



Public Chapter 531: Section 30
Patterns of Commitment of Children to State Custody

Report to the Committee Members of
Select Committee on Children and Youth
and
Commissioner of the
Tennessee Department of Children's Services

Report prepared by the Office of the Select Committee on Children and Youth

January 15, 2010

Table of Contents

Introduction	2
Background Information and Synopsis of Activities Concerning the Over-commitment Law	4
Observations Concerning Commitment Data for FY 2008-09 and the First Half of FY09-10	6
Observations Concerning Patterns of Commitments	8
Highlights of Survey Responses of Juvenile Court Judges	10
Summary of Finding	12
Attachment 1	15
Attachment 2	18
Attachment 3	23

Report on Over-commitment of Children to State Custody

Introduction

This report has been prepared and is being submitted in compliance with Section 30 of Public Chapter 531 of the Public Acts of 2009 which directs the Select Committee on Children and Youth to study commitment patterns of children entering state custody. Public Chapter 531, Section 30, is the Administration's technical corrections bill, and is appended to this report as Attachment 1.

Section 30 of Public Chapter 531, referred to herein as the *over-commitment law*, creates a fundamental shift in public policy in Tennessee regarding financial responsibility for the shelter, care and treatment of vulnerable children and delinquent youth who are committed to state custody. Heretofore, the costs of all children placed in state custody have been budgeted for and paid through the administrative processes of the state's child welfare agency, the Department of Children's Services (DCS). However, with enactment of the over-commitment law, there is now a limit on the number of children each county's juvenile court judge(s) can commit in a fiscal year for whom DCS will pay the cost of care. When the number of children committed within a county exceeds that limit, which is three hundred percent (300%) of the statewide average commitments for either dependent and neglected (D/N) children or delinquent youth, the county government becomes legally responsible for payment to the state for the cost of care of all children and youth who are subsequently committed to state custody. Each county's number of children committable at state expense is determined by the county's child population and the average state commitment rate per thousand children; a chart appended as Attachment 2 shows the county-by-county commitment cap numbers.

The core provision of the over-commitment law is the establishment of the 300% commitment cap on counties and the authorization of DCS to bill for and collect from counties the actual daily cost of care of children committed in excess of that cap. In addition to the Select Committee's reporting directive, other provisions included in the over-commitment law include:

- DCS determining statewide averages for both dependent and neglected commitments and delinquent commitments, and then billing for any commitments that exceed either state average;

- Upon request of a county or a juvenile court, the initiation by DCS of a collaborative planning process at such time as that county's commitment rate becomes likely to exceed two hundred percent (200%) of the state averages for either D/N or delinquency;
- DCS reporting annually the counties that have exceeded the 300% cap, and reporting on the actions taken in regard to the collaborative planning process with counties that approach or exceed the 200% commitment mark;
- Granting authority to DCS to promulgate rules and regulations for this law; and,
- The expiration of the law on June 30, 2011 unless reauthorized by the General Assembly.

Background Information and Synopsis of Activities Concerning the Over-commitment Law:

1. In March 2009, the Governor's budget proposal included a cost savings to DCS of 7.5 million dollars by requiring counties to pay the cost of care for children and youth committed to state custody in excess of 200% of the state average commitment rate for either dependency and neglect or delinquency. Subsequently, the technical corrections bill was amended to include language that would authorize DCS to implement the administrative actions to achieve these cost savings and establish county-by-county caps on commitments to state custody.
2. Negotiations with Administration officials resulted in the cap rate being moved from 200% to 300%, the inclusion of the sunset provision, and the Select Committee and DCS reporting directives. This is the form of that Section 30 passed both Senate and House and became law.
3. Following adjournment of the first session of the 106th General Assembly, several activities were undertaken by the SCCY chair, members and staff to inform future discussions regarding the over-commitment law. Several juvenile court judges were interviewed and a survey was issued to all juvenile court judges to ascertain their knowledge of and opinions about this law.
4. On September 9, 2009, Children's Rights, Inc., the plaintiffs' attorneys in the **Brian A.** lawsuit and subsequent settlement agreement, filed a motion in federal court for a temporary restraining order to block the implementation of the over-commitment law. The Tennessee Council of Juvenile and Family Court Judges filed an Amicus Brief in support of plaintiffs' motion for a preliminary injunction. On October 16, 2009, plaintiffs' motion was denied based on the court's finding that plaintiffs did not have standing in the matter, however, the court did state that plaintiffs had "raised substantial legal claims" about the over-commitment law.
5. The Select Committee met on October 20, 2009 and heard testimony about the law from the president of the Tennessee Council of Juvenile and Family Court Judges and representatives of DCS.
6. On November 9, 2009, Children's Rights, Inc. petitioned the federal court for and was subsequently granted permission to file a supplemental complaint seeking a preliminary injunction to block implementation of the over-commitment law. Parties are currently awaiting a hearing on the preliminary injunction motion.
7. In early January 2010, DCS' county-by-county commitment data was distributed to all interested parties. Two (2) previous runs of the data had been shared at the end of the first quarter and

trimester of FY09-10 in order to inform counties of their commitment numbers and to allow for projections for the year and planning for technical assistance activities.

Observations Concerning Commitment Data for FY 2008-09 and the First Half of FY09-10:

- When reviewing FY 2008-09 commitment numbers by county, nine (9) counties exceeded 300% of the statewide average commitment rates of either dependency and neglect or delinquent.

Those counties are:

<u>County</u>	<u>D/N or Delinquency</u>	<u>Estimated Child Population</u>
Anderson	D/N	16,354
Cocke	D/N	7,872
Giles	Delinquency	7,177
Grainger	D/N	5,109
Hardeman	Delinquency	7,144
Haywood	Delinquency	5,431
Unicoi	Delinquency	3,680
Union	D/N	5,240
Van Buren	Delinquency	1,391

- Halfway through FY09-10 there are no counties that have reached the 300% of statewide commitment rate.
- For the first six (6) months of FY09-10, two (2) counties have reached 200% of the average statewide commitment rate, and if they continue at the same rate of commitments they will exceed the 300% cap. These counties are:

<u>County</u>	<u>D/N or Delinquency</u>	<u>Estimated Child Population</u>
Picket	D/N	1,071
Unicoi	Delinquency	3,680

- For the first six (6) months of FY09-10, three (3) other counties have committed children and youth to state custody at a rate between 150 – 199% of the statewide average commitment rate. If these counties continue at the same rate of commitments they will reach or exceed the 300% cap. These counties are:

<u>County</u>	<u>D/N or Delinquency</u>	<u>Estimated Child Population</u>
Clay	D/N	1,687
Franklin	D/N	9,506
Haywood	Delinquency	5,431

- For the first six (6) months of FY09-10, four (4) other counties have committed children and youth to state custody at a rate between 130 – 149% of the statewide average commitment rate. These counties could be considered at significant risk of reaching or exceeding the cap rate because continuing on pace with their current commitment rate will bring them close to the 300% cap rate; then, if any circumstances, be they ordinary or extraordinary, develop that accelerate the commitment rate in the last six (6) months of the fiscal year they could reasonably be expected to exceed the 300% cap.

<u>County</u>	<u>D/N or Delinquency</u>	<u>Estimated Child Population</u>
Giles	Delinquency	7,177
Jackson	D/N	2,594
Jefferson	D/N	11,747
Macon	D/N	5,747

Observations Concerning Patterns of Commitments:

- Establishing the cap on commitments to state custody as a percentage of the child population of counties results in counties with smaller child populations having a smaller number of actual children they can commit to state custody as compared to counties with larger child populations. Subsequently, counties with smaller child populations will, in all likelihood, reach the 300% commitment level more quickly than counties with higher child populations.
- Counties with smaller child populations are not urban or contiguous to urban counties. Counties with smaller child populations tend to be somewhat remotely located from urban or suburban areas. However, therapeutic services and family supports vital to holding together vulnerable families and meeting the needs of troubled children and youth are sparse to non-existent in the counties with smaller child populations.
- Based on the 18 months of commitment data provided by DCS (July 2008 through December 2009), commitment rates trend higher in the northeast region's counties as compared to the other regions of the state.
- Data for two (2) contiguous counties in rural west Tennessee, Haywood and Hardeman, shows high delinquency commitment rates there. Information from key informants there indicates a particularly difficult challenge around dealing with gang-related activity.
- A cluster of three (3) counties along the Kentucky border and one (1) contiguous county in rural Upper Cumberland – Clay, Pickett, Macon and Jackson – show data indicative of high commitment rates.
- DCS is the petitioner of the court for commitment for the majority of children who are placed in state custody each year as D/N. Under its statutory duty to protect children from harm, the department must continue petitioning the court for custody of children when there is no less drastic measure or less restrictive alternative for placement, even when such commitments exceed the 300% cap. This creates a situation where the state, through its agent DCS, can cause a municipal or county government to incur expenses by the state's own initiation of legal action.

- The over-commitment law creates a cost factor around only the entrance into state custody of children and youth within a fiscal year time period. However, the length of stay of a child in state custody as well as the number of children removed from care during the same time period have significant relevance to the total cost the state incurs for the care of state custody children in any given county during a given fiscal year.
- There is an assumption based on assertions made by various stakeholders that smaller, more remote counties do not have availability and access to therapeutic services and family supports. Reports due on in early and mid-2010 from the Tennessee Commission on Children and Youth and the Council on Children's Mental Health mapping the child and family resources for all types of services and specifically for mental health services will reveal more about the presence, of lack thereof, and the distribution of services and supports.
- Municipal and county governments set and have their annual budgets in place at the beginning of fiscal years, yet the over-commitment law will require that those budgets allow for unknown costs that could potentially be incurred, subject to the number of commitments exceeding the 300% cap.

Highlights of Survey Responses of Juvenile Court Judges:

A survey containing 10 questions concerning knowledge of and opinions about the over-commitment law was sent to all juvenile court judges in early November. Fifty-eight responses were received from the 104 juvenile court judges for a response rate of 55.8%. A copy of the survey with responses is appended to this report as Attachment 3.

When asked if they were aware of the over-commitment law, all but one respondent said yes. When asked how they believe the new law will impact their county 13.8% said it would have no impact at all; 27.6% said it would hurt the county by costing them money; 39.7% said it would hurt the county by leaving children in unsafe conditions; no respondents said it would either help the county by focusing decision-makers on vulnerable children or help the county by receiving technical assistance from DCS. Nineteen percent (19%) responded by giving specific comments, the theme of which expresses concern that cost becomes a factor in decision-making around the best interests of the child when courts are considering petitions for removing custody of a child from their parent(s). One respondent stated, “Over 90%+ of the children committed from my county for D/N are the result of petitions filed by DCS.”

Respondents were asked if they have sufficient data and information to know what their 300% commitment threshold is, to which 48.3% said yes and 32.8% said no. Nineteen percent (19%) said they are unsure. Specific comments centered around doubting the accuracy of the data received, and that data is not timely provided by the department. Seventy-two percent (72%) of respondents said they commit more children as dependent and neglected, 15.5% commit more children as delinquents, and 12% said they commit about the same number of children under each adjudication.

Respondents were asked what factors contributed most significantly to their delinquency and to their D/N commitment rates. For delinquency the top five (5) factors were:

1. Lack of Youth Employment Opportunities
2. School-related Issues – Discipline
3. Abuse and Neglect
4. Mental Health Problems of the Child
5. School-related Issues – Academics

For dependency and neglect the top five (5) factors were:

1. Unemployment
2. Parental Incarceration
3. Lack of Supervision
4. Mental Health Problems of the Child
5. Alcohol

When asked about the effectiveness of several types of basic services and supports that are or should be universally available across the state, youth services officers along with county and state probation services were deemed most effective. Approximately 75% said community-based youth services agencies are effective. Approximately 60% felt mental health care from private practitioners is effective while only 40% felt care through community mental health centers is effective. Respondents were fairly split in their feelings on the effectiveness of churches and faith-based organizations in trying to prevent/divert commitment to state custody.

Regarding the provision of the over-commitment law that provides for technical assistance from DCS when a county reaches 200% of the state average commitment rate, respondents were asked if they believe they will reach that level of commitments, 22.4% said yes, 37.9% said no, and 39.7% said they don't know. When asked if they would request DCS technical assistance if they do reach the 200% level, 53.4% said yes, 20.7% said no, and 25.9% said they don't know.

The final question asked if respondents believe any action should be taken in the 2010 legislative session regarding the over-commitment law; 81% said yes, 6.9% said no, and 12.1% said they don't know. The comments given on this question were almost exclusively calling for the repeal of the law.

Summary of Findings

The over-commitment law currently in effect in Tennessee originated as a cost savings provision presented in the Governor's FY2009-10 budget proposal received by the General Assembly in March 2009. In its practical and actual application, though, this law creates an inherent potential to shift the judicial practice regarding decision-making about children being placed in state custody or no. The law appears to place judges in the untenable position of having to decide whether to protect children and the community, or whether to protect county budgets.

The collaborative planning provision of the law sets up a practice that is reasonable and can hopefully be productive in assisting counties experiencing an unusually high rate of commitments. However, doing this was already possible, and some have said is an obligation of the department, even before enactment of the over-commitment law.

Children should not be committed to state custody unless it is determined in judicial proceedings that, based on the evidence and set of facts presented to the court by petitioners, there is no less drastic or restrictive alternative that can protect the safety and well being of the child and of the community. The laws of the state, the rules of the judiciary, and the practice of DCS embrace this premise as foundational. Presently, if the department believes that there are indeed less drastic and/or less restrictive alternatives to receiving custody of a child the appeals procedure can and is pursued. This seems a more fair way to resolve concerns about particular commitments DCS believes to be inappropriate or unwarranted than to set an arbitrary limit creating a financial consequence to a county where commitments exceed that limit.

Finally, the application of the over-commitment law in counties with smaller child populations will likely prove to be disproportionately costly to those counties. The 300% threshold in a county with a small child population would be a very low number as compared to a county with a larger population where the actual commitment number at the 300% threshold would be much greater. Historical data show that the more largely child populated counties tend to be urban and contiguous to urban counties. These counties have more resource availability to prevent or divert commitments, and if they should be

placed in a position of exceeding the 300% level their counties budgets are much more able to absorb the costs that would be incurred under this law. In the more sparsely populated counties, reaching the 300% threshold can likely happen faster because the actual commitment number at that level is smaller; socio-economic factors that contribute to commitments such as poverty, unemployment, and substance abuse may be more pronounced; and, family preservation services and supports are less available and accessible.

*All commitment numbers contained in this report and the basis for this work have come from the Tennessee Department of Children's Services

Attachment 1

STATE OF TENNESSEE
PUBLIC CHAPTER NO. 531
SENATE BILL NO. 2357

By Kyle

Substituted for: House Bill No. 2389

By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 2; Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 11; Title 12; Title 13; Title 16; Title 33; Title 36; Title 37; Title 38; Title 39; Title 40; Title 41; Title 42; Title 43; Title 44; Title 45; Title 47; Title 48; Title 49; Title 50; Title 51; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 61; Title 62; Title 63; Title 65; Title 66; Title 67; Title 68; Title 70 and Title 71; relative to the operation and funding of state government and to fund the state budget for the fiscal years beginning on July 1, 2008 and July 1, 2009.

WHEREAS, in accordance with Article II, Section 24, of the Constitution of the State of Tennessee, expenditures of the state shall not exceed revenue and reserves for a fiscal year; and

WHEREAS, from time to time it becomes necessary that certain changes in the general law must be made to ensure the proper and constitutional management and stewardship of the State of Tennessee; now, therefore,

SECTION 30. Tennessee Code Annotated, Section 37-2-205, is amended by adding the following language as a new subsection (f):

(f)(1)(A) Notwithstanding any state law to the contrary, the Department of Children's Services shall allocate resources for children placed in state custody based on a county's child population and the average state commitment rate per thousand children. In fiscal years 2009-2010 and 2010-2011 the department shall pay for a county's commitments of dependent and neglected children and delinquent children until such commitments exceed three hundred percent (300%) of the state average commitment rate.

(B) When a county exceeds the limit on either dependent and neglected children or delinquent children established in

subdivision (f)(1)(A), the county shall be billed for the actual daily cost to the state for the duration of the length of stay of such child in state custody.

(C) The department shall develop statewide averages for:

- (i) Dependent and neglected children; and
- (ii) Delinquent children.

(D) The average state commitment rate shall be based on the higher of:

- (i) 2007-2008 fiscal year statewide average commitments per thousand children; or
- (ii) 2008-2009 fiscal year statewide average commitments per thousand children.

(2) The department shall initiate a collaborative planning process at any such time a county is believed to be likely to exceed two hundred percent (200%) of the state average commitment rate. Upon request of the county or the court, the department shall partner with the county or the court to develop and implement strategies to identify and address underlying problems contributing to over-commitment that may exist in such county. The department shall provide commitment data to the county or the court as needed to prevent a county from exceeding the limits established in subdivision (f)(1)(A).

(3) On or before January 15 of each year, the department shall provide a report to the general assembly listing the counties that have exceeded the state average commitment limits. The report shall also detail actions taken by the department to comply with subdivision (f)(2).

(4) The Select Committee on Children and Youth is directed to study commitment patterns of children entering state custody. Findings shall be provided to the Commissioner of the Department of Children's Services and to the members of the Select Committee on Children and Youth on or before January 15, 2010.

(5)(A) The Commissioner of the Department of Children's Services is authorized to promulgate rules and regulations to effectuate the provisions of this subsection (f).

(B) The provisions of subsection (f) shall expire June 30, 2011, unless reauthorized by the general assembly.

Attachment 2



Commitments by County from 7/1/09 to 12/31/09

County	Actual <u>Dependent/ Neglect</u> Commitments Total 7/1/09- 12/31/09	Actual <u>Dependent/ Neglect</u> Percent of Statewide Average as of 12/31/2009	<u>Dependent & Neglected</u> 200% of State Average *Based on FY2008* <i>Collaborative Planning Begins</i>	<u>Dependent & Neglected</u> 300% of State Average *Based on FY2008*	Actual <u>Delinquent</u> Commitments Total 7/1/09- 12/31/09	Actual <u>Delinquent</u> Percent of Statewide Average as of 12/31/2009	<u>Delinquent</u> 200% of State Average *Based on FY2009* <i>Collaborative Planning Begins</i>	<u>Delinquent</u> 300% of State Average *Based on FY2009*
Anderson	61	108.9%	112	168	6	28.6%	42	63
Bedford	13	33.3%	78	117	12	80.0%	30	45
Benton	4	30.8%	26	39	3	60.0%	10	15
Bledsoe	1	10.0%	20	30	0	0.0%	8	12
Blount	44	50.0%	176	264	5	15.2%	66	99
Bradley	30	39.0%	154	231	10	34.5%	58	87
Campbell	25	80.6%	62	93	2	16.7%	24	36
Cannon	0	0.0%	24	36	0	0.0%	8	12
Carroll	15	62.5%	48	72	1	11.1%	18	27
Carter	11	25.6%	86	129	5	31.3%	32	48
Cheatham	4	10.8%	74	111	9	64.3%	28	42
Chester	1	6.7%	30	45	0	0.0%	10	15
Claiborne	23	95.8%	48	72	2	22.2%	18	27
Clay	9	150.0%	12	18	1	50.0%	4	6
Cocke	22	81.5%	54	81	10	100.0%	20	30
Coffee	37	86.0%	86	129	3	18.8%	32	48
Crockett	1	7.1%	28	42	2	40.0%	10	15
Cumberland	21	58.3%	72	108	10	76.9%	26	39
Davidson	198	43.8%	904	1356	75	44.4%	338	507
Decatur	2	22.2%	18	27	0	0.0%	6	9
Dekalb	11	73.3%	30	45	3	50.0%	12	18
Dickson	28	66.7%	84	126	12	75.0%	32	48
Dyer	3	8.8%	68	102	4	30.8%	26	39

County	Actual <u>Dependent/ Neglect</u> Commitments Total 7/1/09- 12/31/09	Actual <u>Dependent/ Neglect</u> Percent of Statewide Average as of 12/31/2009	<u>Dependent & Neglected</u> 200% of State Average *Based on FY2008* <i>Collaborative Planning Begins</i>	<u>Dependent & Neglected</u> 300% of State Average *Based on FY2008*	Actual <u>Delinquent</u> Commitments Total 7/1/09- 12/31/09	Actual <u>Delinquent</u> Percent of Statewide Average as of 12/31/2009	<u>Delinquent</u> 200% of State Average *Based on FY2009* <i>Collaborative Planning Begins</i>	<u>Delinquent</u> 300% of State Average *Based on FY2009*
Fayette	8	30.8%	52	78	2	20.0%	20	30
Fentress	2	14.3%	28	42	5	100.0%	10	15
Franklin	56	169.7%	66	99	14	116.7%	24	36
Gibson	33	78.6%	84	126	11	68.8%	32	48
Giles	7	28.0%	50	75	13	144.4%	18	27
Grainger	10	55.6%	36	54	0	0.0%	14	21
Greene	29	56.9%	102	153	11	57.9%	38	57
Grundy	12	92.3%	26	39	5	100.0%	10	15
Hamblen	29	59.2%	98	147	15	83.3%	36	54
Hamilton	88	36.7%	480	720	51	57.3%	178	267
Hancock	4	80.0%	10	15	2	100.0%	4	6
Hardeman	4	16.0%	50	75	11	122.2%	18	27
Hardin	9	42.9%	42	63	0	0.0%	16	24
Hawkins	16	34.8%	92	138	14	82.4%	34	51
Haywood	3	15.8%	38	57	11	157.1%	14	21
Henderson	4	18.2%	44	66	3	37.5%	16	24
Henry	15	62.5%	48	72	8	88.9%	18	27
Hickman	11	52.4%	42	63	3	37.5%	16	24
Houston	1	14.3%	14	21	2	66.7%	6	9
Humphreys	7	46.7%	30	45	3	50.0%	12	18
Jackson	12	133.3%	18	27	2	66.7%	6	9
Jefferson	56	140.0%	80	120	3	20.0%	30	45
Johnson	4	33.3%	24	36	6	120.0%	10	15
Knox	174	56.9%	612	918	14	12.3%	228	342
Lake	3	60.0%	10	15	0	0.0%	4	6
Lauderdale	2	8.3%	48	72	8	88.9%	18	27
Lawrence	15	40.5%	74	111	3	21.4%	28	42
Lewis	9	81.8%	22	33	2	50.0%	8	12
Lincoln	12	44.4%	54	81	2	20.0%	20	30
Loudon	32	106.7%	60	90	4	36.4%	22	33

County	Actual <u>Dependent/ Neglect</u> Commitments Total 7/1/09- 12/31/09	Actual <u>Dependent/ Neglect</u> Percent of Statewide Average as of 12/31/2009	<u>Dependent & Neglected</u> 200% of State Average *Based on FY2008* <i>Collaborative Planning Begins</i>	<u>Dependent & Neglected</u> 300% of State Average *Based on FY2008*	Actual <u>Delinquent</u> Commitments Total 7/1/09- 12/31/09	Actual <u>Delinquent</u> Percent of Statewide Average as of 12/31/2009	<u>Delinquent</u> 200% of State Average *Based on FY2009* <i>Collaborative Planning Begins</i>	<u>Delinquent</u> 300% of State Average *Based on FY2009*
Macon	29	145.0%	40	60	5	71.4%	14	21
Madison	44	51.8%	170	255	17	53.1%	64	96
Marion	13	59.1%	44	66	1	12.5%	16	24
Marshall	13	52.0%	50	75	8	88.9%	18	27
Mauzy	69	104.5%	132	198	7	28.0%	50	75
McMinn	38	86.4%	88	132	13	81.3%	32	48
McNairy	4	19.0%	42	63	4	50.0%	16	24
Meigs	3	27.3%	22	33	1	25.0%	8	12
Monroe	20	55.6%	72	108	12	92.3%	26	39
Montgomery	66	46.8%	282	423	22	41.5%	106	159
Moore	0	0.0%	10	15	2	100.0%	4	6
Morgan	3	18.8%	32	48	0	0.0%	12	18
Obion	3	10.7%	56	84	1	10.0%	20	30
Overton	4	23.5%	34	51	0	0.0%	12	18
Perry	1	16.7%	12	18	0	0.0%	4	6
Pickett	8	200.0%	8	12	1	100.0%	2	3
Polk	6	46.2%	26	39	4	80.0%	10	15
Putnam	38	76.0%	100	150	4	21.1%	38	57
Rhea	6	26.1%	46	69	1	11.1%	18	27
Roane	24	57.1%	84	126	4	25.0%	32	48
Robertson	14	26.4%	106	159	16	80.0%	40	60
Rutherford	54	28.6%	378	567	5	7.1%	140	210
Scott	14	70.0%	40	60	3	42.9%	14	21
Sequatchie	2	18.2%	22	33	3	75.0%	8	12
Sevier	39	65.0%	120	180	11	50.0%	44	66
Shelby	492	55.5%	1774	2661	187	56.5%	662	993
Smith	17	100.0%	34	51	2	33.3%	12	18
Stewart	3	27.3%	22	33	3	75.0%	8	12
Sullivan	56	48.7%	230	345	29	67.4%	86	129
Sumner	25	19.4%	258	387	30	62.5%	96	144

County	Actual Dependent/ Neglect Commitments Total 7/1/09- 12/31/09	Actual Dependent/ Neglect Percent of Statewide Average as of 12/31/2009	Dependent & Neglected 200% of State Average *Based on FY2008* Collaborative Planning Begins	Dependent & Neglected 300% of State Average *Based on FY2008*	Actual Delinquent Commitments Total 7/1/09- 12/31/09	Actual Delinquent Percent of Statewide Average as of 12/31/2009	Delinquent 200% of State Average *Based on FY2009* Collaborative Planning Begins	Delinquent 300% of State Average *Based on FY2009*
Tipton	19	34.5%	110	165	10	50.0%	40	60
Trousdale	1	16.7%	12	18	1	50.0%	4	6
Unicoi	10	76.9%	26	39	10	200.0%	10	15
Union	20	111.1%	36	54	0	0.0%	14	21
Van Buren	0	0.0%	10	15	0	0.0%	4	6
Warren	14	41.2%	68	102	8	61.5%	26	39
Washington	36	43.4%	166	249	14	45.2%	62	93
Wayne	7	53.8%	26	39	4	80.0%	10	15
Weakley	13	46.4%	56	84	6	54.5%	22	33
White	10	52.6%	38	57	6	85.7%	14	21
Williamson	16	10.7%	300	450	7	12.5%	112	168
Wilson	45	50.0%	180	270	18	52.9%	68	102

Attachment 3

1. Are you aware of the new law, TCA 37-2-205 (f), that allows DCS to bill counties for the cost of care for children committed to state custody when the county exceeds 300% of the state average commitment rate?			
	<i>answered question</i>		58
	<i>skipped question</i>		0
		Response Percent	Response Count
Yes		98.3%	57
No		1.7%	1
Not sure		0.0%	0

2. How do you believe the new law will impact your county?			
	<i>answered question</i>		58
	<i>skipped question</i>		0
		Response Percent	Response Count
No impact at all		13.8%	8
Hurt the county by costing us money		27.6%	16
Hurt the county by leaving children		39.7%	23

2. How do you believe the new law will impact your county?			
in unsafe conditions			
Help the county by focusing decision-makers on vulnerable children		0.0%	0
Help the county by receiving technical assistance from DCS		0.0%	0
Other (please specify)		19.0%	11

3. Do you have sufficient data and information to know what your county's 300% commitment threshold is for delinquent commitments and D/N commitments?			
	<i>answered question</i>		58
	<i>skipped question</i>		0
		Response Percent	Response Count
Yes		48.3%	28
No		32.8%	19
Not sure		19.0%	11

3. Do you have sufficient data and information to know what your county's 300% commitment threshold is for delinquent commitments and D/N commitments?							
If yes, do you believe you can reasonably interpret that data and information? If no, explain.							13
4. Do you commit more delinquents or D/Ns to state custody?							
<i>answered question</i>							58
<i>skipped question</i>							0
						Response Percent	Response Count
Delinquents						15.5%	9
D/Ns						72.4%	42
About the same of each						12.1%	7
5. What do you think are the 5 most important factors that influence your county's delinquency commitment rate? (Rank in order of 1-5, with 1 being the most important factor)							
<i>answered question</i>							58
<i>skipped question</i>							0
	#1	#2	#3	#4	#5	Rating Average	Response Count
Alcohol	7.7% (1)	46.2% (6)	15.4% (2)	15.4% (2)	15.4% (2)	2.85	13
Parent Drug	31.0% (9)	6.9% (2)	31.0% (9)	13.8% (4)	17.2% (5)	2.79	29

**5. What do you think are the 5 most important factors that influence your county's delinquency commitment rate?
(Rank in order of 1-5, with 1 being the most important factor)**

Use/Abuse							
Drug Use/Abuse by Juvenile	38.2% (13)	17.6% (6)	26.5% (9)	14.7% (5)	2.9% (1)	2.26	34
Poverty	16.7% (3)	22.2% (4)	11.1% (2)	16.7% (3)	33.3% (6)	3.28	18
Abuse/Neglect	5.3% (1)	15.8% (3)	21.1% (4)	21.1% (4)	36.8% (7)	3.68	19
Lack of Supervision	27.0% (10)	21.6% (8)	21.6% (8)	21.6% (8)	8.1% (3)	2.62	37
School-related issues--academic	0.0% (0)	16.7% (1)	33.3% (2)	33.3% (2)	16.7% (1)	3.50	6
School-related issues--Discipline	0.0% (0)	0.0% (0)	25.0% (3)	50.0% (6)	25.0% (3)	4.00	12
Lack of local Positive Youth Involvement Activities	28.6% (2)	14.3% (1)	28.6% (2)	14.3% (1)	14.3% (1)	2.71	7
Undue Presence of Negative Youth Involvement Activities	14.3% (2)	21.4% (3)	0.0% (0)	42.9% (6)	21.4% (3)	3.36	14
Lack of Parent Involvement--Mother	13.3% (2)	33.3% (5)	26.7% (4)	13.3% (2)	13.3% (2)	2.80	15
Lack of Parent Involvement--	15.4% (4)	30.8% (8)	23.1% (6)	3.8% (1)	26.9% (7)	2.96	26

5. What do you think are the 5 most important factors that influence your county's delinquency commitment rate? (Rank in order of 1-5, with 1 being the most important factor)							
Father							
Lack of Youth Employment Opportunities	0.0% (0)	0.0% (0)	0.0% (0)	33.3% (1)	66.7% (2)	4.67	3
Mental Health Problems-- Youth	3.8% (1)	23.1% (6)	7.7% (2)	34.6% (9)	30.8% (8)	3.65	26
Community Safety	52.9% (9)	23.5% (4)	5.9% (1)	5.9% (1)	11.8% (2)	2.00	17
6. What do you think are the 5 most important factors that influence your county's D/N commitment rate? (Rank in order of 1-5, with 1 being the most important factor)							
	<i>answered question</i>						58
	<i>skipped question</i>						0
	#1	#2	#3	#4	#5	Rating Average	Response Count
Poverty	31.6% (6)	10.5% (2)	15.8% (3)	15.8% (3)	26.3% (5)	2.95	19
Unemployment	0.0% (0)	12.5% (1)	12.5% (1)	12.5% (1)	62.5% (5)	4.25	8
Alcohol	0.0% (0)	28.6% (4)	21.4% (3)	21.4% (3)	28.6% (4)	3.50	14
Parental Drug Use/Abuse	44.0% (22)	34.0% (17)	18.0% (9)	4.0% (2)	0.0% (0)	1.82	50
Lack of Parent Involvement-	13.6% (3)	22.7% (5)	36.4% (8)	22.7% (5)	4.5% (1)	2.82	22

6. What do you think are the 5 most important factors that influence your county's D/N commitment rate? (Rank in order of 1-5, with 1 being the most important factor)							
Mother							
Lack of Parent Involvement-Father	4.5% (1)	40.9% (9)	36.4% (8)	9.1% (2)	9.1% (2)	2.77	22
Mental Health Problems-Child	0.0% (0)	0.0% (0)	30.0% (3)	60.0% (6)	10.0% (1)	3.80	10
Mental Health Problems-Parent(s)	0.0% (0)	24.0% (6)	28.0% (7)	36.0% (9)	12.0% (3)	3.36	25
Child's Physical and emotional well-being and safety	34.2% (13)	23.7% (9)	10.5% (4)	15.8% (6)	15.8% (6)	2.55	38
DCS initiated D/N Petitions	43.5% (10)	8.7% (2)	17.4% (4)	4.3% (1)	26.1% (6)	2.61	23
Parental Incarceration	0.0% (0)	4.8% (1)	28.6% (6)	14.3% (3)	52.4% (11)	4.14	21
Lack of Supervision	6.9% (2)	6.9% (2)	3.4% (1)	48.3% (14)	34.5% (10)	3.97	29
7. Please rate the effectiveness of the services and resources you have available to prevent/divert commitment to state custody.							
	<i>answered question</i>						58
	<i>skipped question</i>						0

7. Please rate the effectiveness of the services and resources you have available to prevent/divert commitment to state custody.

	Very Effective	Somewhat Effective	Not very Effective	Not Effective at All	Response Count
Community Advisory Boards	4.9% (2)	31.7% (13)	26.8% (11)	36.6% (15)	41
Youth Services Officers and/or Local/County Probation Officers	75.5% (40)	20.8% (11)	0.0% (0)	3.8% (2)	53
State Probation	24.0% (12)	42.0% (21)	18.0% (9)	16.0% (8)	50
Community-based Youth Services Agencies (i.e., truancy prevention, intensive probation)	36.2% (17)	42.6% (20)	10.6% (5)	10.6% (5)	47
Mental Health Care--Community Mental Health Centers	8.7% (4)	32.6% (15)	43.5% (20)	15.2% (7)	46
Mental Health Care--Private practitioners	6.5% (3)	52.2% (24)	30.4% (14)	10.9% (5)	46
Churches and Faith-based Organizations and Programs	12.5% (6)	33.3% (16)	29.2% (14)	25.0% (12)	48

10. Do you believe legislative action should be taken this year (2010) concerning TCA 37-2-205(f)			
	<i>answered question</i>		58
	<i>skipped question</i>		0
		Response Percent	Response Count
Yes		81.0%	47
No		6.9%	4
Don't Know		12.1%	7
	If yes, what actions do you recommend be taken?		34