

SENATE BILL 1840

By Haile

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 36 and Title 37, relative to foster care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Department" means the department of children's services; and

(2) "Private entity" means a child care or child placing agency licensed in this state pursuant to chapter 5, part 5, of this title.

(b) The department shall create a private foster care pilot program. The purpose of the program is to allow private entities to provide foster care services that are analogous or functionally equivalent to the services provided by the department. A private entity participating in the pilot program has full decision-making authority over the children placed in their custody without interference by the department.

(c) The pilot program may serve up to four hundred fifty (450) children who:

(1) Are younger than eighteen (18) years of age;

(2) Are not in need of sub-acute psychiatric care; and

(3) Are not eligible for funds under Title IV-E (42 U.S.C. §§ 670-679).

(d)

(1) The department shall create a process for selecting the children that participate in the pilot program.

(2) A court is authorized to place a child into the pilot program.

(e) A private entity may apply to the department to participate in the pilot program if the private entity:

- (1) Has a facility for the immediate housing of foster children;
- (2) Utilizes analogous or functionally equivalent qualifications as the department for choosing foster parents; and
- (3) Possesses any other qualifications deemed necessary by the department.

(f) A private entity accepted into the pilot program shall:

(1) Provide services to the children placed in the entity's custody that are analogous or functionally equivalent to the services provided by the department pursuant to chapter 2, part 4, of this title; and

(2) Maintain a child-to-case-manager ratio as follows:

(A) If there are one (1) to thirty-nine (39) children placed in the entity's custody, then there must be no more than fifteen (15) children for every one (1) case manager;

(B) If there are forty (40) to ninety-nine (99) children placed in the entity's custody, then there must be no more than twelve (12) children for every one (1) case manager; and

(C) If there are more than ninety-nine (99) children placed in the entity's custody, then there must be no more than ten (10) children for every one (1) case manager.

(g) Each counselor and case manager employed by the private entity must obtain a minimum of ten (10) hours of attachment and bonding training provided by the department.

(h) Each private entity shall provide a report to the state foster care and adoption review board by the fifteenth day of each month containing the following information:

(1) The number of foster children placed in the private entity's custody during the previous month;

(2) The date each child was placed in the private entity's custody during the previous month and the date of the child's foster care placement by the private entity; and

(3) The stability and status of all children currently in the private entity's custody pursuant to the pilot program.

(i) The department shall determine a cost per child formula and compensate the private entities according to the formula within existing resources of the department.

(j) The department shall promulgate rules to effectuate the purposes of this section. The rules must be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(k) The division of state audit in the office of the comptroller of the treasury shall audit the pilot program for the purposes of title 4, chapter 29.

(l) The department must review and make a determination on all new applications for the pilot program within thirty (30) days of receipt of an application.

(m) This section is repealed on January 1, 2030.

SECTION 2. This act is not an appropriation of funds, and funds shall not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.