



Department of
Children's Services

2022 Legislative Report

Foster Care and Adoption

[PC785](#)

Foster care system transitioning program

Sponsors Sen. Johnson, Jack, Sen. Walley, Page; Rep. Lamberth, William, Rep. Littleton, Mary

Effective Date April 8, 2022 for promulgating rules, & January 1, 2023 for implementation

Summary Administration Bill. Requires DCS to reimburse relative caregivers to provide financial support for the child's care. Permits a relative caregiver to receive payment equal to 50 percent of the full foster care board rate under certain conditions. Establishes income and other financial parameters relative to these payments. Prohibits the child's parent from living in the relative caregiver's home and stipulates that the relative caregiver be at least 21 years of age and be awarded custody of the child by a final order of a court. Allows DCS to implement an expansion of the extension of foster care program to provide transitioning services for youth moving from state custody to adulthood and sets guidelines for this program. Authorizes rulemaking and requires annual reporting to the Legislature.

[PC937](#)

Parental rights and adoption

Sponsors Sen. Haile, Ferrell; Rep. Leatherwood, Tom

Effective Date July 1, 2022

Summary Tennessee Bar Association Adoption Law Section Bill. Expands crimes considered to be child sexual abuse. Changes law concerning abandonment in regards to visitation, child support and incarceration. Outlines the ability of a parent/guardian to terminate parental rights of an abusive parent/guardian, prohibits visitation/contact orders after a termination and/or adoption, prohibits the parent/custodian from receiving child support from terminated party, and unseals adoption records after one hundred (100) years. Allows a court to terminate parental rights pursuant to a petition filed when the identified party cannot be found or does not appear for the hearing. Revises the provision defining consent to specify that the process allows the court to give the adoptive parents custody of the child pending "confirmation or revocation" of the consent of the parent.

[PC951](#)

Requires each LEA to designate a foster care liaison

Sponsors Sen. Walley, Page; Rep. Harris, Torrey

Effective Date July 1, 2022

Summary Requires each local education agency (LEA) to designate a foster care liaison to collaborate with the Department of Children's Services, facilitate LEA compliance with state and federal laws related to addressing education barriers for students, and assist in coordinating services/resources for students in foster care.

[PC956](#) Information required to be provided in writing to foster parents by DCS

Sponsors Sen. White, Dawn; Rep. Littleton, Mary

Effective Date April 29, 2022

Summary Expands the information required to be provided in writing to foster parents by the department of children's services to include all information available to the department regarding the child's education status, mental health history and status, behavioral history, and physical disabilities.

[PC918](#) Preparation of permanency plan - allegations of abuse or neglect

Sponsors Sen. Jackson, Ed; Rep. Littleton, Mary

Effective Date April 27, 2022

Summary Requires, in cases of child abuse, the agency preparing the plan and the court developing or approving that plan to consider whether allegations of abuse or neglect warrant supervision of any visitation between the child and the abusing or neglecting parent, and whether it is in the child's best interest that supervision be required ongoing.

Child Protective Services, Human Trafficking, Case Managers

[PC711](#) DSC to calculate the average caseloads of case managers monthly

Sponsors Sen. Johnson, Jack, Sen. Jackson, Ed; Rep. Lamberth, William, Rep. Vital, Greg

Effective Date March 18, 2022

Summary DCS Administration Bill. Requires DCS to calculate the average caseload of case managers at least monthly.

[PC849](#) Anonymous reports of child abuse made to DCS

Sponsors Sen. Bowling, Janice; Rep. Doggett, Clay

Effective Date April 20, 2022

Summary Clarifies that if a report of harm to a child was made to DCS anonymously, then the juvenile court is prohibited from ordering the parents or person responsible for the care of the child to allow the department entrance for purposes of interview, examination, and investigation unless the department has presented evidence corroborating the anonymous report of harm.

[PC971](#) Landlord to provide address of child alleged to be abused to DCS investigator

Sponsors Sen. Jackson, Ed; Rep. Littleton, Mary

Effective Date July 1, 2022

Summary Requires a landlord or person in control of a residential rental property to provide a case manager from DCS or CPIT with information on the address or location of a child who has been alleged to be abused or neglected and resides or is located on the property. The landlord/individuals will not be liable in any civil or criminal action based on cooperation with DCS, except in cases of willful, wanton, or intentional wrongdoing.

PC1095 DCS employees to report violation of an order of protection

Sponsors Sen. Jackson, Ed; Rep. Littleton, Mary

Effective Date May 27, 2022

Summary Requires a DCS case manager to report a suspected violation of a protective court order, if the department has an open case on the family, has knowledge of the court order, and has witnessed a violation of the order.

PC915 Child protective investigation teams - report of severe child abuse

Sponsors Sen. Jackson, Ed; Rep. Littleton, Mary

Effective Date April 27, 2022

Summary Requires the department to convene a child protective investigation team when a report of severe child abuse is received. Expands the role and procedures of a child protective team investigation to include cases involving severe child abuse.

PC1115 Human trafficking offenses

Sponsors Sen. Johnson, Jack; Rep. Lamberth, William

Effective Date July 1, 2022

Summary Administration Bill. Enhances and revises felonies for trafficking and/or forced labor. Changes the age from 13 to 18 that a person is allowed to testify outside of the courtroom for human trafficking cases and adds human trafficking victims to those who may petition for an order of protection. Requires DCS to develop a policy to assist foreign national children suspected of being human trafficking victims. Requires DCS to develop and maintain assessment tools to screen system-involved children at-risk for human trafficking. Revises CPIT members to allow representatives from mental health disciplines, medical discipline, and human trafficking NGOs.

PC983 Resources for victims of child sex trafficking

Sponsors Sen. White, Dawn; Rep. Littleton, Mary

Effective Date May 3, 2022

Summary Requires the department of children's services and the department of human services to collaborate to provide recommendations to the general assembly on resources and services specific to persons from 18 to 24 years of age who have been victims of child

sex trafficking. Recommendations must be submitted to the judiciary committee of the senate and civil justice committee of the house by March 1, 2023.

PC984 **Providing of services to children who have been sexually abused or trafficked**

Sponsors Sen. White, Dawn; Rep. Littleton, Mary

Effective Date May 3, 2022

Summary The district attorneys general conference will work with the Tennessee bureau of investigation, the department of children's services, the Tennessee Sheriffs' Association, the Tennessee Association of Chiefs of Police, and the Children's Advocacy Centers of Tennessee to develop recommendations on the creation of multidisciplinary teams to provide responses specific to child sex trafficking cases with the purposes of enhancing the services to victims of child sex trafficking, improving the coordination of investigations and the tracking of child sex trafficking cases, and identifying gaps in services. Report of recommendations due to the legislature by January 15, 2023.

PC642 **Training for school personnel on human trafficking**

Sponsors Sen. Gardenhire, Todd; Rep. Carringer, Michele

Effective Date July 1, 2022

Summary Requires that all school personnel who work directly with students, not only teachers, be trained at least once every three years on the detection, intervention, prevention, and treatment of human trafficking in which the victim is a child.

PC995 **Training for police officers on child abuse and child sexual abuse identification**

Sponsors Sen. White, Dawn; Rep. Littleton, Mary

Effective Date May 4, 2022

Summary Adds "child abuse training" to the training to be developed by the TN Law Enforcement Academy, DCS, and the POST Commission in training local law enforcement on child abuse and child sexual abuse. Previously only "child sexual abuse" was required under this training.

PC649 **Members of child protective team**

Sponsors Sen. Walley, Page; Rep. Bricken, Rush

Effective Date March 15, 2022

Summary Establishes that each child protective team may include an appropriately credentialed medical provider and a mental health representative.

PC781 **Contact information for LEA's child abuse coordinator**

Sponsors Sen. Haile, Ferrell; Rep. Eldridge, Rick

Effective Date April 8, 2022

Summary Requires local education agencies (LEAs) and public charter schools to submit the contact information of the LEA's or public charter school's child abuse coordinator and alternative child abuse coordinator to the department of children's services at the beginning of each school year. Authorizes a person to report directly to the department and law enforcement when alleged child abuse involves someone who is affiliated with the school.

[PC841](#) Annual child abuse training required for all public school personnel

Sponsors Sen. Roberts, Kerry; Rep. Littleton, Mary

Effective Date April 20, 2022

Summary Child abuse training must be completed, annually, by all school personnel and employees working directly with students, not just teachers.

[PC1008](#) Surrender of Newborns

Sponsors Sen. Briggs, Richard; Rep. Zachary, Jason

Effective Date May 9, 2022

Summary Makes changes to the "safe haven" law by enacting regulations surrounding a newborn safety device as a means of surrendering a newborn infant. Ensures that the mother of the newborn infant has the right to remain anonymous and not be pursued. Requires a facility that accepts a surrendered newborn infant to first take the infant to the nearest hospital emergency room. Requires the hospital to immediately notify the Department of Children's Services (DCS). Requires the Office of Vital Records to issue a new birth certificate for the infant, which supersedes and invalidates any previously issued birth certificate.

Juvenile Justice

[PC1041](#) Use of restraints on pregnant prisoners or detainees

Sponsors Sen. Akbari, Raumesh; Rep. Camper, Karen

Effective Date July 1, 2022

Summary Prohibits using restraints on a prisoner or detainee known to be pregnant, including during labor, transport to a medical facility, delivery, and postpartum, unless the corrections official makes an individualized determination that the prisoner or detainee presents an extraordinary circumstance as defined in the law. Provides exceptions for instances in which the treating health professional requests that restraints not be used and specifically prohibits leg and waist restraints during labor or delivery under any circumstances. Establishes other restrictions on the ways a pregnant prisoner or detainee may be restrained under certain circumstances. Provides other guidelines about staff training and inmate rights. DCS must notify pregnant detainees of the requirements of this law.

Licensing

[PC1126](#) Licensing of Nontraditional Child Care Agencies

Sponsors Sen. White, Dawn; Rep. Howell, Dan

Effective Date July 1, 2022

Summary Establishes the new licensure category of “nontraditional child care agencies (NCCA).” Any child care agency that provides residential child care for one or more children in federal custody (“unaccompanied minors”) must receive this license. Establishes several other licensure criteria for these NCCAs including an annual report to DCS on the number of unaccompanied minors it cares for and carrying \$2 million in liability insurance. Requires NCCAs to provide identifying information on the unaccompanied minors to DCS which DCS will house in a database that is accessible to law enforcement. Authorizes DCS to promulgate rules to establish the licensing standards for NCCAs. Requires the Department to prepare an annual report on the status of these agencies and publish it on the DCS website in conjunction with the annual report, as well as make a presentation of the report to the legislature by March 1 of each year.

PC906 Refugee Study Committee Recommendations

Sponsors Sen. White, Dawn; Rep. Howell, Dan

Effective Date April 19, 2022 for promulgating rules and July 1, 2022 for implementation

Summary Requires, on or after July 1, 2022, an applicant seeking a license, including renewal of an existing license, for a child care agency that provides residential child care to disclose all contracts with third parties through which the applicant intends to provide placement, housing, or care services for children in this state. Requires DCS to revoke a license if the department determines that in a period of one year, the greater of two employees or 3 percent or more of employees have been charged with criminal offenses related to the facility or the children it serves. Prohibits a person who has served as an owner or director, or as a member of management, of a child care agency with a license revoked pursuant to the provisions described above from receiving a license to operate a child care agency for one year following the date of the revocation. Requires an approved or suspected child care agency to provide a census of the number and names of children currently in the agency's care, if the department requests it. Upon the escape or disappearance of a child in the care of an approved child care agency, the agency must immediately report the disappearance of the child to the department and the chief law enforcement officer of the county in which the agency is located. Changes annual reporting requirements of these agencies.

PC977 Childcare agency background check investigations

Sponsors Sen. Jackson, Ed; Rep. Russell, Lowell

Effective Date May 3, 2022

Summary Authorizes the TBI to contract with the FBI on certain background investigations. Revises the background check procedure for child care agencies.

General Administration: Fiscal, HR, Contracts

PC1130 Appropriations Act for fiscal year 2022-2023

Sponsors Sen. Johnson, Jack; Rep. Lamberth, William

Effective Date July 1, 2022

Summary Appropriates funding for state government and the Department of Children's Services for FY 2022-2023. Includes an approximately \$108 million total increase for the DCS budget as compared to FY 2021-2022. Brings the total DCS operating budget to about \$1.1 billion including all state, federal, and TennCare funding. Recurring increases include \$32.5 million for rate increases for DCS contracted providers, \$15.2 million for enhancing childcare supports for foster or adoptive children, and \$6.5 million in increases for adoption assistance and subsidized permanent guardianship programs. Additionally, the budget appropriates \$9.72 million recurring for increasing DCS case manager salaries, \$5 million nonrecurring to DCS for the purpose of making a grant to the Children's Advocacy Centers of Tennessee, and appropriations to Agape Child and Family Services, Carroll Academy, and Youth Villages.

PC1076 Fiscal review committee comment on proposed noncompetitive contract

Sponsors Sen. Gardenhire, Todd; Rep. Zachary, Jason

Effective Date May 25, 2022

Summary Requires each emergency purchase approved by the central procurement office to have information provided to the Fiscal Review Committee within thirty (30) days of the approval. Excepts small purchases procured under rules, regulation, policies, or procedures established by the chief procurement officer under present law. Authorizes the fiscal review committee of the general assembly to hold hearings on an emergency purchase reported to the committee pursuant to this law.

PC733 Central database of information regarding grant recipients

Sponsors Sen. Reeves, Shane; Rep. Johnson, Curtis

Effective Date March 24, 2022

Summary Requires chief procurement officer to establish and maintain a central database of information regarding grant recipients and sub-recipients for monitoring purposes. Requires all state agencies use the central database and to update information in the database. Requires chief procurement officer to implement rules, policies, and procedures regarding the grant management process.

PC989 Personal information of public employees deemed confidential

Sponsors Sen. Roberts, Kerry; Rep. Curcio, Michael

Effective Date May 4, 2022

Summary Clarifies that certain personal information of public employees maintained by an employing governmental entity or person is confidential.

PC823 Baccalaureate degree as a condition of state employment

Sponsors Sen. Southerland, Steve; Rep. Eldridge, Rick

Effective Date July 1, 2022

Summary Prohibits a state agency from requiring a baccalaureate degree as a condition of state employment unless the knowledge, skills, or abilities required for the position can only reasonably be obtained through a course of study culminating in the award of a baccalaureate degree.

Criminal

PC1056 Sentencing for vehicular homicide or aggravated vehicular homicide

Sponsors Sen. Bell, Mike; Rep. Hall, Mark

Effective Date May 25, 2022

Summary Requires a court to order a defendant who has been convicted of vehicular homicide or aggravated vehicular homicide due to intoxication to pay restitution in the form of child maintenance to each of the victim's minor children until the child has reached age 18 or the child's class has graduated from high school.

PC985 Criminal Abuse or Neglect; Unlicensed Daycares

Sponsors Sen. White, Dawn; Rep. Eldridge, Rick

Effective Date July 1, 2022

Summary Redefines "adversely affect the child's health and welfare" for purposes of the offense of knowingly abusing or neglecting a child under 18 years of age. Revises the offense of a person or entity operating a child care agency without being licensed or continuing to operate such agency while a suspension of the license is in effect, or operating a child care agency following the effective date of a denial or revocation of a license

Legal, Public Records, Other

PC1064 Photographic evidence of deceased minors as confidential

Sponsors Sen. White, Dawn; Rep. Hawk, David

Effective Date July 1, 2022

Summary Specifies that photographic evidence depicting the remains of a deceased minor is confidential. Allows parental waiver of confidentiality.

PC721 Public records requests

Sponsors Sen. Gardenhire, Todd; Rep. Whitson, Sam

Effective Date July 1, 2022

Summary Requires a records custodian to cite the state law prohibiting disclosure of a public record if the denial of the public records request is based on state law. Clarifies the forms of identification a governmental entity may request as evidence of residency in this state from a person seeking public records.

[PC833](#) **Administrative procedure requirements**

Sponsors Sen. Jackson, Ed; Rep. Cochran, Mark

Effective Date July 1, 2022

Summary Secretary of State Bill. Removes requirement that an administrative judge or hearing officer make a motion prior to deciding a procedural question of law. Removes similar requirement for such persons to direct parties or attorneys for parties to appear for a conference to consider matters relating to a contested case hearing. Removes obsolete language regarding the manner in which parties may participate in hearings remotely and revises other related provisions.

[PC863](#) **Statute of limitations for challenging a voluntary acknowledgment of paternity**

Sponsors Sen. Lundberg, Jon; Rep. Parkinson, Antonio

Effective Date July 1, 2022

Summary Removes the five-year statute of limitations for challenging a voluntary acknowledgment of paternity on the basis of fraud, duress, or mistake of fact. Specifies, in regard to the provision whereby a voluntary acknowledgment of paternity signed by a child's mother and biological father constitutes a legal finding of paternity on the individual named as the father of the child in the acknowledgment, that the finding applies when the acknowledgement is signed by an unwed father.

[PC671](#) **Loss of visitation or custody rights for failure to pay child support**

Sponsors Sen. White, Dawn; Rep. Casada, Glen

Effective Date March 18, 2022

Summary Adds failure to pay court-ordered child support for a period of three (3) years as a considered factor when a court is making a custodial determination regarding a minor child.

[PC777](#) **Limits liability for entity contracting with DCS to provide foster care services**

Sponsors Sen. Bell, Mike; Rep. Littleton, Mary

Effective Date July 1, 2022

Summary Grants limited tort exposure to independent contractors providing contracted foster care continuum services to children in the custody of the DCS in the same manner as the monetary limits set for DCS in civil actions or claims filed by a child or family who is the intended or actual recipient of such services.

[PC916](#) **Confidential records - law enforcement body camera video**

Sponsors Sen. Johnson, Jack; Rep. Gillespie, John

Effective Date April 27, 2022

Summary Extends the date for repeal of a current law specifying certain law enforcement body camera video must be treated as confidential and not subject to public inspection from

July 1, 2022, until July 1, 2027. Revises provision in regard to the confidentiality of body camera video that depicts minors within a school that serves grades K-12 to include as confidential such video that depicts in a child care agency, child care program, preschool, or nursery school.

PC767 **Noah's Law**

Sponsors Sen. Haile, Ferrell; Rep. Garrett, Johnny

Effective Date April 6, 2022

Summary Creates “Noah’s Law” which permits a custodial parent to seek an emergency court order declaring their child to be in imminent danger of injury or death if the non-custodial parent fails to return the child as specified in a current court ordered custody agreement. Does not modify the discretion of law enforcement to investigate, notify local media, or issue any form of missing child alert.

PC917 **Tort settlements involving minors**

Sponsors Sen. Yarbrow, Jeff; Rep. Beck, Bill

Effective Date April 27, 2022

Summary The court, in any tort claim settlement that involves a minor, must conduct a hearing where the minor and legal guardian are present if the tort claim is a structured settlement or involves a minor that is not represented by an attorney. Removes the requirement for court approval on tort claim settlements involving minors that is less than \$10,000.

PC883 **Contested case hearings - interpretation of state statutes**

Sponsors Sen. Bell, Mike; Rep. Ragan, John

Effective Date April 14, 2022

Summary Provides that in interpreting a state statute or rule, a court presiding over the appeal of a judgment in a contested case must not defer to a state agency's interpretation of the statute or rule and must interpret the statute or rule de novo. After applying all customary tools of interpretation, the court must resolve any remaining ambiguity against increased agency authority.

Government Organizations: Sunsets

PC606 **Sunset - Council on Children's Mental Health Care**

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

Effective Date February 28, 2022

Summary Extends the council on children's mental health care to June 30, 2028.

PC630 **Sunset - Interstate Compact on the Placement of Children**

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

Effective Date March 11, 2022

Summary Extends the Interstate Compact on the Placement of Children to June 30, 2030.