



2023 Legislative Report

Foster Care and Adoption

PC 286

Offense of custodial interference

Sponsors:

Sen. Bailey, Paul; Rep. Travis, Ron

Summary:

Adds to the offense of custodial interference harboring or hiding a child that has been placed in the custody of DCS by a protective or emergency custody order.

Effective Date:

July 1, 2023

PC 219

Termination of parental rights - incarceration

Sponsors:

Sen. Haile, Ferrell; Rep. Slater, William

Summary:

Provides that the termination of parental or guardianship rights (TPR) may be initiated upon the ground that the parent has been confined in a correctional or detention facility of any type: (1) By order of the court as a result of a criminal act, under a sentence of 10 or more years, and the child is under eight at the time the sentence is entered by the court; or (2) By order of the court as a result of one or more criminal acts, under a sentence of six or more years, and one or more other grounds in law for TPR have been satisfied.

Effective Date:

July 1, 2023

PC 198

Requirements for unsupervised visitation of a child

Sponsors:

Sen. Jackson, Ed; Rep. Littleton, Mary

Summary:

Adds to present law relative to DCS notifying a court of its intention to place a child at home on a trial home visit by providing that, prior to making such notification, the department must conduct an assessment of the home to determine whether the child will receive proper care and supervision in the home, including a visit to the home.

Effective Status:

April 24, 2023

PC 238

Court order prohibiting the parent from visiting with the child

Sponsors:

Sen. Jackson, Ed; Rep. Littleton, Mary

Summary:

Creates an offense for a foster parent from a kinship placement to knowingly allow a child in the foster parent's care to visit with the child's parent if the foster parent had knowledge of a current court order prohibiting the parent from visiting with the child. Specifies that the first violation is a Class C misdemeanor punishable by a fine only and a second or subsequent violation is a Class B misdemeanor.

Effective Date:

July 1, 2023

PC 468

Minors in DCS custody exempt from driver's license fees

Sponsors:

Sen. Akbari, Raumesh; Rep. McKenzie, Sam

Summary: Exempts a person under 18 years of age who is in the custody of DCS from payment of fees for issuance, renewal, or reinstatement of a driver license, instruction permit, intermediate driver license, or photo identification card.

Effective Date: January 1, 2024.

PC 363

Tennessee putative father registry - parental rights termination

Sponsors: Sen. Rose, Paul; Rep. Leatherwood, Tom

Summary: Changes the time period during which the Tennessee putative father registry must have been consulted prior to the filing of an adoption petition to terminate parental rights from 10 days to 10 working days. Requires the appointment of a guardian ad litem in an adoption involving a mentally disabled child when the child is 14 years of age or older at any time before the granting of the petition rather than at any age. Makes several technical changes and corrections related to adoption law.

Effective Date: May 5, 2023

PC 361

Adoption Facilitators Unlawful

Sponsors: Sen. Walley, Page; Rep. Hawk, David

Summary: Prohibits an adoption facilitator from operating, advertising, or providing services to any resident of this state, including prospective adoptive parents or parents considering placing their child, whether born or not yet born, for adoption. Defines an "adoption facilitator" as a person or entity, that provides or engages in any of the following services in exchange for compensation in violation of law: (1) Soliciting prospective adoptive parents or parents who are considering adoption, for the purpose of acting as a link between the prospective adoptive parents, or the prospective adoptive parents' attorney or representative, for the transfer of legal or physical custody of their child. Establishes a Class A misdemeanor offense for a person who engages, or attempts to engage, in placing a child for adoption in violation of law relative to adoption or child care agencies. Sets out requirements for filing claims against adoption facilitators and damages.

Effective Date: July 1, 2023

PC 253

Persistent Conditions and Adoption Records

Sponsors: Sen. Johnson, Jack, Sen. Haile, Ferrell; Rep. Lamberth, William, Rep. Littleton, Mary

Summary: Clarifies the requirements of the persistent conditions and suitable home grounds for termination of parental rights. Makes various changes regarding maintaining and securing documents in certain parental rights proceedings. Requires copies of private adoption record files only be sent to DCS after the adoption is final.

Effective Date: July 1, 2023

PC 187

Forever Homes Act – Adoption Law Updates

Sponsors: Sen. Johnson, Jack, Sen. Haile, Ferrell; Rep. Lamberth, William, Rep. Rudder, Iris

Summary: Revises the law concerning allowable payments to birth mothers who surrender their child in an adoption by changing the reasonable period to the duration of the pregnancy and 90 days after the birth or surrender of the child and allows payments for counseling for up to two years. Authorizes, at the court's discretion, a surrender to be made over a virtual video platform. Makes updates and changes to the Tennessee surrender form. Authorizes a surrender or parental consent to be made at any time prior to birth but not filed with the clerk of court until after the birth of the child and until the surrendering party or parties have filed a written reaffirmation within three calendar days of the birth. Prohibits any surrender or parental consent from being valid, unless made after the earlier of hospital discharge or 48 hours following the child's birth. Adds that the court is authorized, considering the petition as a whole, to deem it in the best interest of the child to reduce the waiting period for a final order of adoption to three months. Prohibits any identifying

information from the sealed records, sealed adoption records, or post-adoption records from being released in limited circumstances. Requires DCS to strive to identify and finalize a safe, stable, and permanent home for children in the custody of the department. Requires permanency plans to include a list of services available from other state programs or agencies. Requires DCS to permit foster parents a period of respite for up to six months under certain conditions.

Effective Date: July 1, 2023

PC 263

Makes various revisions to adoption law

Sponsors:

Sen. Haile, Ferrell; Rep. Littleton, Mary

Summary:

Allows counseling relating to surrender to occur via virtual means. Authorizes the court to reduce the three-day revocation period to 24-hours if the birth parent is represented by a Tennessee attorney when surrendering a child. Permits the termination of parental rights to be based on the parent having been convicted of especially aggravated rape or especially aggravated rape of a child from which the child was conceived. Requires DCS to file a petition to terminate parental rights within 90 days of a severe child abuse finding, if a parent has not made reasonable progress toward obtaining custody during a six-month period where the child has been in foster care, or if two or more grounds for TPR apply to the parent, subject to existing statutory limitations. Modifies the criteria for an individual to be considered as a putative father for the purposes of termination, surrender, and adoption. Decreases, from one year to nine months, the length of time a trial court has to overturn an adoption. Requires DCS to create and implement eligibility standards for temporary kinship placements and to prioritize efforts to locate a kinship home during the first 30 days of a foster care placement. Allows a foster parent to appear to provide evidence regarding best interest of a child if the child has been in their home for 9 or more consecutive months in certain hearings. Requires DCS to accept home studies performed by licensed child-placing agencies or licensed clinical social workers within the previous two years unless there have been subsequent changes to the circumstances of the home. Adds to the venues in which an adoption petition may be filed. Establishes that DCS, a foster care review board, or Court may presume that continuation of a child's placement with, or adoption by, a caregiver with whom the child has resided for at least 6 months is in the child's best interest if the child is in custody as a result of surrender or termination.

Effective Date: July 1, 2024, for lowering the appeal period to 9 months. July 1, 2023, for all other sections.

PC 293

Safe Haven Adoption Procedures

Sponsors:

Sen. Haile, Ferrell; Rep. Butler, Ed

Summary:

If an infant is abandoned in accordance with the Safe Haven law, then the department must file a petition seeking termination of parental rights within 10 calendar days after the 90-day period established in present law is completed. The court must then expedite the case and ensure that the hearing on the termination petition is heard within 30 days of the date the petition is filed, unless the court determines an extension is in the best interest of the child. Specifies that the court may waive the six-month waiting period for adoption of Safe Haven infants if the child has resided in the home of the petitioners for at least three months, and if the court has received the final court report concerning the circumstances of the child and the petitioners and is satisfied that the adoption will be in the best interest of the child.

Effective Date: July 1, 2023

PC 373

Changes to parental rights and adoption of children

Sponsors:

Sen. Haile, Ferrell; Rep. Butler, Ed

Summary: Revises the definition of abandonment for purposes of termination of parental rights to include circumstances where the parent or guardian fails to visit or support the child for a period of three consecutive months if the child is less than four years of age.

Effective Date: July 1, 2023

PC 393 **Adoption law changes**

Sponsors: Sen. Rose, Paul; Rep. Leatherwood, Tom

Summary: Adds that a Court shall provide a ruling on a petition for termination of parental rights within 30 days of the conclusion of the hearing and shall enter an order within 30 days of the ruling. Removes fathers recorded only on the child's birth certificate as the father of the child from the termination requirements for putative fathers.

Effective Date: May 11, 2023

Juvenile Justice

PC 334 **Animal abuse by juveniles - mental health evaluation and treatment**

Sponsors: Sen. Walley, Page; Rep. Littleton, Mary

Summary: Requires mental health evaluation and treatment for juveniles who commit aggravated animal cruelty when the child is adjudicated delinquent for conduct involving the intentional harming of a domesticated dog or cat.

Effective Date: July 1, 2023

PC 264 **Transfer of juvenile to a criminal court to be tried as an adult**

Sponsors: Sen. Walley, Page; Rep. Littleton, Mary

Summary: Clarified current statute which allows a juvenile court to transfer a juvenile 16 years of age or older to a criminal court of competent jurisdiction to be tried as an adult for committing the offense of escape from a youth development center.

Effective Date: July 1, 2023

PC 67 **Juvenile Justice Age Separation, Chaplain, and Training Requirements**

Sponsors: Sen. Akbari, Raumesh; Rep. Russell, Lowell

Summary: Requires the Department of Children's Services (DCS) to make chaplain services available on a regular basis to juveniles who are in DCS custody and housed in a youth development center. Requires DCS to provide annual training to all youth service officers on best practices for behavior management and conflict resolution in the supervision of juveniles. Prohibits children aged 16 or older who have been determinately committed to DCS and are housed in a hardware secure residential facility or youth development center from being housed with juveniles less than 16 years of age except under certain circumstances.

Effective Date: January 1, 2024

PC 98 **The Barbara Ward Cooper Education Center**

Sponsors: Sen. Akbari, Raumesh; Rep. Harris, Torrey

Summary: Names the educational facility located on the John S. Wilder Youth Development Center "The Barbara Ward Cooper Education Center."

Effective Date: March 31, 2023

Legal

PC 241

Sponsors:

Summary:

Requests for review of a juvenile court case heard by a magistrate

Sen. Haile, Ferrell; Rep. Garrett, Johnny

Rewrites the provisions for requests for review of a juvenile court case heard by a magistrate by changing the right from a de novo hearing by the juvenile court judge to a review by the juvenile court judge with a presumption of correctness as to the magistrate's order. Makes other relevant revisions including time limits, who can participate in reviews, and that pleading guilty removes the right to a review.

Effective Date:

April 25, 2023

PC 189

Sponsors:

Summary:

Establishes misdemeanor offense of parentage fraud

Sen. Lundberg, Jon; Rep. Parkinson, Antonio

Establishes the Class B misdemeanor of parentage fraud when a person fraudulently claims that the person is the biological parent of a child or fraudulently seeks to be legally established as a child's parent based on the person's status as a biological parent of the child.

Effective Date:

July 1, 2023

PC 139

Sponsors:

Summary:

Admissibility of child forensic interviews

Sen. Haile, Ferrell; Rep. Littleton, Mary

Increases the age for the admissibility of statements made during a forensic interview from age 13 to under the age of 18. Expands admissible forensic interviews from statements made by a child describing sexual contact performed with or on the child by another to statements describing sexual, abusive, or violent contact performed with or on the child by another or performed by a person with or on another and witnessed by the child. Retains current requirements for forensic interviewer qualification but adds provision allowing a person to conduct forensic interviews who has been supervised by an experienced forensic interviewer for a minimum of 20 forensic interviews.

Effective Date:

April 6, 2023

PC 197

Sponsors:

Summary:

Release of confidential information by DCS upon presentation of court order

Sen. Walley, Page; Rep. Gant, Ron

Adds district attorneys general to those the department of children's services must release confidential information to upon presentation of an appropriate court order.

Effective Date:

April 24, 2023

PC 282

Sponsors:

Summary:

Victim advocates - disclosure of certain information prohibited

Sen. Campbell, Heidi; Rep. Freeman, Bob

Prohibits certain advocates from disclosing any communication received by the advocate from a victim, records regarding a victim stored by the advocate, counseling the victim received, crisis intervention the victim receiving, or the location of the shelter that accommodated the victim during any judicial, legislative, or administrative proceeding unless the victim waives this right by written consent. Allows the court to compel disclosure, in criminal and DCS proceedings, if the information is deemed relevant and material evidence, the probative value of the information outweighs the harmful effect of disclosure, and the information cannot be obtained by reasonable means from any other source.

Effective Date:

July 1, 2023

PC 266

Sponsors:

Abrial's Law, the Keeping Children Safe from Family Violence Act

Sen. Massey, Becky; Rep. Alexander, Rebecca

Summary: Requires all judges involved in child custody proceedings to complete at least two hours of training or continuing education courses on domestic violence in topics such as child sexual abuse, physical abuse, and others.

Effective Date: January 1, 2024

PC 292 Disclosure of DCS Information

Sponsors: Sen. Lowe, Adam; Rep. Russell, Lowell

Summary: Allows the department of children's services to disclose information about a case to the public if all parties involved in the case, including the child, are deceased and all identifying personal information of the parties is redacted.

Effective Date: April 28, 2023

PC 237 Assistant DAs as lead prosecutors in cases involving crimes against children

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

Summary: Requires district attorneys general to designate one assistant district attorney general as the lead prosecutor in cases involving crimes committed against children. Requires TBI to provide annual training to assistant district attorneys designated as lead prosecutors in crimes committed against children.

Effective Date: July 1, 2023

General Administration, Fiscal, HR, and Miscellaneous:

PC 305 Goal of department of children's services

Sponsors: Sen. Haile, Ferrell; Rep. Littleton, Mary

Summary: Specifies that the goal of the department of children's services is to act in the best interest of the child at all times. Requires such goal to be reflected in any mission statement or motto established by the department.

Effective Date: April 28, 2023

PC 66 Nontraditional child care agency

Sponsors: Sen. Rose, Paul; Rep. Howell, Dan

Summary: States that for the purpose of regulating child care agencies, a nontraditional child care agency does not include a person or entity that places children in family boarding homes or foster homes.

Effective Date: March 23, 2023

PC 482 Funding treatment services for juvenile addiction and mental health disorders

Sponsors: Sen. White, Dawn; Rep. Bricken, Rush

Summary: Requires the department of mental health and substance abuse services to use funds distributed from revenue received from sports gaming to provide treatment services for juvenile addiction and mental health disorders secondary to providing services for gambling addiction and gambling disorders.

Effective Date: May 17, 2023

PC 418 Appropriations - FY beginning July 1, 2022, and July 1, 2023

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

Summary: Makes appropriations for the fiscal years beginning July 1, 2022, and July 1, 2023. The total state budget came in at over \$56.2 billion, which includes over \$160 million in cost increases for DCS. Not included in the \$162 million was funding for replacement of TFACTS because funding for this was sought and approved for ARPA (American Rescue

Plan) dollars. Some major funding initiatives for DCS include: Maintaining recent case manager salary increases that were initially implemented in February 2022, \$33 million for increasing provider placements, \$39.7 million in provider rate increases, \$11.4 million for privatized case management, \$1 million in Safe Baby Court expansion, \$7 million for cost-of-living increases for foster care and other rates, and \$4.5 million for an increase in adoption assistance.

Effective Date: July 1, 2023

PC 84

Compensation provisions for YDC teachers

Sponsors:

Sen. Johnson, Jack, Sen. White, Dawn; Rep. Lamberth, William, Rep. Martin, Brock

Summary:

Requires each teacher in a YDC special school district to: 1) receive an annual compensation rate at the start of the teacher's employment in the special school district that is no less than the average annual compensation rate for teachers in the county in which the respective youth development center is located; 2) be eligible for merit pay, salary increases, bonuses, and other benefits implemented after July 1, 2023, in the same manner as other preferred service employees if the teacher in has completed an annual performance review cycle on or before July 1, 2023; and (3) be eligible for longevity pay if the teacher started employment with the State before this benefit was removed.

Effective Date: July 1, 2023

PC 343

Full teacher salary if missed duties due to violent criminal act

Sponsors:

Sen. Niceley, Frank; Rep. Farmer, Andrew

Summary:

Requires an LEA to pay a teacher their full salary, in addition to their full benefits, if the teacher is absent from assigned duties as the result of a personal injury caused by a physical assault or other violent criminal act committed against the teacher in the course of the teacher's employment activities, with certain limitations and exceptions.

Effective Date: July 1, 2023

PC 216

State Employee Parental Leave and Leave Accumulation

Sponsors:

Sen. Johnson, Jack; Rep. Lamberth, William

Summary:

This legislation adds that an eligible employee will be granted absence from work with 100 percent pay of the employee's salary for a period of time equal to 6 work weeks because of the birth of the employee's child or the placement of a child with the employee for adoption, in addition to any annual, sick or other leave the employee has accumulated. This legislation also changes the law regarding how annual and sick leave for state employees is accumulated such that leave equal to 12 months is credited to the employee annually on their service anniversary. The law makes several additional changes related to state employee benefits.

Effective date: Leave accumulation applies January 1, 2024. Parental leave and all other sections take effect on July 1, 2023.

PC 331

Sunset - Department of Children's Services Extension

Sponsors:

Sen. Roberts, Kerry; Rep. Ragan, John

Summary:

Extends the department of children's services to June 30, 2024. Requires the department to submit quarterly reports to the chairs of the government operations committees to provide updates on the department's progress in addressing performance audit findings. Requires the department to appear before the education, health, and general welfare joint evaluation committee no later than June 30, 2023, to present information included in its six-month follow-up report.

Effective Date: May 5, 2023

PC 1

Prohibited medical procedures for minors

Sponsors:

Sen. Johnson, Jack; Rep. Lamberth, William

Summary:

Subject to certain limitations, prohibits a healthcare provider from performing on a minor or administering to a minor a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with, or live as, a purported identity inconsistent with the minor's sex.

Effective Date:

July 1, 2023

PC 477

Mature Minor Doctrine Clarification Act

Sponsors:

Sen. Bowling, Janice; Rep. Ragan, John

Summary:

Prohibits a healthcare provider from providing any vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. Prohibits an employee or agent of this state from providing or facilitating the vaccination of a minor child who is in the custody of this state unless a parent or guardian has provided prior written informed consent, the parental rights of each of the minor's parents or legal guardians have been terminated by a Court and all opportunities for appeal have been exhausted, or pursuant to a Court order.

Effective Date:

May 17, 2023