of Human Services and the Comptroller’s Office regarding audits of child care providers. This will streamline the process and avoid statutory provisions requiring unnecessary audits.

**MOVED TO SUPPORT POE; SECONDED GOLDSMITH.
UNANIMOUS.**

HEALTH CARE

SB 3397
HB 3494*
[\(Full Text\)](#)

Honors memory of Connie Hall Givens. Renames the Coordinated School Health Improvement Act of 2000 as the Connie Hall Givens Coordinated School Health Improvement Act. (S: Burks; H: Brooks, Kevin) **Senate Co-Sponsor:** Faulk **House Co-Sponsors:** Ferguson; Williams K.; Bone; Curtiss; Rich; Weaver; Matlock; Floyd; Carr; Cobb J.; Fincher; Evans; Harrison

TCA Secs. 49-01-1000; 49-01-1001; 49-01-1003; 49-01-1004

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports renaming the Coordinated School Health Improvement Act of 2000 in honor of former TCCY Commission member Connie Givens. Connie Givens spent most of the last two decades of her life designing and building a quality school health program for Tennessee students. It is a fitting memorial to name the Coordinated School Health Program for such a dedicated child advocate.

**MOVED TO SUPPORT GOLDSMITH; SECONDED PERRY.
UNANIMOUS.**

SB 3698
HB 3367*
[\(Full Text\)](#)

Fetal-infant mortality review program. Requires the department of health to establish comprehensive teen pregnancy and fetal and infant mortality prevention pilot programs modeled after the TN fetal and infant mortality review (FIMR) program and the TN resource mothers program. Requires the commissioner of health to report to the GA on implementation of the pilot programs by April 1 of each year. (S: Black; H: Maggart)

TCA Secs. 03-00-0000; 37-00-0000; 68-00-0000; 68-142-0200

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports legislation to establish programs with demonstrated effectiveness in reducing teen pregnancy and infant mortality. The 2009 KIDS COUNT Data Book ranked Tennessee 46th overall, and 42nd in teen birth rate and 47th in infant mortality. Reducing teen pregnancy and infant mortality are important goals for improving outcomes for Tennessee children and Tennessee's ranking on KIDS COUNT indicators.

MOVED TO SUPPORT BLACKSHEAR; SECONDED LAWLESS-GLASSMAN. UNANIMOUS.

HR 0225
[\(Full Text\)](#)

Infant mortality study committee reporting deadline. Extends reporting deadline for infant mortality study committee from February 1, 2010, to April 1, 2010. (H: Maggart)

House Co-Sponsors: Stewart M.; Rich; Favors; Ford D.; Richardson

House Status: House Health & Human Resources 02/09/2010 recommended. Sent to House Calendar & Rules.

TCCY Staff Recommendation Position: SUPPORT – REASON: TCCY supports the work of the Infant Mortality Study Committee. TCCY staff has testified before the committee and worked with committee staff to assist them in obtaining information and planning meetings. TCCY supports all appropriate strategies to reduce infant mortality in Tennessee where the state ranked 47th in 2009 in the KIDS COUNT Data Book.

MOVED TO SUPPORT LAWLESS-GLASSMAN; SECONDED BLACKSHEAR. UNANIMOUS.

PROPERTY & HOUSING

SB 2414*
HB 3622
[\(Full Text\)](#)

Priority housing for foster children after 18 years old. Requires housing authorities to give priority status in renting or leasing dwelling accommodations to persons who were in the custody of DCS as foster children upon reaching 18 years of age. (S: Marrero; H: Moore)

TCA Secs. 13-20-0000; 13-20-0113

TCCY Staff Recommendation Position: OPPOSE – REASON: TCCY supports efforts to improve outcomes for children who are transitioning from state custody to independence in young adulthood. However, TCCY does not

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support legislation giving priority status for housing to young adults who were in DCS custody. The Tennessee Housing Development Agency currently has a voucher program that can be used to assist these young adults, and it is not fully utilized. While TCCY supports appropriate strategies to provide housing and help these young adults avoid homelessness, there is concern about unintended consequences from a priority as proposed by this legislation. Priority for former foster youth could result in families with children not getting housing. The unintended consequences of this could result in state custody for those children or could result in the lack of housing, causing other children to remain in state custody rather than be reunified with their families.

MOVED TO OPPOSE GOLDSMITH; SECONDED POE. UNANIMOUS.

TENNCARE

SB 2759*
HB 2873
[\(Full Text\)](#)

TennCare pregnant enrollees: transportation & office visits. Requires that a TennCare enrollee who is pregnant and receiving prenatal care must be paid \$50 dollars per office visit if the enrollee meets certain conditions and if the federal department of the health and human services approves. Requires the same enrollee to get free transportation to a specified number of office visits. (S: Kelsey; H: Maggart)

TCA Secs. 71-00-0000; 71-05-0100

TCCY Legislative Position: SUPPORT – REASON: TCCY supports this and other strategies to improve the receipt of prenatal care for pregnant women. Incentive programs have empirically demonstrated improvements in receipt of prenatal care. TCCY supports implementation of an incentive program as proposed by this legislation.

MOVED TO SUPPORT PERRY; SECONDED COSLEY. UNANIMOUS.

TRANSPORTATION VEHICLES

SB 3014*
HB 3408
[\(Full Text\)](#)

Raises fine for violation of safety belt laws. Raises the fine in lieu of court appearance for any violation of the seat belt law to \$50, from \$10 for first violation or \$20 for second violation. Distributes the \$50 fine as follows: \$20 to child safety fund, \$15 for division of vocational rehabilitation to assist the handicapped severely injured in car accidents, and \$15 to state general fund with no specific purpose. (S: Tracy; H: Harmon)

TCA Secs. 55-09-0600; 55-09-0603

TCCY Legislative Position: SUPPORT – REASON: TCCY supports this

legislation increasing the fine for all instances of violation of the seat belt law to \$50 with allocation of \$20 of the fine to the child safety fund. The child safety fund is an critical resource for child restraint seats for low income families. An increase in the seat belt fine could have dual benefits of increasing the funding available for the child safety fund and over the long term increasing the use of seat belts and thereby improving outcomes in motor vehicle accidents.

MOVED TO SUPPORT COSLEY; SECONDED POE. UNANIMOUS.

TCCY Legislative Committee Budget Advocacy Recommendations:

TCCY strongly supports continued full funding for the Pre-Kindergarten program as quality early childhood education programs are among the most important for providing children opportunities for success in school and in life. The basic architecture of the human brain is constructed through an ongoing process that begins before birth and continues into adulthood. Like the construction of a home, the building process begins with laying the foundation, framing the rooms and wiring the electrical system in a predictable sequence. Early experiences literally shape how the brain is built; a strong foundation in the early years increases the probability of positive outcomes. A weak foundation increases the odds of later difficulties. TCCY applauds Governor Bredesen for his commitment to maintaining funding for the Pre-K program and strongly encourages the General Assembly to approve this recommendation.

TCCY expresses appreciation to Governor Bredesen for not including in his recommended budget many potential reductions in important services and supports for Tennessee children and families that were identified as possible reduction options in the budget hearing and development process, especially:

- State Supplements for Juvenile Courts;
- Court Appointed Special Advocates (CASA);
- Child Advocacy Centers;
- Children's Program Outcome Review Team.

TCCY applauds Governor Bredesen for including in his proposed budget continuation with non-recurring funds for a number of critical programs providing the infrastructure of essential services and supports for children and families that were funded with non-recurring dollars in fiscal year 2009-2010 or were identified as potential options for reductions during the state budget development and hearing process:

- Family Resource Centers;
- Coordinated School Health Program;
- Mental Health Home and Community Based Services for Children and Adults, including Early Childhood Network; Child Care Consultation; Planned Respite Services; Teen Screen; Alcohol and Drug Counseling in Schools; Services to Children and Special Populations; Behavioral Health Safety Net Services; Community Mental Health Recovery Services; Alcohol and Drug Abuse Community Treatment Services; Criminal Justice/mental Health Liaisons Project; etc.;
- Home Visitation Programs (Child Health and Development and Healthy Start);
- Juvenile Justice Court Prevention and Community Intervention and Services Grants;
- Child Welfare and Juvenile Justice Family Support Services;
- Education Programs, including Safe Schools Grants; K-2 Assessments; Tennessee Early Intervention Services;
- Safety Net Grants to Federally Qualified Health Centers;
- Juvenile Court Reimbursement Account Supplement;
- Intellectual Disabilities Services Family Support Program;
- Child Care Assistance;

- Temporary Assistance for Needy Families Differential Grants for Child-Only Cases;
- Delayed Staff Reductions Across Many Departments.

TCCY supports re-opening CoverKIDS and keeping enrollment open to ensure children have access to health insurance.

TCCY supports plans to right-size youth development centers and authorize mergers in Department of Children's Services group homes. TCCY also supports the transfer of New Visions Youth Development Center to Woodland Hills Youth Development Center. TCCY strongly encourages appropriate gender-specific programming for girls in the custody of the Department of Children's Services, but recognizes that appropriate treatment is more dependent on staffing and programming than location. DCS must focus on providing quality services for girls at Woodland Hills.

TCCY's greatest concerns about the proposed budget are in the area of TennCare reductions. TCCY supports all appropriate strategies, including the coverage fee proposed by the Tennessee Hospital Association, to identify state dollars to match federal Medicaid funds for health care services. TCCY is especially concerned about the impact of proposed TennCare reductions in provider fees and limits on services, including the \$10,000 annual cap on inpatient hospitalization, and limits on physician visits, outpatient visits, lab and x-ray. While fortunately, pregnant women and children are exempt from these limits, these service limitations, coupled with the provider rate reductions, are particularly problematic for behavioral health providers, primary care providers and rural and safety net hospitals. However, restoration of funding for TennCare cannot come at the expense of other essential services and supports for children and families.

Areas of concern remain with reductions in mental health and substance abuse prevention and treatment services. The current economy provides increasing stress on families and results in the need for more, not less services and supports in this important arena.

The appropriations bill should include enabling language to allow the Administration to expend any current or future Federal appropriations aimed at reducing state budget deficits. Any savings such funding would generate should be placed in reserve to help continue essential services and supports in the future.

The Commission has previously expressed its support for consideration of strategies to increase revenue to provide essential services and supports to provide Tennessee children and families opportunities for success. Within the current revenue structure, there are changes that should be considered to provide funding for essential services and supports:

- Extend the six percent Hall Tax to lottery winnings over \$100,000.
- The August sales tax holiday could be suspended or repealed.
- The Professional Privilege Tax, which applies primarily to skilled professionals who provide services that are not included in the sales tax base, could be increased or broadened.

- The fiscal note for proposed changes in the law to permit selling wine in grocery stores indicates an increase in revenue.
- Tennessee should consider moving to a combined reporting requirement for business as 23 other states have done.

Tennessee must continue essential services and supports for Tennessee children and families. We maintain the quarter century of progress we have built in public-private and state-local partnerships that support opportunities for Tennessee children and families to be successful and reach their full potential.

While Tennessee wants to protect its “business-friendly climate,” part of a good climate for future business is a healthy, well-educated workforce. Improving outcomes for children lays the foundation for a stronger Tennessee with a healthier, better-educated workforce to stimulate and support future economic development. Today’s children are the economic engine for the state’s future prosperity. Their needs are many, and they cannot wait. We must find a way to ensure all Tennessee children have the public services and supports necessary for them to develop into productive citizens.

**MOVED TO SUPPORT LEGISLATIVE BUDGET POSITION, PERRY; SECONDED
LAWLESS-GLASSMAN. UNANIMOUS.**

**TCCY Legislative Committee Recommendation for TCCY POSITIONS AND CHANGING
OR NEW LEGISLATION:**

- All TCCY positions on legislation are based on the version of bills as of February 17, 2010. Any amendments could result in changes in TCCY positions to either support or oppose. TCCY staff generally knows the concerns of Commission members and is authorized to work on amendments within those concerns. Proposed changes outside those parameters will be discussed with Commission members.
- Established Commission positions from previous years will be relied upon if there are bills introduced this session after review by the Commission. If critical issues arise that have not been previously addressed, the issues will be discussed with the Commission Chair and Legislative Committee Chair to determine if a position should be considered and established through electronic review and approval.

There being no further business, meeting adjourned, 2:55 p.m.

Minutes Submitted by:

Minutes Approved by:

Linda O’Neal, Executive Director

Diane Neighbors, Chair



STATE OF TENNESSEE
TENNESSEE COMMISSION ON CHILDREN AND YOUTH

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Legislative Committee
Andrew Johnson Tower
February 18, 2010
12:30 p.m.

Minutes

Committee Members Present

Diane Neighbors, Chair
Natasha Blackshear (12:34)
Beverly Cosley
Tim Goldsmith
Denise Hobbs-Coker
Susan Lawless-Glassman

Tim Perry

Mary Ann Poe

Committee Members Absent

Scott Meltzer

Staff Present

Linda O'Neal, Exec Dir
Sumita Banerjee
Pam Brown
Dustin Keller
Richard Kennedy
Steve Petty

Chair Neighbors called the meeting to order at 12:30 p.m. to review possible additional positions on legislation. The following is action taken by the Committee.

SB 2999*
HB 3425
[\(Full Text\)](#)

Adoption - ad for unknown father. Rescinds the requirement to run an advertisement or publication in order to seek out a biological father when there is no legal father when the adoption petition is filed. (S: Barnes; H: Litz)
House Co-Sponsor: Hackworth.

TCCY Staff Recommended Position: SUPPORT– REASON: TCCY supports this legislation to eliminate the requirement for an advertisement or publication for an unknown father, which is unlikely to be productive. If there is a known father, he should be asked to surrender or included in termination of parental rights and should be on the Putative Father Registry.

**MOTION TO SUPPORT PERRY; SECONDED BY GOLDSMITH.
MOTION PASSED. BLACKSHEAR VOTED NO.**

EQUAL PARENTING

SB 2881
HB 2916*
[\(Full Text\)](#)

Equal parenting time. Requires the court, at any hearing to determine custody of a minor child, to order that the child get equal time with each of the child's parents unless the court finds by clear and convincing evidence that one or both of the parents are unfit to care for the child. Authorizes a court to direct that an investigation be conducted for the purpose of assisting the court in making a custody determination when a parent has been proven to be unfit. (S: Bunch; H: Bell) House Co-Sponsors: Campfield; Hardaway

TCCY Staff Recommended Postion: SUPPORT WITH AMENDMENT – REASON: TCCY supports an amendment to current law clarifying best practice of providing children with maximum participation of both parents in their lives, subject to the best interests of the children. This is a reasonable approach in statute to promoting best interests of children and rights of parents.

MOTION TO SUPPORT AMENDMENT HOBBS ; SECONDED BY PERRY. UNANIMOUS.

Minutes Submitted by:

Minutes Approved by:

Linda O'Neal, Executive Director

Diane Neighbors, Chair