

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 209 – HB 509

April 11, 2019

SUMMARY OF ORIGINAL BILL: Changes, from March 1 to March 31, the date by which the Department of Children’s Services (DCS) must appear before the Judiciary Committee of the Senate and the Civil Justice Committee of the House of Representatives for a review of the department's policies, protocols and procedures that affect the children it serves.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (007898, 007890): Amendment 007898 deletes all language after the enacting clause. Requires the DCS to investigate the nature and extent of any previous allegations, complaints, or petitions of abuse or dependency and neglect against the parent or person responsible for the care of the child when conducting an investigation into a report of child abuse. Requires the DCS to interview and physically observe the child and any other children in the child’s home, and interview the child’s parent or parents or other custodian when conducting a home visit to investigate a report of child abuse.

Requires the DCS to review the case of any child within 12 months of entering state custody and determine if reunification with the child’s family is feasible, and if not, whether to pursue termination of parental rights.

Expands the definition of severe child abuse to include knowingly or grossly negligently allowing a child under eight years of age to ingest an illegal substance or a controlled substance that results in the child testing positive on a drug screen, except as legally prescribed to the child.

Amendment 007890 replaces the effective date section and adds language to the bill as amended by amendment 007898 to: (1) delete the requirement that detention of juvenile offenders only be used for circumstances expressly authorized by the provisions of Tennessee Code Annotated, Title 37, Chapter 1, Part 1; and (2) delete the prohibition on the use of juvenile detention upon a finding that a child is delinquent.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

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Assumptions for the bill as amended:

- Deleting the requirement that detention of juvenile offenders only be used for circumstances expressly authorized by the provisions of Tennessee Code Annotated, Title 37, Chapter 1, Part 1, will not significantly impact the number of juvenile offenders committed to the DCS.
- Pursuant to Tenn. Code Ann. § 37-2-403(a)(1)(A), the DCS is required to prepare a permanency plan for each child in DCS custody within 30 days of foster care placement that includes a goal for the child to return the parent.
- Pursuant to Tenn. Code Ann. § 37-2-404(a), the DCS is required to review the permanency plan of any child in the custody of DCS and submit reports no less than every six months to the appropriate court on the progress made in achieving the goals set out in the plan.
- Requiring the DCS to review the case of any child within 12 months of entering state custody and to determine if reunification with the child's family is feasible, and if not, whether to pursue termination of parental rights, will have no impact on the policies or procedures of the DCS; therefore, any fiscal impact to DCS is not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

/vlh