

SENATE BILL 1901

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 37
and Title 71, relative to caregivers.

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 new section:

(a) As used in this section:

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

(2) "Relative caregiver" means a person within a first, second, or third
degree of relationship to the parent or the stepparent of a child who may be
related through blood, marriage, or adoption.

(b)

(1) The department shall create a relative caregiver pilot program to
provide payments to eligible relative caregivers in accordance with this section.

(2) The pilot program must be administered in a county having a
population of not less than four hundred seventy-eight thousand nine hundred
(478,900) nor more than four hundred seventy-nine thousand (479,000),
according to the 2020 federal census or any subsequent federal census. The
pilot program region may be expanded to include an adjacent county if expansion
is necessary to meet the minimum yearly total caseload requirement in
subdivision (c)(2).

(3) The department may work with a nonprofit entity that operates in that
county to administer the pilot program.

(4) The pilot program must begin October 1, 2022, and continue through December 31, 2027.

(c) The pilot program must:

(1) Provide basic assistance to eligible relative caregivers through a daily stipend of twelve dollars (\$12.00) per day, per child, for a period not to exceed twelve (12) months;

(2) Serve at least two hundred fifty (250) children annually;

(3) Provide case management for in-home services and crisis support services that are available at any time;

(4) Provide mental health therapy as needed;

(5) Provide or contract with an appropriate education support service for the purposes of improving educational outcomes based on student needs; and

(6) Provide parenting classes to help reduce instances of abuse.

(d) A relative caregiver is eligible for participation in the pilot program if:

(1) The child has not been placed in state custody;

(2) The child is sixteen (16) years of age or younger;

(3) The relative caregiver is twenty-one (21) years of age or older;

(4) The child was placed in the care of the relative caregiver by a court pursuant to chapter 1, part 1 of this title;

(5) The relative caregiver's total adjusted household income does not exceed more than twice the current federal poverty guidelines based on the size of the family unit. As used in this subdivision (d)(5), "household income" is determined by including the income of the primary relative caregiver, the spouse of the primary relative caregiver, and any adult children of the relative caregiver who are living in the same home as the relative caregiver;

(6) The relative caregiver agrees to seek the establishment and enforcement of child support, including, but not limited to, the naming of the father of a child for purposes of paternity establishment, unless good cause not to cooperate exists, as defined by the department by rule; and

(7) The relative caregiver is a resident of the county, or counties, served by this pilot program.

(e) Payment pursuant to subdivision (c)(1) is subject to the initial and continuing eligibility of the relative caregiver and the child pursuant to this section and rules promulgated by the department. There is no entitlement to payment by a relative caregiver pursuant to subdivision (c)(1).

(f) The department may establish additional requirements for payment pursuant to subdivision (c)(1); however, the department shall not require that the child is or has been in the custody of the department. Additional requirements may include that the relative caregiver cooperate with any activities required by the department or a nonprofit entity administering the program to reduce the likelihood that the child will enter state custody, such as counseling, therapy, court sessions, or visits with family members.

(g) No later than February 1 following the conclusion of each calendar year of the pilot program, the department shall publish an annual report on the payments required by this section. The content of the report must include, but is not limited to:

(1) The amount of payments made pursuant to this section;

(2) Rates at which children in the custody of relative caregivers who receive payment pursuant to this section enter state custody as compared to the rates of other at-risk children;

(3) The number of children that remained out of state custody as a result of the pilot program created by this section; and

(4) The amount of money saved as a result of children remaining out of state custody as a result of the pilot program created by this section.

(h) No later than October 1, 2025, following the conclusion of year three (3) of the pilot program, the department shall present to the judiciary committee of the senate and the civil justice committee of the house of representatives, recommendations for statewide expansion of the pilot program and additional rules, regulations, and state law changes that may be necessary. The content of this report must include, but is not limited to:

(1) Identified department regions and timelines for program rollout;

(2) The estimated costs savings to the state budget as a result of children remaining out of state custody;

(3) The estimated number of children that will remain outside of state custody;

(4) A proposed plan for request for proposals from private providers to administer the plan;

(5) A timeline to move the plan from "evidence informed" to "evidence based"; and

(6) A timeline for a statewide framework on a performance management system which will help define outcomes both quantitative and qualitative, and identify data collection platforms and streams to collect and aggregate outcome data and measures.

(i) The commissioner of children's services may promulgate rules and regulations necessary to carry out this section pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

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. For purposes of promulgating rules and staffing, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect October 1, 2022, the public welfare requiring it. This act ceases to be effective January 1, 2028.